



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Safe Recruitment Policy and Procedure

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	Contents	Page
1	Introduction/Policy Statement	5 - 6
2	Responsibilities	6 - 7
3	The Pre-Employment Screening/Vetting Checks	7
4	References	7 – 8
5	Copies of Qualifications	8
6	Pre-Placement Health Assessment	8
7	Disclosure and Barring Service Criminal Records Checks	8 - 11
8	Identity Check – Immigration, Asylum and Nationality Act 2006	12 – 13
9	Registration	13
10	Employment History	14
11	Hillside Secure Children’s Home	14
12	Driving Licences	14
13	Overseas Checks	14

	Appendices	
A	Verbal Reference Form - Employer	15 – 16
B	The Disclosure and Barring Service Criminal Record Check – Guidance for Managers	17 - 21
C	DBS Portability – Employee Disclaimer	22
D	Emergency Employment Form for Staff Awaiting DBS Disclosure	23 – 25
E	The Risk Assessment Process	26 - 27
F	Risk Assessment Form – Positive Disclosure	28 – 29
G	Emergency Employment Form for Staff Awaiting Renewed DBS Disclosure	30 – 32
H	Pre-Employment Checks – Manager’s Checklist	33 - 34
I	Immigration, Asylum and Nationality Act 2006	35 - 37

Introduction

Neath Port Talbot County Borough Council is committed to safeguarding the wellbeing of children, young people and adults in its care, within a culture that gives safeguarding the highest priority. Our employees are required to share this commitment.

To this end, employees who will work with children or adults will be recruited in accordance with this policy and vetted to set standards. This means appropriate checks as set out in this policy are mandatory. The Council will not employ anyone to work with children or adults where there is any reasonable doubt to do so.

Policy Statement

This policy is concerned with safeguarding pre-employment checks. This is a key part of the safe recruitment process, but safe recruitment should be seen in a wider context, with the advert, job description, person specification, scrutiny of the application form and selection interview also key components. It is strongly recommended that managers with responsibility for recruitment attend the Council's Recruitment and Selection Training Course and that those who manage employees who provide services to children and / or vulnerable adults attend the Safe Recruitment Training Course.

All individuals commencing employment with Neath Port Talbot Council will be subject to pre-employment checks. Employees will not commence employment until the Council is in receipt of satisfactory pre-employment checks.

This Safe Recruitment Policy and Procedure should be read and used in conjunction with the Authority's other policies which incorporate Safe Recruitment procedures e.g. Recruitment and Selection.

Recruiting Managers are required to familiarise themselves with the guidance contained within this policy document and to ensure compliance with the requirements set out.

Pre-employment checks are designed to ensure that the person who may be recruited is who they say they are, and is competent and suitable of undertaking the role effectively. The checks should confirm that information provided by the candidate is accurate. The checks should also confirm that there is no bar to the candidate's employment, e.g. a criminal conviction that would prevent their employment, or a lack of an essential qualification, or statutory registration with a professional body.

Recruiting Managers must understand that any conditional offers of employment are dependent on satisfactory completion of the pre-employment checks. Managers should build this into their timescale for recruitment, and must not compromise on the requirements set out in this policy, in order to make a quicker appointment.

Responsibilities

Recruiting Line Manager

Managers are responsible for liaising with the Employment Support Team and confirming which pre-employment checks are appropriate for the job being recruited to.

Managers are responsible for ensuring that appropriate pre-employment checks are completed before the employee commences employment. The manager must complete, sign and date the form attached at Appendix I to confirm that all appropriate checks have been carried out and to confirm that having reviewed the documentation, the manager is satisfied that the individual is able to commence employment. This form **MUST** be returned to the Employment Support Team. The manager will not confirm a start date with the individual until the Employment Support Team are in receipt of this form.

For posts working with Children, the Manager must ensure they request sight of copies of the two written references and the Disclosure and Barring Service (DBS) Disclosure prior to agreeing a start date. In order to comply with Data Protection requirements, once the recruitment decision is made, these copies should be destroyed.

Managers are responsible for carrying out risk assessments as required by this policy.

Managers will ensure that the employee induction training process includes guidance on safeguarding and protection best practice, and that employees are carefully and regularly supervised in their work with children and adults.

Managers are responsible for the safe recruitment of agency workers. When recruiting an agency worker, please click the link below to ensure the Protocol for Booking an Agency Worker is followed, which includes pre-employment checks. [Agency Worker Matrix Guidance Notes.docx](#)

Neath Port Talbot Schools should use the Welsh Government approved NPS Framework for Agency Staff.

Failure to ensure that all pre-employment checks are received as satisfactory before an employee commences employment may result in disciplinary action being taken against the recruiting manager.

Employment Support Team

The Employment Support Team are responsible for processing all the relevant pre-employment checks in a timely manner.

The Employment Support Team will provide advice and guidance to recruiting managers in all aspects of safe recruitment.

The Pre-Employment Screening/Vetting Checks

Pre-employment screening checks are a key part of safe recruitment. These checks should be considered alongside the range of information gathered during recruitment, including the application form and the selection interview, to determine a candidate's suitability for a specific job.

The checks to be carried out depend on the job the individual is being considered for:

- Written references
- Copies of qualifications
- Pre-placement Health Assessment
- Disclosure and Barring Service Criminal Record Check
- Identity (Immigration, Asylum and Nationality) Check
- Confirmation of appropriate professional registration e.g. Social Care Wales registration, Education Workforce Council registration
- Candidates should be required to provide an explanation of full employment history, including any gaps in employment
- There are specific checks required for applicants to work in Hillside Secure Children's Home
- Driving Licence, if required to drive as part of the duties of the job
- Overseas' 'right to work' check

References

For all appointments, it is a requirement that TWO Written references are obtained, at least one reference should be from the most recent or current employer or educational provider. References should always be in writing and should be on the organisation's headed paper where appropriate, or on the reference pro-forma provided by Neath Port Talbot County Borough Council.

The Employment Support Team provide a reference pro-forma specifically for jobs working with children and adults.

References will only be obtained for the successful candidate and will be actioned by the Employment Support Team. References can be obtained at the shortlisting stage by special arrangement with the Employment Support Team.

Recruiting managers are responsible for arranging to see the references and scrutinising the references to ensure that the information provided confirms that provided by the applicant and the suitability of the applicant for the job in question. If there are any concerns or issues raised in the reference the recruiting manager should consider contacting the referee for more information and / or requesting further references. Following scrutiny, the recruiting manager must confirm to the Employment Support Team that they are satisfied the references received are satisfactory.

For all posts working within Children and Young People Services (SSHH Directorate) where an Enhanced DBS Check is required, a verbal reference from the current or last employer must also be obtained by the recruiting manager. (The designated HR Officer must ensure that this is undertaken).

The verbal reference should be documented on a verbal reference form and forwarded to the Employment Support Team for retention on the personal file. Please see verbal reference form in Appendix A.

Copies of Qualifications

Verification of the original documentation relating to qualifications that are relevant to the job, as set out in the person specification, will be requested from the successful candidate during the pre-employment screening / vetting process by the Employment Support Team. Copies of the original documentation will be held on the personal file.

Pre-Placement Health Assessments

Applicants recommended for appointment are required to undergo a pre-placement health assessment to assess their fitness to undertake the duties of the post under offer. This is a condition of employment, which means that the offer cannot be confirmed until medical clearance has been received from the Occupational Health Unit. The successful candidate will be issued with a pre-placement health questionnaire, which is to be completed and, due to medical confidentiality, returned directly to the Occupational Health Unit via ohu@npt.gov.uk The

If you answer yes to any of the questions, the Occupational Health Unit may contact you for further information and to determine if your condition satisfies the Equality Act 2010, as such reasonable adjustments may be applicable.

In addition, for certain occupations there are legal requirements to undertake a medical examination prior to commencing in role. The Occupational Health Unit will contact you to arrange this.

The Occupational Health Unit may make recommendations to the recruiting manager in relation to adjustments. The recruiting manager is responsible for considering any recommendations and taking action, as appropriate.

Disclosure and Barring Service Criminal Record Checks

All successful applicants, where the post dictates, must have an appropriate Disclosure and Barring Service (DBS) Criminal Record Check prior to commencing work, as outlined in the guidance attached at Appendix B (The Disclosure and Barring Service Criminal Record Check – Guidance for Managers).

Managers are required to risk assess all posts within their service area, against the criteria set out in the guidance at Appendix B, to determine whether a DBS check is required and if so, what level of check is required. Depending on the nature of the work, a decision must also be made on what barred lists should be checked, however in some cases it is noted that both lists need to be checked.

The applicant will be required to complete the DBS check using the secure online DBS portal. Both the manager and the Employment Support Team will receive an automated e mail notifying them of the outcome of the DBS check. The email will state whether the DBS check is clear or unclear.

Applicants will be issued with a paper DBS certificate to their home address.

In the case of an employee having criminal convictions on the DBS check, the recruiting manager will receive an email notification from the online DBS portal stating that the DBS check is 'not clear' and advising that the manager should carry out a risk assessment. The manager should then request a copy of the disclosure from the employee and refer to the guidance in Appendix B to determine whether it is necessary to carry out a risk assessment based on the convictions.

When the manager completes a risk assessment, this should be sent to the Employment Support Team, along with notification of whether or not they wish to proceed with the appointment.

For certain offences, the recruiting manager may decide that a risk assessment is not required. If this is the case then they should inform the Employment Support Team to confirm this decision via email.

Disclosure and Barring Update Service

The employee can choose to subscribe to the Update Service. The Update Service will keep the employee's certificate up-to-date. Once subscribed, the employee can take the certificate with them from role to role, providing the roles are in the same workforce and where the same level and type of check is required.

The employer can access the Update Service, provided the employee has given permission, and can carry out an instant check to find out if the employee's current DBS certificate is still up-to-date.

For further information on the Update Service, please contact the Employment Support Team or visit www.gov.uk/dbs

Portability

Portability is a term used by the Disclosure and Barring Service and refers to the re-use of a DBS check, obtained for a position in one organisation and later used for another position.

The DBS advises that organisations considering accepting an existing DBS check to carry out a proper risk assessment.

NPT CBC Portability Policy

Managers are authorised to use their discretion to approve portability of a previous DBS disclosure, but only when the previous disclosure has been processed and obtained for NPTCBC.

Managers are not authorised to approve portability of a previous DBS disclosure that has been processed and obtained by another organisation (i.e. not NPTCBC).

Where a recruiting manager wishes to apply portability to a DBS Disclosure, if the Disclosure is positive, a new risk assessment should be carried out (Appendix F).

Managers wishing to exercise portability should use the procedure set out in Appendix B (The Disclosure and Barring Service Criminal Record Check – Guidance for Managers).

Examples of appropriate use of portability are:

If an employee changes posts in the Council, the recruiting manager has the discretion to decide whether the DBS disclosure from the previous post is portable and can be re-used for the post in their service area.

If an employee obtains a second job in the Council, the recruiting manager has the discretion to decide whether the existing DBS disclosure from the main job is portable and can be used for the second post.

If an employee moves between short-term appointments, the recruiting manager has the discretion to decide whether to apply for a new DBS disclosure each time a new contract is offered.

Portability should not be accepted in the following circumstances:

If the DBS disclosure has been processed by another organisation and / or the employee is new to the Council - a fresh DBS disclosure will be required for all new employees to the Council. This applies to new employees who were previously volunteers in the Council.

Where an individual has had a break in employment of four weeks or more. If any of these conditions are not met, a new DBS disclosure check must be requested and processed.

DBS renewal check

Certain posts require a DBS disclosure to be undertaken every three years. In instances where a renewed DBS check has been requested and the date of expiry is approaching, the manager must make an assessment of the employee's suitability to continue working prior to receipt of a renewed DBS disclosure by completing Appendix H - Emergency Employment Form for Staff Awaiting renewed DBS Disclosure. This must be signed by the relevant Accountable Manager and forwarded to the Employment Support Team.

School Governors

All governors must apply for an Enhanced DBS check upon appointment and subsequently any reappointment under the category 'School Governor'.

Applications for DBS checks **MUST** be made within three months of appointment/reappointment. Failure to do so will result in the governor being suspended from all activities of the governing body until the check is completed. Continuous failure to undertake a check could result in the removal of the governor from the governing body altogether. In these circumstances Chairs of Governors/Clerks should seek advice from the Governor Support Unit of the School & Family Support Team.

The clerk to the governing body will initiate a request for the individual governor to be provided with a unique login and password to allow them to apply for a DBS check online via the DBS portal. Following completion of the online application, the governor will be required to have their identity verified in order to allow the application to be processed. The Headteacher/Clerk will carry out the identification check following the same process as verifying the identity of a new employee.

Upon receipt of the DBS certificate, governors must make arrangements to present the certificate to either the Headteacher or Clerk for audit purposes. Should the disclosure reveal any positive offences then this should be brought to the attention of the Chair of Governors immediately who should seek immediate advice from the Governor Support Unit of the School & Family Support Team and a risk assessment undertaken. A positive disclosure may result in the decision to remove the governor from office or restrict the scope of how the governor can undertake the role. Where a positive DBS certificate is received in relation to the chair of governors themselves, then the clerk to the governing body should contact the Governor Support Unit immediately.

Portability of DBS Certificates for Governors

The process of portability is the same Governors, where reference is made to 'Manager' this should be substituted with 'Chair of Governors' in relation to all categories of governor excluding LA Governor Representatives. The decision for determining whether to accept portability in relation to LA Governors Representatives rests with the local authority as the appointing body.

Identity Check – Immigration, Asylum and Nationality Act 2006

Under the terms of the Immigration, Asylum and Nationality Act 2006, all employers in the UK are required to carry out right to work checks on people they intend to employ.

You may conduct a physical document check or perform an online check to establish a right to work. Where a right to work check has been conducted using the online service, the information is provided in real-time, directly from Home Office systems and there is no requirement to see the documents listed below.

In order to comply with the Act, Employers may conduct a physical document check or perform an online check (where appropriate) to establish a right to work. You must obtain original documents from either List A or List B of acceptable documents for a manual right to work check. For a full list of documents under List A or List B, please see Appendix J (updated from 6th April 2022).

List A - acceptable documents to establish a continuous statutory excuse

- UK passport (current or expired)
- A Republic of Ireland passport or passport card (current or expired)
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK/has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer
- A birth/adoption certificate issued in the UK, together with an official document with permanent National Insurance number
- A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer

List B

Group 1

- Current passport endorsed allowing both UK stay and type of work in question
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer

Group 2

- A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.

- A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

Failure by an employer to make the appropriate checks can result in a fine of up to £10,000 per person employed illegally.

Registration

Where statutory provision requires registration with professional bodies in order to enter into certain types of employment (e.g. Teachers must be registered with the Education Workforce Council, Social Workers must be registered with Social Care Wales). Recruiting managers must make candidates aware of this requirement at interview and are responsible for confirming registration with the relevant professional body.

Employment History

Candidates are required to explain satisfactorily any gaps in employment and explain satisfactorily any anomalies or discrepancies in the information available to the panel. The candidate should be able to account for their history from school leaving date to present.

Recruiting Managers should scrutinise the application form before the interview and ensure that they address any gaps or anomalies at the interview. The recruiting manager should ask the candidate to complete, sign and date the 'Gaps in Employment History Form' at interview and return this following interview to the Employment Support Team. Successful applicants may not commence employment until this form has been completed and returned, and no gaps remain unaccounted for.

Hillside Secure Children's Home

For the purposes of this Safe Recruitment Policy, the following are the actions to be administered by HR and approved by the recruiting manager before confirming employment for Social Services employees recruited to work at Hillside Children's Home:

- Applicant's full employment history confirmed and periods of non-employment accounted for
- Written, not verbal, references (including present or past employer/s)
- DBS Enhanced Disclosure obtained
- Original birth certificate produced for verification plus an official document bearing a national insurance number and their name issued by a Government Department or a previous employer
- All new appointments are subject to a 6 month probationary period

In addition, under separate arrangements with the Occupational Health Unit, all prospective Hillside employees undergo a medical examination before commencement.

Driving Licences

It is important to check that the person has the right licence for any vehicle they may be required to drive. The recruiting manager should inform the Employment Support Team of any special category of driving licence which is required and an original copy should be sighted and held on the personal file. The recruiting manager should have regard to the Council's Driver and Vehicle Risk Management Policy, ensuring compliance with declaration and record checking requirements.

Overseas Checks

All relevant 'right to work' documentation should be checked (Appendix I). A Certificate of Good Conduct will also be required where there are no details available through the DBS Check process (please refer to the Employment Support Team for advice in relation to this).

Verbal Reference Form - Employer



Human Resources

Strictly Confidential

The person named below has applied for a post with the Council and has given your name as a referee. Please give your opinion of the applicant's suitability for the post. The Job Description and Person specification are attached for your information. The information you supply will be treated in accordance with the Data Protection Act 2018 (DPA 1988). Please note that in accordance with the DPA 1988 it may be released to the applicant should he/she make a Subject Access Request.

Verbal Reference Form - Employer	
Employee Information	Comments
Employee's Name:	
Job Title & Location:	
Date of Commencement:	
End Date (if appropriate):	
Salary:	
Reason For Leaving: If the reason for leaving was dismissal, please state the reason for dismissal.	
In what capacity do you know the employee and for how long?	
Please provide details of any relevant issues which you needed to address during the probationary period.	
Have you needed to address any practice issues with the employee during the last 24 months?	
Please state whether the employee had any live disciplinary warnings at the date of leaving. If so, please give details:	
Please state whether the employee had any ongoing disciplinary investigations at the time of leaving. If so, please give details:	
Are you satisfied that this employee is suitable to work with children/adults? If no, please could you provide reasons for any concerns.	
Had a referral been made to the Childs/Adults Barred List?	

Has the person been reported for misconduct to the Care Council for Wales / Education Workforce Council			
Please Indicate, By Ticking the Relevant Box, How you Would Rate the Following			
Timekeeping /punctuality			
Excellent	<input type="checkbox"/>	Very Good	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>	Poor	<input type="checkbox"/>
Management of Caseload			
Excellent	<input type="checkbox"/>	Very Good	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>	Poor	<input type="checkbox"/>
Report Writing			
Excellent	<input type="checkbox"/>	Very Good	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>	Poor	<input type="checkbox"/>
Meeting Deadlines			
Excellent	<input type="checkbox"/>	Very Good	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>	Poor	<input type="checkbox"/>
Relationships with Colleagues/Service Users			
Excellent	<input type="checkbox"/>	Very Good	<input type="checkbox"/>
Satisfactory	<input type="checkbox"/>	Poor	<input type="checkbox"/>
Details of Main Duties and Responsibilities:			
Would you re-employ this person? If no, please give reasons.			
Declaration I confirm that the information provided on the verbal reference form is accurate.			
Name of person providing verbal reference:		Date:	
Position/company:			
Name (recruiting manager)			
Signed (recruiting manager)			Date:

The Disclosure and Barring Service Criminal Record Check Guidance for Managers

The Disclosure and Barring Service (DBS) offers the following types of criminal record checks.

Basic DBS check

Basic checks show the individual's unspent convictions and conditional cautions.

Standard DBS check

Standard checks show the individual's spent and unspent cautions and convictions as recorded on police central records. A Standard check cannot reveal if a person is barred from working with children or adults.

Enhanced DBS check

An enhanced check contains the same details as a standard check, together with any information held locally by police forces that it is reasonably considered might be relevant to the post applied for.

Enhanced DBS and barred list check (child)

An enhanced check with information from the DBS's children's barred list is only available for those individuals engaged in a regulated activity with children and a small number of posts as listed in the Police Act regulations, for example, prospective adoptive parents.

Enhanced DBS and barred list check (adult)

An enhanced check with information from the DBS's adults barred list is only available for those individuals engaged in regulated activity with adults and a small number of posts as listed in the Police Act regulations.

When is a DBS Disclosure Required?

Standard and Enhanced and Enhanced with Barred List(s) DBS checks can only be requested by employers who are entitled by law to ask an individual to reveal their full criminal history, including spent convictions (excluding [protected cautions and convictions that will be filtered from a criminal record check](#)). This is known as asking 'an exempted question'.

An exempted question applies when the individual will be working in specific occupations, for certain licenses or specified positions that are known as the exemptions to the Rehabilitation of Offenders Act 1974.

Roles are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and also by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations and these laws provide eligibility for requesting a DBS check.

(There is no eligibility requirement for a Basic Check).

The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

To determine which level of check a role is eligible for, please refer to the following webpage:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

For guidance on the definitions of 'regulated activity' with children and 'regulated' activity with adults, please refer to the following webpage:

<https://www.gov.uk/government/publications/dbs-guidance-leaflets>

Filtering rules for DBS checks

Filtering is the term used to describe the process that identifies which criminal records will be disclosed on a Standard or Enhanced DBS certificate. Certain old or minor offences may not be disclosed and should not be taken into account. These are known as 'protected' offences.

Guidance and criteria on filtering of these cautions and convictions can be found on the DBS website <https://www.gov.uk/government/publications/dbs-filtering-guidance>

All recruiting managers must:

Ensure that where it is appropriate to the post, DBS disclosures are obtained pre-appointment, and that no start date in post can be confirmed before a disclosure is obtained. Exceptions to this can only be authorised by a Head of Service, and in this situation, a full risk assessment must be undertaken with measures put in place to minimise any potential risk. A copy of the risk assessment form is attached as Appendix C.

Portability

Portability is a term used by the Disclosure and Barring Service and refers to the re-use of a DBS check, obtained for a position in one organisation and later used for another position.

The DBS advises that organisations considering accepting an existing DBS check to carry out a proper risk assessment.

NPT CBC Portability Policy

Managers are authorised to use their discretion to approve portability of a previous DBS disclosure, but only when the previous disclosure has been processed and obtained by NPTCBC.

Managers are not authorised to approve portability of a previous DBS disclosure that has been processed and obtained by another organisation (i.e. not NPTCBC).

Examples of appropriate use of portability are:

- If an employee changes posts in the Council, the recruiting manager has the discretion to decide whether the DBS disclosure from the previous post is portable and can be re-used for the post in their service area.
- If an employee obtains a second job in the Council, the recruiting manager has the discretion to decide whether the existing DBS disclosure from the main job is portable and can be used for the second post.
- If an employee moves between short-term appointments, the recruiting manager has the discretion to decide whether to apply for a new DBS disclosure each time a new contract is offered.

Portability Procedure

Where a recruiting manager wishes to exercise their discretion to accept DBS disclosure portability, they must comply with the following verification procedure:

1. The recruiting manager approves portability of a DBS disclosure check for a different post within NPTCBC **and** has sight of the individual's copy of the DBS disclosure.
2. The recruiting manager must ensure that the previously obtained DBS disclosure check is at the level of disclosure check required for the new position (i.e. Enhanced/Standard).
3. The recruiting manager must ensure that the previously obtained DBS disclosure includes a check of the relevant barred list for the new position
4. The recruiting manager should take into account the date that the DBS disclosure check was obtained on - a DBS check carries no formal period of validity and the older the check, the less reliable the information is.
5. The recruiting manager should ensure that the nature, level and intensity of contact with children and/or adults is similar for each post i.e. if the previously obtained DBS disclosure check relates to a post where contact is with a group of individuals and the new post involves one- to-one contact with specific individuals, the recruiting manager might wish to request a new DBS disclosure check.
6. If portability is approved, the recruiting manager needs to have sight of the individual's DBS disclosure check to confirm if any offences are recorded. A copy of the DBS disclosure check should be sent to the Employment Support Team in order to record the details of the disclosure on the HR record. The copy will then be destroyed.
7. If offences are shown on the DBS disclosure, the recruiting manager should make a decision on the individual's suitability for the post and

complete a risk assessment [Corporate Stress Risk Assessment Form CF10905_170919.docx](#) to help decide whether the risk of appointing the individual can be taken and whether precautions and safeguards would be needed to manage and minimise that risk.

8. The recruiting manager must obtain a signed disclaimer (**Appendix C**) from the individual confirming that they do not have any outstanding police matters nor have had any convictions/cautions/reprimands or final warning since the DBS disclosure was issued. This disclaimer should be sent to Human Resources, together with a copy of the sighted DBS Disclosure and risk assessment (if necessary).
9. If the individual does not have their personal copy of the DBS Disclosure for the Manager/Headteacher, a new DBS disclosure check must be processed.

Portability **should not be** accepted in the following circumstances:

1. If the DBS disclosure has been processed by another organisation. A fresh DBS disclosure will be required for all new employees to the Council. The only exception to the above is when a 'relief' teacher is employed through Neath Port Talbot central process and is offered a new appointment e.g. a temporary/permanent contract.
2. Where an individual has had a break in employment of four weeks or more.
3. The above Portability Policy does not apply if the employee has chosen to subscribe to the Update Service.

If any of these conditions are not met, a new DBS disclosure check must be requested and processed.

If a recruiting manager has any queries in relation to whether portability could apply they should contact the Employment Support Team for further advice.

Positive Disclosures

If any 'positive' DBS disclosures are revealed (i.e. containing details of convictions, or highlighting cause for concern), it is the responsibility of the recruiting manager to obtain a copy of the disclosure and decide whether a risk assessment will need to be carried out if it is considered necessary. The recruiting manager is then responsible for the decision regarding whether the recruitment process may proceed or not.

If a risk assessment is required, it **MUST** take all circumstances into account and involve the employee and any other external/internal sources to ensure that the facts are established and substantiated. Any queries/issues should be agreed and authorised by the relevant Head of Service.

The completed risk assessment documentation should be forwarded to the HR Team under confidential cover, for storage and eventual destruction. The Risk

Assessment Process is covered in **Appendix E** and a Risk Assessment Form is attached at **Appendix F**.

Please note that the above process for handling positive disclosures is also relevant when dealing with DBS renewals.

Obligations of the Authority as a “Client” of the DBS Umbrella Body Service

Powys County Council provide the Umbrella Body Service to the Authority and processes and countersigns DBS checks (Enhanced/Standard) on behalf of NPTCBC.

The Authority has certain obligations as outlined below:

- To adhere to the DBS Code of Practice ([click here](#))
- To adhere to the Policy on the Recruitment of Ex-Offenders which states that the Council is “committed to the fair treatment of its employees, potential employees and service users” and that **“having a criminal record will not necessarily bar someone from working for the Council.** This will depend on the nature of the position and circumstances and background of the offences. To ensure that a copy of this policy is provided to all applicants at the start of the recruitment process.
- The Authority must ensure that application packs for posts which require a DBS disclosure contain all the relevant statement informing potential applicants. The Authority must also ensure that reference will be made in job advertisements and accompanying literature, stating quite clearly where a post requires a DBS check and at what level.
- The Authority must ensure that it adheres to the policy on the safe handling of the disclosure information.

Non Employees

Disclosure application forms are also processed for non-employee categories that is Volunteers, Foster Parents, Childminders, adopters.

This policy will also be applicable in these areas.

DBS PORTABILITY - EMPLOYEE DISCLAIMER

Please delete as appropriate *

- A. Since my current DBS disclosure processed for Neath Port Talbot Council, I declare that I have no outstanding criminal matters and have received no convictions/cautions/ reprimands or final warnings.

- B. Since my current DBS disclosure processed for Neath Port Talbot Council, I declare that I have outstanding criminal matters and have received further convictions / cautions / reprimands or final warnings [see NOTE].

I understand that any false declarations could result in relevant disciplinary action being taken against me under the Authority’s Disciplinary procedures.

EMPLOYEE’S FULL NAME

.....

PAY NUMBER (IF KNOWN).....

POST APPLIED FOR

EMPLOYEE’S SIGNATURE.....

DATE

APPROVED BY RECRUITING MANAGER

NAME.....

SIGNATURE.....

PLEASE RETURN THIS FORM WITH A COPY OF THE SIGHTED DBS DISCLOSURE TO HUMAN RESOURCES, THE QUAYS, NEATH, SA11 2GG or email the documents to jobs@npt.gov.uk

Emergency Employment Form for Staff Awaiting DBS Disclosure



Human Resources

This form must be completed by the recruiting manager to make an assessment about a candidate's suitability to commence employment prior to receipt of a DBS Disclosure. The risk assessment must be carried out by the recruiting manager and signed by the relevant Accountable Manager **before** the individual commences employment.

Individuals should only be allowed to commence employment without a Disclosure if, in exceptional circumstances, following completion of a risk assessment satisfactory to the Authority, any delay is likely to severely affect service delivery.

EMERGENCY EMPLOYMENT FORM FOR STAFF AWAITING DBS DISCLOSURE		
Recruiting Manager		
Job Title		
Directorate/Service		
Candidate's Name		
Post Applied For		
Level of Disclosure Requested		
Provisional Start Date		
Date Disclosure Check Requested		
Part A		
1) Did the applicant declare any criminal convictions, cautions, police investigations which might lead to a conviction or caution in the UK or any other country?		
Yes		No
2) If yes, are these convictions relevant to the work that they are being employed to undertake?		
Yes		No
3) If yes, are these convictions of a serious nature i.e. offences against children / adults / violent or sexual offences etc.?		
Yes		No
If yes, please state details:		

4) Have two references been requested for by the Authority?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
b) Have two satisfactory references been received in line with the Authority's policy?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
5) Do the individual's references give any cause for concern?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please state details:			
6) At interview, did the individual say or do anything which gave cause for concern, in relation to allowing them to commence work before a Disclosure is received?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please state details:			
7) Has the individual ever had a police or DBS check previously?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when was this done and with whom (employer)?			
Part B			
1) Does the job involve regularly caring for, training, supervising or being in sole charge of children or adults?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2) Will the individual be required to work alone during their induction period?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
3) Will the individual have access to, or opportunity to commit an offence against an adult and/or a child?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4) If yes, what precautions or measures will you put in place to prevent this from happening?			
5) Are you satisfied the risk of possible offending can be minimised by ensuring that satisfactory supervisory measures listed above can be implemented to prevent the individual from being alone with adults and/or children?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please outline the implications of delaying the individual in commencing employment.			
Part C Declaration by the Recruiting Manager			
I have considered the questions outlined above, and I am not satisfied that it is safe to allow the above named individual to commence to work before the Disclosure clearance is received. OR			
I have considered the questions outlined above and confirm that I am satisfied that it is safe to allow the above named individual to commence work before the Disclosure clearance is received, subject to the following safety measures detailed above being in place:			
I confirm that I have notified all relevant managers/Headteachers that the individual is still subject to clearance and of the need to ensure the above measures are implemented. I confirm that I have explained to the individual concerned the implications of commencing work prior to clearance being received and the possibility that disciplinary action including summary dismissal may result if it is subsequently discovered that the individual did not disclose any material facts relating to their employment.			
Print Name			
Signed		Date	
APPROVAL BY ACCOUNTABLE MANAGER			
I confirm that I agree with the decision made by the recruiting manager			
Print Name			
Signed		Date	

This form should be retained on the candidate's personal file until a suitable DBS Disclosure is received, allowing a decision to be made about their continuing employment

THE RISK ASSESSMENT PROCESS

Addressing issues related to criminal convictions needs an objective common sense approach which takes account of:

- The employer's duties in law
- The nature of the crime
- When it happened
- The circumstances involved/explanation offered
- The sentence
- Patterns of offending
- Efforts to avoid re-offending
- Job requirements
- Safeguards against offending at work

This will help you to decide whether the risk of employing a person can be taken and what precautions and safeguards would be needed to manage and minimise that risk.

Assessing the risk of employing a person with a criminal record means comparing an applicant's skills, experience and conviction circumstances against risk criteria you have identified for the job. For example, some violence offences would be relevant to positions involving unsupervised contact with the public. Sexual or child pornography offences would almost certainly disqualify any person from working with children. However, no two offences are exactly alike.

Assessing the job for risk

Take into account issues such as:

Issues	Reasons
Exemption status under the Rehabilitation of Offenders Act 1974, duties under the Police and Children's Acts regarding one-to-one contact with children, adults or the elderly.	It is illegal to employ certain offenders in some occupations.
To what extent are you bound by other legal constraints?	For example, those with motoring convictions employed as drivers.
Does the post involve any direct responsibility for finance or items of value?	What could happen and how serious would that be? What factors would increase or decrease the perceived risk? For example, the nature of the offence and impact of rehabilitation since then.
Does the post involve direct contact with members of the public?	Consider whether the offence would create unacceptable risks for other employees, customers, suppliers, clients, service users etc.
Will the nature of the job present any realistic opportunities for the post holder to re-offend in the place of work?	

Assessing the ex-offender and the offences

The essential thing to remember is to keep an open mind. Some ex-offenders will have had access to rehabilitation programmes that might also offer advice and guidance to potential employers and assist with transfers into employment.

Consider:

- The availability of assessments and reports from those agencies involved in the applicant's process of rehabilitation. For example, the Probation Service, specialists working in prison etc.
- The seriousness of the offence and its relevance to the safety of other employees, customers, clients and property.
- The length of time since the offence occurred.
- Was the offence a one-off or part of a history of offending?
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy)?
- The country in which the offence was committed. For example, some activities are offences in Scotland and not in England and Wales and vice versa.
- Whether the offence has since been decriminalised by Parliament.
- The degree of remorse, or otherwise, expressed by the applicant.

Risk Assessment Form – Positive DBS Disclosures



Human Resources

This form should be completed by the recruiting manager to make an assessment about a candidate's suitability to commence employment following receipt of a positive DBS check. The risk assessment must be carried out and signed by the recruiting manager and signed by the relevant Accountable Manager

Risk Assessment Form – Positive DBS Disclosures			
Recruiting Manager			
Job Title			
Directorate/Service			
Candidate's Name			
Post Title			
Level of Disclosure Requested			
Start Date			
Are the convictions relevant to the work that is being undertaken?	Yes		No
If Yes, what control measures are being put in place to minimise the risk to children and / or adults?			
What monitoring and review actions are required?			

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Print Name			
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Signed		Date	
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APPROVAL BY ACCOUNTABLE MANAGER

I confirm that I agree with the decision made by the recruiting manager

Print Name			
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Signed		Date	
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Emergency Employment Form for Staff Awaiting DBS Disclosure (Renewal)



Human Resources

This form must be completed by the manager to make an assessment about an employee's suitability to continue working prior to receipt of a renewed DBS Disclosure. The risk assessment must be carried out by the manager and signed by the relevant Accountable Manager.

EMERGENCY EMPLOYMENT FORM FOR STAFF AWAITING DBS DISCLOSURE (Renewal)			
Manager			
Job Title			
Directorate/Service			
Employee's Name/payroll number			
Position			
Level of Disclosure Requested			
DBS renewal expiry date			
Date DBS Check Requested			
Part A			
1) Did the applicant declare any criminal convictions, cautions, police investigations which might lead to a conviction or caution in the UK or any other country?			
Yes		No	
2) If yes, are these convictions relevant to the work that they are being employed to undertake?			
Yes		No	
3) If yes, are these convictions of a serious nature i.e. offences against children / adults / violent or sexual offences etc.?			
Yes		No	

If yes, please state details:			
Part B			
1) Does the job involve regularly caring for, training, supervising or being in sole charge of children or adults?			
Yes		No	
2) Will the individual be required to work alone during the period where a DBS has expired?			
Yes		No	
3) Will the individual have access to, or opportunity to commit an offence against an adult and/or a child?			
Yes		No	
4) If yes, what precautions or measures will you put in place to prevent this from happening?			
5) Are you satisfied the risk of possible offending can be minimised by ensuring that satisfactory supervisory measures listed above can be implemented to prevent the individual from being alone with adults and/or children?			
Yes		No	
Please outline the implications of delaying the individual in commencing employment.			
Part C Declaration by the Manager			
I have considered the questions outlined above, and I am not satisfied that it is safe to allow the above named employee to remain working before the Disclosure clearance is received.			YES/NO
I have considered the questions outlined above and confirm that I am satisfied that it is safe to allow the above named individual to commence work before the Disclosure clearance is received, subject to the following safety measures detailed above being in place:			YES/NO
I confirm that I have notified all relevant managers/Headteachers that the individual is still subject to clearance and of the need to ensure the above measures are implemented.			
I confirm that I have explained to the individual concerned the implications of commencing work prior to clearance being received and the possibility that disciplinary action including summary			

dismissal may result if it is subsequently discovered that the individual did not disclose any material facts relating to their employment.			
Print Name			
Signed		Date	
APPROVAL BY ACCOUNTABLE			
I confirm that I agree with the decision made by the recruiting manager			
Print Name			
Signed		Date	

This form should be retained on the employee’s personal file until a suitable DBS Disclosure is received, allowing a decision to be made about their continuing employment

Pre-Employment Checks – Manager’s Checklist

Name of Employee: _____

Job Title: _____

Team: _____ Start Date: _____

1. Document/s complying with The Immigration, Asylum and Nationality Act 2006. (For a full list of documents under List A or List B, please visit www.ukba.homeoffice.gov.uk)

One document from **List A**

or

Two Documents from **List B**

2. Satisfactory References:

Two signed references

Verbal references

3. DBS Check

I can confirm that I have sighted the original documents used above

Basic check

Standard

Enhanced

Enhanced with Childs Barred List

Enhanced with Adult Barred List

DBS portability applied

DBS update service

4. Qualifications

5. SCW/HCPC Registration (if applicable)

6. GTCW / EWC Registration (if applicable)

7. Gaps Form Checked

8. Medical Clearance

9. iTrent onboarding checklist completed (External only)

HR will process new starter and generate a payroll number on receipt of completed checklist. Manager to contact Digital Services Service Desk by emailing itservicedesk@npt.gov.uk outlining the budget code for purchasing equipment (including whether any specialist equipment or software is required), the new starter's name and their start date.

Signed: _____ Date: _____

Employers Right to Work Checklist

When carrying out a manual right to work check, you must obtain original documents from either List A or B of acceptable documents.

List A

A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.

A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer^{[footnote 1](#)}.

A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 1

A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question^{[footnote 2](#)}.

A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2

A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU (J) to the Jersey Immigration Rules or Appendix EU to the immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.

An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.

A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Please note that the following documents do not provide suitable evidence and will not be accepted:

A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the United Kingdom. (Individuals with these documents should contact the Home Office for information about how they can apply for an Application Registration Card);

A letter issued by the Home Office stating the holder is a British Citizen;

A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;

A short birth certificate issued in the United Kingdom which does not have details of the holder's parents;

A card or certificate issued by the Inland Revenue under the Construction Industry Scheme;

A temporary National Insurance Number (beginning with TN, or any number ending with the letters E to Z inclusive);

A driving license issued by the Driver and Vehicle Licensing Agency;

A bill issued by a financial institution or a utility company.