**Criminal Convictions Checks – Risk Assessment Template**

The suitability for employment of a person with a criminal record will vary, depending on the nature of the job and the details and circumstances of any convictions. An assessment of the conviction circumstances should be weighed against the risk assessment criteria for the job. The manager must identify what risks might be involved and what precautions put in place in order to provide satisfactory safeguards, if possible.

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| --- | --- |
| Service |  |
| Job title |  |
| Candidate name & address  Or employee name and employee number |  |

The candidate’s criminal record should be assessed in relation to the tasks they will be required to perform and the circumstances in which the work is to be carried out. The following are recommended for consideration:

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| **The answer to these questions will help identify the level of and groups at risk** | **YES/NO** |
| Does the post involve one-to-one contact with children, protected adults or other vulnerable groups of employees, customers or clients? |  |
| Will the post holder be closely supervised? |  |
| Will the postholder have access to unsupervised children or other vulnerable groups? |  |
| Does the post involve any direct responsibility for finance or items of value? |  |
| Does the post involve direct contact with the public? |  |
| Does the post have an expected level of professional authority/integrity/ accountability? |  |
| Will the nature of the job present any opportunities for the post holder to re-offend in the place of work? |  |

**Assessing the risk in relation to the conviction**

In some cases, the relationship between the offence and the post will be clear enough to decide easily on the suitability of the candidate for the job. It should be remembered that no two offences are exactly alike and whilst it will not be possible to carry out a thorough risk assessment on each individual, it is recommended that the following issues are taken into account as a minimum requirement assess whether the individual is suitable to be offered the post or to continue working in the post.

* 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, evidence suggests that the risk of reoffending for those who have not offended for 7-10 years is similar to those who have never offended
* The age of the candidate at the time of the offence
* Any relevant information offered by the candidate about the circumstances which led to the offence being committed, for example, the influence of domestic or financial difficulties, whether the candidate is a looked after child, are in continuing care or are a care leaver – research suggests that those in the care system are more likely to have a criminal record due to their home environment and particular circumstances
* Whether the offence was a one-off or part of a history of offending
* Whether the candidate’s circumstances have changed since the offence was committed, making re-offending less likely
* The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa
* Whether the offence has since been de-criminalised by Parliament

The chair of the interview panel/manager must discuss any matter revealed in a criminal convictions check (except that revealed to the employer only and not for release to the candidate), with the candidate before completing the risk assessment. Discussion allows the candidate an opportunity to provide their version of the circumstances surrounding the disclosed information. The discussion is part of the decision making process.

If the information provided by Disclosure Scotland does not agree with that provided by a candidate the chair of the interview panel/manager should discuss the discrepancy with the individual before reaching a decision. If a person disputes the information on the certificate it is a matter for the candidate to challenge and resolve directly with Disclosure Scotland

Detail the outcome of the assessment in the box below; including the rationale for the decision (the nature of the conviction should not be detailed). The decision taken should be able to withstand any level of scrutiny, either by the public, clients, parents or media, although this should not be the reason for the decision.

This will be approved/rejected and countersigned by the Head of Service.

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Candidates

If the decision is taken to withdraw the recommendation for employment based on the information received, the candidate will be advised that they have been unsuccessful as a result of the information received from the criminal convictions check.

Existing Employees

If the manager concludes that the risk is such that the employee cannot remain in their substantive post, every effort should be made to redeploy the employee to an alternative post using the processes contained in the Rehabilitation and Redeployment Policy, provided the nature of the conviction allows this to happen. In cases where the employee is unable to be redeployed, managers may be required to consider the option of dismissal. This will however, only be considered where there are no other options available to keep the employee in employment. In these situations, managers should contact HR for further advice.

All managers involved must follow the rules on confidentiality in the Code of Practice.

LINE MANAGER PRINT NAME & SIGN

…………….………….……….……………………………

DATE…………..……………..

HEAD OF SERVICE PRINT NAME & SIGN

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DATE………….…….………..

**Please now forward to HR Helpdesk, Municipal Buildings, Falkirk, FK1 5RS for retention. You should not keep a copy of this document.**