

Risk assessment guidance in the event of positive DBS checks

The risk assessment should consider the following:

1. Nature of the position

- ✓ Does it involve one-to-one contact?
- ✓ Is it supervised or unsupervised? (to view statutory guidance about supervision of activity with children visit <http://tinyurl.com/8ezal86>)
- ✓ Does it involve working in an isolated situation?
- ✓ Does it involve regular contact?
- ✓ Are the clients they are working with particularly vulnerable?
- ✓ Is the activity a regulated activity?
- ✓ Does it involve working with children or young people?

[The above guidance is based on extracts from a NACRO policy and good practice report: 'Getting Disclosures Right', published 2006.]

2. Nature of conviction/other matters

- ✓ Whether the conviction or other matter revealed is relevant to the position in question.
- ✓ The seriousness of any offence or other matter revealed.
- ✓ Whether the applicant has a pattern of offending behaviour or other relevant matters.
- ✓ Whether the applicants circumstances have changed since the offending behaviour or other relevant matters, and
- ✓ The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

3. Relevance

For adults, the relevant categories are violent and sexual offences.

4. Seriousness

It is important to look at the sentence given for a conviction in order to assess how serious the matter was. The offence label may sound serious – actual bodily harm for example – but if the individual were only given a conditional discharge, this would indicate that it was a minor incident. If an individual were given a caution, absolute discharge or bind-over, this would indicate that the incident was minor. If other punishments were given, there will be information to help assess the seriousness. For example, if a fine was given, how much was the fine? If it was probation, community service or custodial sentence, how long was the sentence or order?

5. Offence circumstances

An explanation of the circumstances surrounding an offence will often be plausible and reassuring. For example, the person who explains that, in fear and panic, they ended up assaulting someone who was threatening them may not be as culpable as an individual who caused serious injury with intent.

6. Age of offences

Many of the offences on disclosures are old, going back to when the person was growing up. They are not relevant in most instances, as the people concerned will have put their pasts behind them. People who do not offend for two years after being convicted or released from prison are generally no more likely to offend than those who have never offended. This is reinforced by prison statistics that show that approximately 60% of discharged prisoners are reconvicted within two years, but only a further 5% are reconvicted within four years.

7. Pattern of offending

People who have a pattern of offending right up to the present date have clearly not put their offending behind them. Those people with gambling, drink or drugs related convictions in particular may remain a risk unless there is evidence of a clear break in the pattern of their offending.

8. Changed circumstances

For instance, those convicted when young, perhaps as juveniles, often do not re-offend once they have family or mortgage responsibilities, because they have too much to lose by getting into trouble. Most offenders, even those with long and serious records, do eventually change, as they simply grow out of a period of offending or seek help to address related problems.

More information

- **Our Decision**

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Visit http://www.childrenengland.org.uk/wp-content/uploads/2014/01/J1197-ce_our_decision_04-FINAL1.pdf