



Safer Recruitment and Working Practices Framework

Introduction

Nottingham City Council is committed to safeguarding and promoting the welfare of all service users, particularly children, young people and vulnerable adults. The Council expects all of its employees to share and support this commitment.

This policy is intended to support the Council's employees to discharge its responsibilities appropriately and not to put service users, employees or its reputation at risk.

The Council aims to employ the best people to do the best job. It expects employees not to bring the Council into disrepute and to set high standards both in and out of work. Employees' actions should not impact negatively on the Council, service users or their colleagues. There may be circumstances in which employees come into contact with incidents and situations, inside and outside of work, which may have implications for the Council, service users and colleagues. In this respect, all working for the Council are expected to be aware of this and to raise any concerns, without delay, to a suitable manager.

The purpose of this document is to clarify the Council's expectations with regard to working practices in order to protect employees and service users against any negative impact as a result of inappropriate actions and behaviour. Where further clarification is required, employees should seek further guidance from their line manager or other appropriate manager.

Definitions

Employees – anyone employed by the Council under a contract of service

Service users – anyone who is citizen of Nottingham or other user of the Council's services

Vulnerable service users – all children and young people (under 18) and any adult with (i) a care and/or support need, or (ii) at risk of abuse and/or neglect

Manager – unless specified the term 'manager' will refer to the employee's line manager, to whom they report on a daily basis

Appropriate manager – a manager to whom the employee feels more at ease referring a matter to, this may be because their direct line manager is potentially implicated in the matter for discussion

Senior manager – a manager at head of service or director level, usually within the same line management

Close associate – could mean a spouse, partner, other relative, friend, business or other associate with whom the employee has a relationship closer than that of a professional or casual nature

Safeguarding role – any role providing direct support to a vulnerable service user or involved in the management of these services

Grooming – the NSPCC defines grooming as when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking. Children and young people can be groomed online or face-to-face, by a stranger or by someone they know - for example a family member, friend or professional. Similar could apply to vulnerable adults.

Contents

This Framework contains guidance for both managers and employees working to provide services to all service users, as follows:

- **Part A – Safer Working Practices** – provides practical guidance in safer working practices, with specific expectations for those providing frontline services in order to:
 - protect service users, service providers and the Council's reputation
 - help to identify appropriate behaviours and it sets out clear expectations for managers and employees;
 - establish and maintain safe and responsive environments to protect service users and in particular vulnerable service users; and,
 - reduce the risk of Council employees being unjustly accused of improper or unprofessional conduct.

The Framework is intended to complement existing professional and local procedures, protocols, legislation and guidance. Where in doubt, employees are expected to seek clarification from their manager.

- **Part B – Processes and Checks** – includes advice on pre-employment checks at application, interview and appointment stages

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Part A - Safer Working Practices

1. Purpose and Expectations

1.1 Status of the guidance

The guidance is intended to complement existing professional and local procedures, protocols, legislation and guidance which relate to specific roles, responsibilities or professional practices.

The guidance cannot cover all situations and there may be times when professional judgements are necessary. When in doubt, employees are advised to seek further advice from an appropriate manager, wherever possible.

1.2 Who does this apply to?

The standards and expectations within Part A of this Framework, including standards of behaviour as laid out in the Council's Code of Conduct, apply to all employees of Nottingham City Council, particularly those working with children, adults and vulnerable adults ('vulnerable service users'). The interpretation of the guidance will vary in relation to the service provided, with stricter guidelines applying to those supporting the City's most vulnerable service users. Managers will advise employees on the areas that apply to them.

The document provides practical guidance for those working with all service users to:

- identify appropriate and inappropriate behaviours;
- establish and maintain safe and responsive environments to protect service users, colleagues and the Council; and,
- reduce the risk of employees being unjustly accused of improper or unprofessional conduct.

It is intended to assist Council employees by providing good practice advice in relation to all customers, particularly in relation to vulnerable service users.

2. Legal Duty

This responsibility is made clear by legislation and statutory guidance, including the following (or subsequent versions):

2.1 The Children Act 2004 places a duty on organisations to safeguard and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so. This is supported by subsequent government guidance particularly for schools, including:

- **Keeping Children Safe in Education;**
- **Working Together to Safeguard Children;** and,
- **What to do if you are worried a child is being abused – Advice for practitioners.**

2.2 The Safeguarding Vulnerable Groups Act 2006 established the Independent Safeguarding Authority to manage the vetting process for those working with children and vulnerable adults, formerly the Criminal Records Bureau (CRB) checks, now the Disclosure and Barring

Service (DBS). The Act also places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance.

- 2.3 The right afforded to everyone in the UK to live their lives free from violence and abuse is underpinned by the duty on public agencies under the **Human Rights Act 1998** to intervene proportionately to protect the right of citizens.
- 2.4 The **Care Act 2014** (and subsequent updates and statutory guidance) details a local authority's duty to ensure people's wellbeing is at the centre of all it does and outlines responsibilities for adult safeguarding.
- 2.5 The **Sexual Offences Act 2003** is intended to protect vulnerable people from many forms of sexual abuse and includes protection against the actions of those providing a caring role.
- 2.6 The **Mental Capacity Act 2005** which details the way in which those working with adults, whose capacity is suspected to be diminished, must assume capacity exists "unless all practicable steps to help them make a decision have been taken without success". The act lays out clearly a framework to establish capacity.
- 2.7 The **Mental Health Act 2007** which outlines the responsibilities of Approved Mental Health Practitioners and other workers working with service users being assessed for detention under the MHA for treatment and further assessment.
- 2.8 The **Domestic Violence, Crimes and Victims (Amendment) Act 2012 / Domestic Violence, Crimes and Victims Act 2004** which protects adults and children who are victims of domestic abuse. Further information can also be found in the Council's Domestic Violence Policy.
- 2.9 The **Health and Safety at Work Act 1974** whose objects include to secure the health, safety and welfare of persons at work; to protect persons other than persons at work (including service users) against risks to health or safety arising out of or in connection with the activities of persons at work. The Act includes health and safety duties that rest on both employers and employees in relation to other persons.
- 2.10 **Professional Registration** – some posts will require the postholder to belong to a professional body in order to practice, or to hold a professional certificate of competency in order to perform their duties. Examples of such bodies include the Health and Care Professions Council (HCPC), Driver Certificate of Professional Competency (CPC), Security Industry Authority (SIA) Licence and Non-Police Personnel Vetting (NPPV) approval for Community Protection employees.
- 2.11 **Data protection (TBC)**
- 2.12 **Equality Act 2010** – gives protection to groups of people, including young people, old people and vulnerable people. This Framework supports the City to carry out its duty under this legislation.

3. Duty of care

3.1 Responsibility for safeguarding

All Council employees have a responsibility to safeguard service users, and to take reasonable care for the health and safety of themselves and others, particularly vulnerable service users, and are expected to be vigilant at all times.

All employees need to be aware of their duty to respond to and/or report any safeguarding or welfare concerns without delay. Managers have a duty to ensure that appropriate responsibilities are communicated to, and understood by, all employees working with vulnerable service users on behalf of the Council. Managers should ensure that all employees are enabled to undertake the e-learning module on safeguarding awareness, or have access to and understand basic safeguarding information where access to e-learning is restricted. This should be included as part of their induction for new starters and those changing job roles. Managers and employees should discuss any specific safeguarding responsibilities which apply to their job and all must ensure that they are familiar with relevant policies, local practices and legislation. Those working in specific safeguarding roles should be familiar with local procedures and protocols.

3.2 Advice and professional judgments

i) Seeking advice

If at any time employees feel that they do not have sufficient knowledge or experience to handle a situation, they must seek guidance from a manager. Where this is out of hours, a manager or more senior colleague should be on call to assist. Employees will be advised of the arrangements and contact details relevant to their area of work.

ii) Making professional judgements

There may be rare occasions when employees are unable to seek advice and will have to make urgent decisions or take action in the best interests and safety of a vulnerable person. In these circumstances, they are expected to make the most robust professional judgements that they can for the vulnerable person. The judgement and supporting rationale should always be recorded immediately and shared with an appropriate manager without delay. In undertaking these actions, individuals will be seen to be acting reasonably.

iii) Reporting misunderstandings

Employees are required to record and report to a manager, without delay, any incident that could result in a misunderstanding or complaint being made against them or where professional boundaries may have lapsed.

3.3 What to do if you are worried that a person is being abused

i) In an emergency

Inappropriate or abusive behaviour or the suspicion that someone is in danger, must be reported without delay to a suitable person using the appropriate reporting procedures for their area of work. Managers and employees should ensure that they are aware of the correct procedures. Outside of office hours, it may be more appropriate and quicker to contact the Council's emergency duty team (EDT) on:

- 0115 876 5600

Where the situation is serious or potentially life-threatening, workers should ring 999 immediately and contact the police.

ii) Whistleblowing

Whistleblowing enables employees to raise their concerns in good faith, without fear of repercussions. The Council has a Whistleblowing Policy available from the People Management Handbook or managers. Employees should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management in the first instance, and/or to the attention of the relevant external agencies. This is particularly important where the welfare of vulnerable service users may be at risk.

iii) Sharing concerns and recording incidents

Employees must ensure that they are aware of basic safeguarding procedures, plus any specific procedures relating to their area of work, for example, where allegations are made against those working with children. If they have any concerns about colleagues, practice or individual service users, they should raise this promptly through the appropriate channels. If in doubt, they should speak to their manager or a more senior manager. Where employees witness events that concern them, it is essential that they make clear and prompt records for future reference and evidence and ensure that they take action to report this.

If the employee works with children, then this concern should be discussed with the Local Authority Designated Safeguarding Officer (LADO) who is contactable on 0115 876 4747.

Employees should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with service users so that appropriate support can be provided or action can be taken. This could include both circumstances at work and outside of work which they may consider to impact on their professional role.

3.4 The Council's expectations for its workers

Whilst the majority of those working with service users act professionally and provide a safe and supportive environment for those they are working with, on occasions tensions and misunderstandings can occur and the actions of employees providing services can result in allegations of abuse being made against them. These allegations may be malicious or misplaced or they may arise from differing perceptions of an event; however, when they occur, they are inevitably distressing and difficult for all concerned. Some allegations may be genuine and, whilst recruitment procedures and checks seek to deter and prevent the employment of people who deliberately want to create or exploit opportunities to abuse vulnerable people, it is important that the Council takes all measures possible to safeguard people and to ensure that those working for the Council are safe to do so.

When individuals accept employment from the Council, they need to understand and acknowledge the responsibilities and trust inherent in that role. Where their practice deviates from this guidance and/or their professional code or any locally agreed protocol, their suitability to work with service users is likely to be brought into question and they may find themselves subject to the City Council's Disciplinary Procedure and/or other investigation or legal action which could result in their dismissal from the Council and in prosecution.

3.5 All employees must:

- ensure that they understand their role, practice and appropriate behaviours and adhere to these, seeking clarity where in doubt;
- be vigilant at all times and report any concerns without delay;
- take responsibility for their own actions and behaviour and avoid any conduct which would lead a reasonable person to question their motives and intentions;
- work, and be seen to work in an open and transparent way;
- apply the same professional standards regardless of racial origin, culture, disability, gender, religious belief and/or sexual identity;
- continually monitor and review their practice and ensure they follow the guidance contained in this document;
- Successfully undertake and maintain the necessary employment checks and professional registration (e.g. DBS, NPPV, HCPC), where appropriate;
- Adhere to health, safety and lone working procedures;
- Satisfactorily complete training required for their work.

3.6 Managers must:

In addition to their responsibilities as employees, managers must:

- ensure that all employees understand their responsibilities, have a suitable induction during which they are provided with the appropriate information – this should also apply when people change jobs within the Council;
- provide support when asked for their advice and further guidance;
- take quick and appropriate action if a breach of procedures or failure to follow aspects of this guidance occurs, or if an employee raises their concerns about a vulnerable person, colleague or practice;
- ensure that key messages and expectations are made clear and reinforced to employees of the Council and that they have an opportunity to raise concerns and seek clarity – the Council will be better placed to deal with unsuitable or inappropriate behaviour if it can be demonstrated that this has been done;
- ensure that employees undergo and maintain the relevant employment checks and professional registration;
- ensure all are aware of appropriate lone working procedures operated within the service;
- provide all necessary training, support and information in order for employees to discharge their responsibilities within this Framework and ensure that records are kept of all provision.

4. Guidance

Confidentiality and personal safety

4.1 Information security

In all circumstances, the requirement of current data protection legislation will apply. Employees may have access, directly or indirectly, to confidential, highly sensitive or private information about vulnerable service users. They must treat all information that they come across during their work as confidential and ensure that they comply with data protection legislation, any other relevant legislation and Council policies relating to the gathering,

processing, sharing, disclosure, retention and storage of information. All information must only be used for official purposes, in relation to work, in adherence to current legislation.

Information concerning service users must be kept confidential and secure at all times and only shared when it is:

- in the interests of the person;
- in order to discharge a legitimate safeguarding function and then only to an approved recipient;
- felt that someone is not suitable to work with children.

Such information must not be used to intimidate, humiliate, or embarrass the person concerned. Information relating to someone who is felt to pose a risk to children or vulnerable adults should be shared confidentially with a manager without delay.

Employees should ask their manager for details of the correct handling of information relevant to their role. If ever in any doubt, they must ensure that they ask for further clarification and do not release any information to anybody if they are unsure. Further information on data protection can also be obtained from the Information Governance team and via the e-learning Information Matters intranet site.

Where an employee knows, or suspects, that someone they have a personal relationship with has their information recorded on the Council's IT systems, they should discuss this with their manager without delay, who will consider whether further action is required in order to secure the access to the file and to protect the employee.

Employees are only permitted to access and/or read or discuss information about service users where they have a legitimate business reason to do so. Failure to comply with this could lead to prosecution and/or dismissal. Where an employee knows or discovers that they are able to access information about someone with whom they have knowledge of outside of a work context, they should alert their line manager (see XXX).

4.2 Keeping confidences

Whilst employees should be aware of the need to listen to vulnerable service users, they must also understand the importance of not promising to keep confidences or secrets. Neither should they request that a vulnerable person keeps a secret. Any concerns and allegations about third parties should be passed confidentially to an appropriate senior manager without delay, according to local protocols.

4.3 Personal safety and lone working

Under the Health and Safety at Work Act 1974, there is a general principle that requires employers to look after their own workforce and the health, safety and welfare of others. Responsibility also lies with employees to ensure that they comply with expectations and look after the health, safety and welfare of others, including members of the public. This would be achieved through the provision of training and appropriate assessment. The Corporate Safety Manual provides the over-arching policy for health and safety within the Council, including sections on lone working, the management of health and safety and risk assessments. This is supplemented by local policies and procedures which provide the detail in relation to its application in specific service areas. All managers and employees must ensure that they are familiar with these.

Professional role and interactions with service users

4.4 Behaviour and conduct

Employees must ensure that their conduct is consistent with the Council's Code of Conduct and behaviour expectations. The Council has a good reputation with its customers and expects those representing it to help to maintain and strengthen this. Employees should ensure that they are familiar with the expectations and seek clarity from their manager where in any doubt.

4.5 Positions of power and trust

Those working with vulnerable service users are in a position of power and trust by virtue of their role. Employees must recognise this position and the responsibility that they have as a consequence of this relationship. There is the potential for exploitation and harm, whether actual or alleged, and employees must ensure that they do not abuse their position for personal advantage or gratification, or could be interpreted as abusing their position of power and trust. They are required to record and report any incident with this potential without delay.

4.6 Professional boundaries

Employees must, at all times, maintain professional boundaries with service users, past or present, to avoid being open to allegations of favouritism or, in some cases, allegations of abuse. They should ensure that they avoid behaviour which might be misinterpreted by others.

As far as possible, the Council respects an individual's right to a private life. The Council appreciates that many employees live in the City and are likely to come into contact with people they know whilst they are carrying out their job. Employees are required to be open and transparent and to inform their line manager where there is the potential that this could present a problem or put them or the Council in a difficult situation. In some services, there are specific expectations about how this will be managed and managers should ensure that employees are informed of the procedures in their service. Information will be treated confidentially and a senior manager will review the circumstances and, where necessary, ensure that the employee does not have a professional involvement with the service user.

Examples (not exhaustive) of such situations could include:

- where they are dealing with an application for assistance from a friend or neighbour;
- where they could have access to sensitive or personal information relating to someone they know;
- where they have been in a previous personal relationship with a service user, or prospective service user, of their service; or,
- where they are in a personal relationship with a close relative of a service user.

Employees should avoid any type of behaviour that could be perceived as grooming (see definition). They should also be alert to potential indicators of grooming behaviour and report any concerns as soon as practicable.

Employees must, at all times, maintain professional boundaries with service users, past or present, to avoid being open to allegations of favouritism or, in some cases, allegations of

abuse. They should ensure that they avoid behaviour which might be misinterpreted by others.

All employees are expected to make an appropriate manager aware of any situation which may leave them open to accusations of crossing professional boundaries and appropriate action may need to be taken to remove them from a potentially difficult situation to protect themselves, the Council and service users. Such action will be proportionate to the circumstances. For example:

- if you work in Adult Social Care and your partner becomes injured and a service user, this should be declared but is unlikely to affect you as your relationship to the service user predates their use of the service. Their case would be assigned to a colleague to avoid conflict with your personal and professional roles.
- if you work in passenger transport and develop a relationship with a service user, this would not be acceptable as it conflicts with your professional role. It is likely that you would face disciplinary action.

4.7 Close relationships with vulnerable service users

It is totally unacceptable for employees to have any intimate or sexual relationship with vulnerable service users, or their close family members, or allow or encourage a relationship to develop in a way which might lead to, or be perceived as being, a sexual relationship. The activity does not have to be physical, it may also include non-contact activities, such as viewing pornographic material. This may constitute a criminal offence and is likely to result in prosecution and disciplinary action, potentially leading to dismissal.

4.8 Social contact with vulnerable service users

Employees should never seek to have social contact with vulnerable service users or their families, unless this has been agreed with their manager and the consent of the service user's parent/carer/guardian. If a vulnerable service user or their family tries to make social contact, or if an unplanned meeting occurs, the employee should exercise professional judgement in making a response but should always discuss the situation with their manager and/or with the parent, carer or representative of the vulnerable service user. Social contact in certain situations can be misconstrued as grooming or an inappropriate activity.

There may be occasions where social contact is an integral part of work duties, or where unintended social contacts are made through interests out of work or personal networks. In these instances care must be taken to ensure that appropriate personal and professional boundaries are maintained. These situations are dynamic and changing due to the nature of the services the City Council provides, some with a transient pool of service users. Employees must remain vigilant and ensure that they take appropriate action should a conflict of interest arise, as defined in this Framework.

4.9 Rewards and favouritism

In some situations, gifts or rewards may form part of an agreed policy for supporting positive behaviour or recognising particular achievements of vulnerable service users. There may be specific occasions when employees may wish to give a vulnerable person a personal gift. This must be approved, in line with local policy, and recorded by a manager and agreed with

the parent, carer or representative for the service user. Any gifts must be given openly, with transparent and fair selection criteria and not be based on favouritism.

Employees should be aware that the giving of gifts can be misinterpreted by others as a gesture to bribe, groom or to inappropriately obtain the trust of a vulnerable person.

4.10 Unacceptable behaviour

The following are examples of unacceptable behaviour which fall outside of the boundaries of professional relationship with vulnerable service users. This list is not exhaustive.

- physical and/or personal relationships
- any form of grooming behaviour (see definition and 4.6 above)
- planned social meetings in public or in private which are not directly related to professional duties and responsibilities
- consuming alcohol, smoking, vaping or using illegal drugs with a service user
- contact with a service user, via any social media, for anything other than legitimate and agreed work activity and never from a personal account (see 3.7 of Appendix 3 of IT Acceptable Use Policy)
- inviting a service user to the employee's own home or visiting their home outside of the work context (similar applies to visits to/from friends or families of the employee or service user)
- allowing a service user to undertake personal jobs or errands for them or their family, which could risk allegations of favouritism or modern slavery or put the service user at risk.

4.11 Fixations

There may be occasions when a vulnerable service user develops a fixation with a person who works with them. This should be dealt with sensitively and appropriately to maintain the dignity and safety of all concerned. Such situations have a high risk of words or actions being misinterpreted and employees should make every effort to ensure that their own behaviour is above reproach.

Where an employee becomes aware a vulnerable service users developing a fixation, they should discuss this with their manager, without delay, to decide on an appropriate course of action to avoid any hurt, distress or embarrassment to the service user and protect the worker from potential misunderstandings.

4.12 Challenging behaviour

All vulnerable service users have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour. An employee should not use any form of degrading or physical treatment to punish a vulnerable person, this includes the use of sarcasm, demeaning or insensitive comments. Any sanctions or rewards used should be part of a behaviour management policy or personal care plan.

There are circumstances in which an employee may be required to intervene in response to extreme behaviour by using physical interventions. This is a complex area and must only be

carried out by trained staff and with strict adherence to policies and practice and legislation. Employees should seek further guidance from their manager, as required.

4.13 Physical contact

Many jobs will require some physical contact with vulnerable service users and there are also occasions when it is entirely appropriate for other people to have some physical contact with the service user with whom they are working. Physical contact can include the provision of health care and first aid. Local and professional codes, controls and recording must be observed and employees would need to take into account the nature of the presenting injury and their skills/experience/knowledge in first aid. Employees should only touch the service user in ways which are appropriate to their professional or agreed role and responsibilities. Permission should be sought from the service user, their parent, carer or representative to establish what physical contact is acceptable and/or necessary. In some cases, this will be clear in the personal care plan.

Physical contact should always be appropriate to the circumstances and need and employees should use their professional judgement at all times. Only employees who have accredited training for physical intervention should undertake this type of contact which must be in accordance with statutory and local policies and procedural requirements. Employees should seek further guidance from their manager, as required.

4.14 Dress and appearance

Whilst it is acknowledged that appearance is a matter of personal taste, it is expected that, as representatives of the Council, employees will present themselves in a professional manner which sets a good example, particularly to younger service users, and exhibits the importance of the job they undertake. However, it is recognised that clothes should be practical for the tasks required and compliant with health and safety requirements.

Employees should not dress in a manner which could cause offence or embarrassment to others, is culturally sensitive or is likely to be viewed as provocative.

Personal conduct and behaviour

4.15 Personal relationships with colleagues

The Council has a Relationships at Work Policy and employees are requested to disclose confidentially to an appropriate manager, any relationships which could be interpreted as having a negative impact for themselves, colleagues or the Council. In some circumstances, it may be necessary for the manager to consider alternative working arrangements to ensure that employees and the Council are not vulnerable to misunderstandings and allegations of wrong-doing.

4.16 Changes in the status of employment checks, requirements for work, professional registration and health

Employees must disclose to their manager, or a senior manager, without delay, if there are any changes to, or events which could result in a change to, their employment checks. This could include changes to their DBS or NPPV clearance, to their professional registration status such as HCPC (see HCPC Registration Policy), or changes to a necessary

requirement for their job, such as driving licence, or personal health concerns which impact on their role.

It is an individual employee's responsibility to maintain and fund any professional registration required for them to practice their role. Failure to do so may constitute a criminal offence and/or may result in their dismissal.

4.17 Personal conduct outside of work

Whilst the Council acknowledges that time outside of work is an employee's own, they are expected to behave lawfully, in a manner that does not call into question their suitability to carry out their job role and does not bring the Council into disrepute. All employees are expected to exercise personal judgement in relation to how members of the public may interpret comments, actions or gestures that they make and should be mindful of any reputational issues that may arise for the Council as a result of these. This is particularly important where they can be associated with the Council due to uniform or a name badge or at an out of hours function linked to work.

It should be remembered that people use personal electronic equipment, often covertly, to record events, good and bad, and this has the potential to embarrass or incriminate individuals and the Council. Where events bring an employee's actions into question, the Council may be forced to consider appropriate action which may involve disciplinary proceedings and could lead to dismissal.

4.18 Allegations, criminal charges and police involvement

Where an employee is involved in interaction with the police, faces allegations, criminal charges or any other event in their life which could affect the reputation of the Council and its services, they must disclose this without delay to their manager or a senior manager. This should happen in all circumstances, whether they personally feel the matter is relevant or not.

Employees are also requested to inform their manager of any close associations that they may have with people who are facing serious allegations or criminal charges which others could consider as having a bearing on their role and on the Council's reputation. If in any doubt, employees should speak in confidence to an appropriate manager.

4.19 Other notifiable events outside of Council work

Employees involved in the provision of services to vulnerable service users are expected to notify their manager or a senior manager without delay of any other event in their lives which could pose a risk to service users, conflict with their professional role, or affect the reputation of the Council and its services. Information will be treated as confidential, however the Council may need to take action to ensure service users, and the services it provides, are protected.

Employees must disclose, without delay, any incidents or allegations of wrongdoing arising from any alternative or additional employment or voluntary work, or from recent previous employment which may not be covered by pre-employment checks.

For example, employees working in roles with an element of safeguarding vulnerable people, who have children or dependants in their direct or indirect care subject to safeguarding or

child protection investigations or proceedings, should disclose this information to their manager. All information will be treated sensitively and confidentially.

If in any doubt, employees should discuss their concerns with their manager. Failure to do so may result in disciplinary action which could lead to dismissal.

4.20 Behaviour of close associates

Employees should consider how the behaviour of their close associates may raise concerns and potentially compromise their own position of trust and responsibility. Where they have concerns that these could have, or be interpreted as having, a bearing on their role and/or on the Council's reputation, they should raise them with an appropriate manager. It is important that employees seek advice from an appropriate manager in order to protect themselves, service users and the Council.

Employees involved in early years (and some out of school hours care) childcare provision are subject to the disqualification by association provisions of the Childcare Act 2006, in relation to family members and close associates with criminal charges and convictions. Employees in Community Protection are also required to disclose information about their family members and close associates. Employees should establish the requirements for their role and, if in doubt, they should discuss this further with their managers.

4.21 Confidentiality

All information provided will be treated confidentially unless it is illegal to do so, or in doing so causes risk to service users, colleagues or the Council. Where management need to take further action, this will be dependent on the circumstances. Whilst a range of options may be considered, this may ultimately include removing the employee from their role, either temporarily or permanently, and possible disciplinary action. The Council may also have a duty to notify other agencies. In all cases, managers will seek HR advice.

4.22 Impact on job role

Where it is determined that employees are no longer able to fulfil their job role (for example, due to losing their professional status) it may be possible to redeploy them to a post that does not have the same requirements whilst their situation is reviewed. This may be at a lower grade which would have implications for their pay.

Gifts and other financial benefits

4.23 Accepting money and gifts

Employees must not benefit financially, either directly or indirectly, from service users or their families and should never accept money as a gift. Employees must not solicit gifts from a service user, for example, by telling them that they are struggling financially or have a birthday coming up. Receiving money in such circumstances is a criminal offence and likely to result in prosecution and disciplinary action, leading to dismissal.

Whilst the general rule is that employees should not accept any gift or money from a service user, there are circumstances when they are occasionally allowed to accept small gifts of items of under £5.00 in value, but only in situations where a refusal would cause offence. Employees must explain that it is against Council policy to accept gifts and ask that no further

gifts are offered in the future. They should notify their manager of any gifts offered or received and follow the Council's procedure for recording gifts and hospitality, which their manager will be able to provide.

If an employee is offered a gift in the form of hospitality, including tickets for events, trips, holidays, etc., they should not accept and should discuss this with their manager who will be able to advise them and record it, in line with Council policy.

4.24 Other financial involvement

Employees must not have any financial dealings with any service user except where it is a specific requirement of their post, and then only within the boundaries of their duties. They must not borrow money or other property, or knowingly allow themselves to be appointed as executor of a service user's will.

If an employee discovers that they have been made a beneficiary in the will of a service user or former service user, they must tell their manager, without delay, who will decide on the appropriate action following advice from a senior manager.

Communication, social media and phones

4.25 Social media

Communication between employees and vulnerable service users, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology, such as text messaging and social media (for example, Facebook, twitter, snap-chat, internet-based chat rooms, etc.).

It should be remembered that information is often not totally private on the internet and there is always a danger of it being inadvertently shared by employees themselves, or their group contacts. Service users and other interested parties may search for personal details. Employees should do all they can to keep their personal profiles secure (see Section 6 of the Council's IT Acceptable Use Policy) and should take personal responsibility, by regularly checking, to ensure that they apply appropriate privacy settings to their profiles.

Employees must not knowingly share any personal information with vulnerable service users, nor should they not give out any personal contact details unless agreed with a manager and the vulnerable service user's parent, carer or representative. Employees must not request, or respond to, any personal information from the vulnerable service user, other than that which might be appropriate as part of their professional role. All communication must be transparent and open to scrutiny. Employees should inform their manager of any incidents that may be open to misinterpretation.

Any form of personalised social media that is found to reveal confidential Council or service user information, attacks or abuses colleagues or service users, constitutes a conflict of interest, or brings the Council or service into disrepute, will be investigated and may be subject to disciplinary action.

4.26 Phones

Unless approved by a manager, employees should not use their personal mobiles for communication with any vulnerable service user, including to take photographs or videos.

Managers can provide clarification of local policies in relation to the use of mobile phones and communication with vulnerable service users. Any employee who witnesses improper use of phones or other electronic communications should inform their manager.

4.27 Photographs and videos

There may be occasions when employees will be required to take or record images of vulnerable service users. This must only be done in accordance with the law and local policies and practices to ensure the safety, privacy and dignity of service users, details of which can be obtained from managers. Any photographs or images of vulnerable people should only be taken with their consent or that of their parent, carer or representative.

Employees should not display or share photographs of vulnerable service users taken at the workplace, or on any other work or social occasions, on any non-work-related social networking sites.

4.28 Access to inappropriate images, materials and internet usage

There are no circumstances that will justify a, employee possessing indecent or inappropriate images or other materials in the course of their work. Anyone accessing images or possessing links to such websites will be viewed as a significant and potential threat to vulnerable service users.

Accessing, making and storing indecent images of children on the internet will result in disciplinary action being taken against employees which, if proven, will result in dismissal. As it is criminal offence, it is also likely to result in a criminal investigation. Any employee who becomes aware of such images should report them to the police and notify their manager, without delay. They should not interfere with evidence or attempt to investigate the matter.

An employee should not use work equipment to access any adult pornographic images and should not have personal equipment containing such images or links to them in the workplace. To do so will raise serious concerns about the suitability of the employee to continue to work for the council and will result in disciplinary action likely to lead to dismissal. Employees are expected to report any concerns to their manager, without delay.

If an employee believes that their own action could be misinterpreted, for example, they have unintentionally been redirected to a suspect website, or if they observe actions by a third party that could be inappropriate or possibly abusive, they should record the incident and report it to their manager.

Part B – Processes and Checks

1. Guidance for the application and interview stage

1.1 Application Forms and Work History -

It is vitally important that managers look carefully at application forms and take an opportunity to explore work histories with the applicant at an early stage. There are a number of issues that need to be explored further and the Chair of a recruitment panel must take responsibility for this.

1.2 Unexplained gaps - any gaps in work histories must be discussed with the candidate so that these can be explained and recorded. Recording should be done by way of adding a note to the successful candidate electronic personal file when they commence work and if you are unsure of how to achieve this please contact HR colleagues. In the vast majority of cases there will be a perfectly reasonable explanation for gaps in work histories but particularly for longer gaps, it is possible that the candidate is trying to conceal a period of time that may not reflect well on them. Exploring such gaps needs to be carried out with sensitivity and it may be more appropriate to do this for shortlisted candidates before interviews take place, preferably via a phone call. Anomalies can then be explored further at the interview where necessary and appropriate.

1.3 Frequent changes in employment - managers need to make a judgement as to whether a work history that features frequent changes in employment needs to be investigated further. This sort of pattern of employment often occurs because the candidate has been working as an agency worker or similar. However, it is possible that the pattern is due to poor practice or underperformance. Managers may therefore decide that it is appropriate to seek more than the minimum of two references and candidates will need to provide details of additional referees. Taking such action has to be justifiable as being relevant and proportionate to the role being recruited to and where managers have uncertainties, advice should be sought from HR colleagues in Resourcing & Reward.

1.4 Time spent overseas - where candidates have spent time living or working outside the UK managers need to note this, in relation to the post applied for, and explain to the candidate at the end of their interview that if they are successful NCC is obliged to check criminal records in the country concerned. (Requirements for specific posts can be found *add link*) In some cases, this may delay their appointment whilst checks are pursued although every effort will be made to minimise this. It is also possible that the candidate may have already had this kind of check carried out and discussing the issue at the interview stage will highlight this and enable the candidate to provide copies of any checks they have. Where this is the case and the appropriate periods of time are covered they must be asked to provide evidence that can then be forwarded to HR colleagues in Resourcing & Reward for assessment.

1.5 Previous work history with Nottingham City Council – application forms have been amended to ask applicants if they have worked for Nottingham City Council and other neighbouring East Midlands authorities. Where this is the case managers may want to consider asking for a reference from the relevant service where they have not been listed as a referee by the applicant. Applicants will need to be asked to provide a name and contact

details for this purpose if they agree to the reference being sought. For this approach to be useful to the selection process the work experience should be relatively recent and have been gained in an environment that is relevant to the post being recruited to.

1.6 Suitability of referees listed - managers must ensure that the referee details provided by the candidate are suitable given their work history (both similar roles and gaps in employment) and not simply accept them at face value. NCC policy states that candidates will need to have nominated two referees on their application, one of which *must* be their current or most recent employer. The other reference must also be from a former employer, wherever possible. Where the post applied for involves working directly with children or adults it is strongly recommended that this second reference be obtained from the most recent employment that involved similar work. Managers therefore need to check that these details have been supplied and (in respect of the current or most recent employer) that the reference will be provided by one of the candidate's line managers.

Character / personal references are only ever acceptable in situations where the candidate is genuinely unable to provide contact details for an employer reference. Young people who are seeking their first paid employment may be in this situation but they will usually be able to provide reference details for education providers and perhaps unpaid work experience placements. Candidates who have taken time out of work to raise a family or due to long term health issues may also find themselves in a similar situation and some degree of flexibility will therefore need to be used. The interview stage provides a good opportunity to explore any issues around references with the candidates. Where there are any remaining doubts over the validity of reference details provided, HR colleagues must be consulted for advice.

1.7 Criminal Convictions Declaration - all NCC application forms generated through the Recruitment Portal ask applicants to declare any criminal convictions, cautions, reprimands and warnings where the post is exempt from the Rehabilitation of Offenders Act. This is the case for all safeguarding roles. Having a criminal record will not affect a candidate's chances of being appointed in many cases. However, managers may feel that a candidate with specific convictions presents an unacceptable risk for particular roles and that this means they cannot be considered any further. Where this is the case they must contact HR for further advice. Declarations provided by, or during, the interview stage should always be explored fully prior to any offer of employment being made. Any offer of employment must always be conditional upon the satisfactory completion of all pre-employment checks, including DBS where applicable.

One example of this would be where someone is seeking to work in social care but they have a conviction for an "offence against the person" (including non-contact offences). Another example of where further guidance may be required would be where a candidate with a past conviction for theft is applying for a role with some responsibility for finances or supplies.

It should be noted that when decisions are taken concerning someone's suitability to take up employment where they have a criminal record the frequency of offending and the dates of offences will be fully taken into account. Where there are concerns about a particular conviction, managers should ensure that they have obtained sufficient information in order to make a decision about their suitability for employment.

When a candidate has been appointed and a DBS check processed, managers must remember to check the criminal record revealed against the declaration made as part of the application. Where there are serious discrepancies this will need to be discussed with the applicant and HR colleague where appropriate.

Please note that school based staff involved in educating and supervising children are subject to separate statutory guidance around criminal convictions – see [Recruitment and Selection Guidance for Schools](#).

1.8 Professional registration and qualifications - Managers need to ensure that any qualifications and professional registrations that are an essential requirement for the post are declared on application forms and subsequently followed up in terms of being checked and evidenced. This checking and evidencing does not need to be carried out at the interview stage but the interview itself provides recruiting managers with an opportunity to ask questions around qualification and/or registration where it could be helpful.

2. Guidance following interviews and after a conditional offer of employment

Pre-Employment Checks

2.1 Written References – At least two written references must be received (ensuring gaps and time spent abroad are explored – see above *add ref*), one of which needs to be from the current / last employer apart from in exceptional circumstances and where HR colleagues have been consulted for advice. Managers must take time to read carefully through the references received as they may contain information that is important in relation to the proposed appointment. Care needs to be taken to ensure that what is received corresponds with what was expected. This must include as a minimum that job titles, periods of employment and names of employers are consistent.

Some employers may choose to respond to references on their own forms or reference templates rather than the one supplied to them when EMSS send for references. In these circumstances, only basic information may be provided and the safeguarding element of the reference questions may not have been directly addressed. Attempts should be made to follow-up any missing information verbally. Where this is not forthcoming a further reference may be sought. The process of seeking verbal references may illicit more information though - see paragraph below. Referees will increasingly only provide information that is indisputable such as dates of employment, job title, salary and similar. However, if disciplinary action has taken place against a candidate for any reason, but particularly in the case of safeguarding matters, the current employer has a duty to reflect this on the reference provided.

2.2 Verbal references - two verbal references must also be obtained for all safeguarding role appointments except where the line management is going to remain unchanged. The main purpose in obtaining a verbal reference is to firstly check that the reference has been sent by the person named on the written reference. For this reason it is suggested that managers avoid using the telephone number provided by the candidate for the referee. For example, if the referee is a manager at Nottinghamshire County Council, calling them on a mobile number provided by the candidate will not provide any proof that you are speaking to the

correct person: calling Nottinghamshire County Council's switchboard or a direct number provided on their website will provide greater assurance though. Secondly, contacting the referee by phone provides them with an opportunity to provide more information about the candidate's ability to interact with children and/or adults than they would be prepared to commit to in writing. This information should be recorded on the file to ensure an audit trail and it is recommended that confirmation that this note has been made is emailed back to the referee. Any concerns raised via this process are very unlikely to halt a recruitment process but it may provide an avenue of further investigation for the manager to explore. A template has been provided for managers to use for this purpose - see Downloads listed on the right.

2.3 Professional Registration - where a job role places a requirement on a colleague to maintain registration with their appropriate professional bodies, in order to practice, recruiters will need to view and make copies of original documentation confirming that this is the case. Sometimes this may have been done at the interview stage but it is more usual for this to be carried out after interviews have taken place. Managers must ensure that they see **original** copies of registration confirmation or, where this is an option, independently verify the candidate's registration status via the internet. As is always the case with documentary evidence for recruitment purposes, copies of original documents only must be taken and the colleague doing this will need to sign and date them. Copies then need to be uploaded via the Recruitment Portal for EMSS to place on file. For further information about job roles that need registration with the Health and Care Professions Council please read NCC's [HCPC Registration Policy](#). Examples of other posts requiring professional registration include: the Certificate of Professional Competence (CPC) for drivers of lorries, buses and coaches; Security Industry Authority licence for those in security roles (*check others*) It is always the job holder's responsibility to obtain and pay for any registration required in order to fulfil their job and the manager's responsibility to check these are in place.

2.4 Qualifications - similar to professional registration, where a job role places an essential requirement on a colleague to possess a qualification, recruiters will need to view and make copies of original documentation, sign and date them, as well as stating that the original has been seen. When viewing qualification certificates there are a number of basic checks that must be carried out:

1. Do the names on the certificate match with the name on the candidate's application form and other supporting documents, particularly ID documents?
2. Do the dates on the certificate match those provided on the application form?
3. Do the course title and grade awarded details match those given on the application form?
4. Is the certificate printed on good quality paper? Is it embossed, and does it include an intricate crest with motto, and a watermark?
5. Is the name of the awarding body familiar? If not, check it can be found on the Government website for [recognised and listed bodies](#).

Where the candidate states that they cannot provide an original certificate advice needs to be sought from HR colleagues.

2.5 Medical Checks - it is important that recruiting managers take the time to correctly complete the manager's part of the Medical Review form which starts off the New Starter Medical

process and is built into the Engage recruitment portal. More specifically, the list of Known Risks needs to be read fully and boxes ticked next to any of them that apply. The Occupational Health Advisor will use this information, along with that subsequently provided by the potential colleague, to assess their fitness for work. If the manager incorrectly completes the Known Risks list this assessment will be flawed and citizens may be exposed to unacceptable risk. For example, if the potential colleague's role involves driving duties and they have a medical condition that may affect their fitness to drive the Occupational Health Advisor must be alerted to this in order to reach a safe decision about their ability to fulfil the role

2.6 Right to Work in the UK and Identity Checks - It is vital that recruiters check a candidate's identity as the details provided on identity documents will be used to process other checks, such as DBS certification, professional registration evidence, etc. Robust identity checking will help to reduce the risk to NCC of recruiting people who are committing identity fraud and/or are not eligible to work in the UK.

Right to work in the UK checking - evidence of all candidates' right to work in the UK must be obtained in order to establish a "continuous statutory excuse" or a "time-limited statutory excuse" that can be presented to Home Office inspectors. Failure to fully comply with this requirement could result in a civil penalty of up to £20,000 per illegal worker. NCC is periodically subjected to inspection by the Home Office and the Authority could therefore be penalised for any shortcomings in respect of right to work documentation for its employees. Documents that provide a continuous statutory excuse are listed in [Appendix 1](#) and those that provide a time-limited statutory excuse in [Appendix 2](#). Central Government advice states that when you check the documents provided you must check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you
- the dates for the applicant's right to work in the UK haven't expired
- photos are the same across all documents and look like the applicant
- dates of birth are the same across all documents
- the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work)
- for students you see evidence of their study and vacation times
- if 2 documents give different names, the applicant has supporting documents showing why they're different, e.g. a marriage certificate or divorce decree

When you copy the documents provided you must:

- make a copy that can't be changed, e.g. a colour photocopy
- for passports, copy any page with the expiry date and applicant's details (e.g. nationality, date of birth and photograph) including endorsements, e.g. a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

It seems likely that if these checks are not performed and the candidate is subsequently found to be working illegally by the Home Office, NCC will be found to be culpable to some degree. Where someone is unable to provide acceptable documentation this does not automatically mean that they cannot be employed. Further advice must instead be sought from the HR team.

2.7 Identity Checks - documentation proving a right to work in the UK will usually also serve the purpose of confirming someone's identity. This is not always the case though as some acceptable documents / combinations of documents that prove a right to work do not provide a photograph that can be compared with the person providing them. A key part of establishing someone's identity is to ensure that the biometric identity of the person presenting themselves matches that shown on the identity documents they provide. The Government agency CPNI (Centre for the Protection of National Infrastructure) defines biometric identity as "the attributes that are biologically determined and unique to an individual i.e. facial structure, fingerprints, retina, voice, DNA profile." As managers can only check facial structure this means that checking biometric identity relies totally on comparing acceptable photographic evidence with the actual candidate's face. This may seem unnecessary or alarmist but a common method of identity fraud is to use legitimate ID documentation belonging to someone else who happens to look like the fraudster. The European Commission stated in December 2016 that "look-alike fraud" was the most commonly detected fraud relating to travel documents in the 2nd quarter of 2016 and appeared to be on the rise. Managers therefore need to take care to check photographic evidence against the face of the candidate and not feel embarrassed about this or pressured into skipping it.

If the candidate cannot provide any of the official documents listed in the appendices that feature a photograph they need to be asked to provide a passport sized photograph signed by a "person of standing" such as a teacher, lawyer, civil servant, etc. who has known them for at least 3 years. This photograph must be accompanied by a signed statement or letter from the person of standing and the signatures checked to make sure they match.

[DBS Checks](#) - this can be a complex area, please see the separate section on Disclosure and Barring Services (DBS) Checks for guidance.

All documentary evidence gathered as part of recruitment processes must be uploaded via the Recruitment Portal to enable EMSS to place this on the colleague's electronic personal file. Documents evidencing identity, qualifications, professional registration, etc. must always be originals and the colour copies taken must be signed and dated.

3. Disclosure and Barring Services (DBS) Checks

3.1 Why DBS Check? - it is against the law for employers to engage someone who will carry out "regulated activity" if they know they're on one of the barred lists. If the candidate is not DBS

checked there will be no way of telling if they have been barred or not. Regulated Activity is a term generally applied to people working directly with either children or adults or supervising those that do: more detail about this can be found in the DBS Policy and on the DBS website. For posts that do not include regulated activity it is clearly prudent to request a DBS check where there is a right to do so as detailed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) regulations.

- 3.2 Does everyone have to be DBS checked?** No – individual service areas are responsible for assessing which posts require checking within their area. DBS checks apply to those in regulated activity.
- 3.3 How to DBS Check** - DBS checks are carried out via an [online system](#) provided and maintained by East Midlands Shared Services. To gain access to this system you will need to login - to register for the system and be issued with a login you will need to complete a [DBS Login Request](#) form. When your registration has been accepted and along your login details you will be sent a [guide](#) to using the system and a [list](#) of documents the applicant will need to produce. For assistance with using the system you can contact the ESC Service Desk by phone on 0300 3030222 (option 2) or by email on escservicedesk@eastmidlandssharedservices.org
- 3.4 Meeting with Applicant to Process Checks** - before meeting with the DBS check applicant you are advised to login to the system and check that you can choose the correct post title from the drop-down list. This list varies depending on the system users place in the organisation and on occasion may not contain the post title you want. If this is the case, contact the ESC Service Desk as above. Prior to the meeting you will also need to send the applicant the list of acceptable ID documents so that they can prepare adequately. You should give some consideration with regards to where you will meet with the applicant as it may be that will need to talk to you about personal information in the strictest confidence.
- 3.5 Choosing the Correct Type of Check** - when processing a DBS check you need to take care that you specify the right kind of check. Shortly after you have submitted the check request on the system it will be forwarded on to the DBS and it will be too late to amend any details. If you subsequently find you have asked for the wrong kind of check you will have to start an entirely new process and incur another set of charges. In most cases choosing the correct post title for the check will automatically ensure that you are asking for the correct check as the system has been set up to do this for you. However, you need to double check this and have an understanding of the different levels of checks and what is appropriate for each job - see [DBS Checks in Detail](#) for more details.
- 3.6 Checking Identity Documents** - the DBS provides clear guidance in terms of the documents that must be seen and checked in order to process a DBS check. These documents need to be checked carefully in order to ensure that the check carried out is valid: correctly determining an applicant's identity underpins the whole process of DBS checking. Before processing a check please ensure that you have read and understood the [DBS guidance](#), refer to the advice in this guide on [Identity Checks](#) and make sure that anyone processing checks for you has done likewise.

- 3.7 Avoiding Invalidating Checks** - one of the most common ways of invalidating DBS checks is by entering incorrect name details. Usually this is a result of the person processing the check putting a given name / forename in the family name / surname box.
- 3.8 Using the System to Check Progress** - you need to be aware that the [online system](#) will not automatically alert you when a DBS check has been completed even where you have entered your email into the system. You will need to check progress by periodically logging in and searching for the applicant by name using the Applicant Search screen. This can be accessed by clicking the pencil icon under “Action” on the first screen that you see after logging in. When you have the correct person’s details showing in the search results you can tell if it is complete as the Status will be shown as either NOMATCH or INPOST. A NOMATCH result essentially means that the check is clear and the resultant certificate will contain no details of criminal convictions or any other relevant information. An INPOST result will mean the opposite and the certificate will contain details of convictions or other relevant information. To see more detail you should click the pencil icon under “Audit Trail”. This will create a pop-up box entitled “Audit Trail & Results” and you can then click the “Click here to show results” button to produce a “Disclosure Results” box. This will essentially tell you the result of the checking process or whether it is still pending but should not be used as a substitute for viewing the DBS certificate in the case of completed checks.
- 3.9 Meeting with the Applicant to View Their DBS Certificate** - You may be able to see from the online system that a check is logged as “Clear Disclosure - no information to disclose” and that any barring list check has produced a “None Recorded” i.e. clear result. However, you must still meet with the applicant to view the actual certificate issued to them by the DBS. The DBS have confirmed for us that this must happen and we understand that this is because a certificate may contain information other than details of convictions. This appears to happen quite rarely but means that certificates must be viewed in all circumstances. When you have sight of the certificate you should use it to complete the necessary information on a [Confirmation of Disclosure form](#).
- 3.10 Meeting Applicants with Certificates that Contain Criminal Records** - where a DBS check process has resulted in an INPOST search result and is logged as “Please wait to view applicant certificate” in the Disclosure Results box (see [Using the System to Check Progress](#)) you will know that the DBS certificate will detail relevant information. In these cases you will need to arrange for the certificate to be viewed in an environment where highly confidential information can be discussed without being inappropriately shared with other people. As a first stage managers should aim to simply get some idea of the information that the certificate contains. It may be that the certificate contains details of convictions that are old and minor in nature and that you are able to complete the second page of the Confirmation of Disclosure form without further discussion. Where you find that the offences are more serious in nature you may need to arrange a further later meeting. This would give you time to prepare any questions that you may have in relation to the information revealed, take advice from a more senior manager and / or HR colleagues, and consider the risks involved and any measures that could be put in place to mitigate these. It will be the responsibility of the Director, or delegated to the Head of Service, to carry out a risk assessment in relation to potential employees with criminal records who the service is considering employing. No offer of employment should be made until this has been carried out and confirmed by the Director or Head of Service.

3.11 Completing Confirmation of Disclosure Forms - it is very important that managers complete this form when they have met with the candidate to view their DBS certificate. The form provides space to record basic details about the check that took place and somewhere to record more in-depth information concerning checks that contained information, either about convictions or other information, and the decision making process that followed receipt of this. Even though the latter involves an assessment of risk this is not the same thing as a "Risk Assessment". Risk Assessments are only carried out in advance of a DBS check being carried out - see the [Risk Assessments](#) section for more guidance. Risk assessments must be retained on the worker's electronic file to ensure that they are accessible (advice on doing this can should be obtained from HR).

DBS Checks in Detail

3.12 Basic Disclosures - these are very different to the DBS checks that NCC asks most colleagues working with adults and children to undertake. Basic Disclosures only provide details on an applicant's unspent criminal convictions. All DBS checks provide details of spend and unspent convictions, cautions, reprimands and final warnings. Basic Disclosures are currently processed by Disclosure Scotland although the DBS is expected to take this role over for England later this year (2017). Basic Disclosures have only been requested by NCC for colleagues using Government Digital Service run Public Service Network (PSN) applications and services where they do not qualify for a DBS check.

3.13 Standard Check - this will provide details of spent and unspent convictions, cautions, reprimands and final warnings. This level of check is not required very often for roles within NCC and where it is required it will be for a position that is included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.

3.14 Enhanced Check - this will provide the same information as the standard check plus any additional information held by local police that's reasonably considered relevant to the role being applied for. These checks are usually required for posts that involve some kind of direct work with children and/or adults and where this work is not classed as being Regulated Activity.

3.15 Enhanced Checks with Barring Lists - this is an Enhanced Check but with the addition of checks made against the children's or adults' barred lists. Barred lists can only be checked where the role involves Regulated Activity. These lists (previously called ISA barred lists) contain details of people who are unsuitable for working with children or adults. Someone included on one of these lists will normally have been convicted of a serious offence but this is not always the case as they may have been placed on the list as a result of other information that is judged to suggest the person may pose a future risk of harm.

3.16 Regulated Activity - Regulated Activity is quite tightly defined and underwent a major revision in September 2012. This had the effect of removing some roles from the list of those involved in Regulated Activity. Employers have to be able to clearly indicate how a role has been judged to include Regulated Activity in order to justify asking for barring list checks. Considering that it is against the law for employers to employ someone if they know they're on one of the barred lists this can sometimes necessitate the taking of difficult decisions. Where managers have doubts about whether a post they manage involves Regulated Activity they should seek guidance from HR colleagues.

3.17 Sensitive Information (Controlled Activity) - prior to September 2012 roles that involved accessing sensitive / confidential information relating to children or “vulnerable adults” were defined as engaging in Controlled Activity by the Safeguarding Vulnerable Groups Act 2006 and DBS checks could be processed for these roles. When the Protection of Freedoms Act 2012 became law in September 2012 this resulted in a repeal of the definition of Controlled Activity. This meant that DBS check could no longer be processed solely on the grounds of them having access to sensitive information concerning citizens. In July 2014 changes were made to the Rehabilitation of Offenders Act (ROA) Exceptions Order 1975 which meant that Standard DBS checks could only be pursued for roles accessing sensitive or personal information where they work for adoption services or agencies; fostering services or agencies; Children’s Homes or residential family centres.

3.18 “Filtering” of Convictions - from 29th May 2013 the DBS began to remove certain specified old and minor offences from criminal record certificates that they issued following changes to legislation. This is referred to as “Filtering” and means that sometimes DBS certificates will contain no information even where the candidate has declared a conviction either on their application form or verbally. Even though applicants do not have to declare convictions that will be filtered out, the rules around this issue are quite complicated and not always fully understood. NCC application forms have been amended to reflect Filtering and to direct applicants to more information about it. Managers can read more about this subject [here](#).

3.19 Overseas Checks - NCC’s DBS Policy details that criminal record checks must be pursued for new appointments where they have lived overseas for more than 2 years. This is because normally overseas criminal records are not held on the UK’s Police National Computer and therefore won’t be revealed as part of a criminal record check. The process for obtaining details of overseas criminal records varies from country to country but usually involves the appointee contacting the relevant country authorities themselves. This can sometimes be time consuming and involve the payment of fees. Further guidance on this (provided by the DBS) can be [here](#) and colleagues in HR can be contacted to provide additional advice. It should be noted that it will not always be possible for candidates to obtain criminal records from the country they have lived in particularly where the country has recently experienced conflict and instability. In these cases a decision as to the candidate’s suitability based on the information that is available advice should be taken in conjunction with advice from HR colleagues.

Where candidates have been travelling for a period longer than what would be viewed as a holiday, but do not meet the criteria for overseas checks, they should be asked to sign a [declaration](#) to confirm any safeguarding concerns, or convictions or charges arising from their travels.

3.20 Risk Assessments - although decisions taken concerning whether or not to appoint a candidate with a criminal record involves an element of assessing risk, a Risk Assessment and the form associated with it are only used in connection with starting a colleague in a post requiring a DBS check before the DBS certificate is received. Taking this approach should only occur in exceptional circumstances and will need to be approved by the Director (or delegated Head of Service) on the Risk Assessment form. Further information on Risk Assessments can be found 3.10 above and in NCC’s DBS Policy.

3.21 Update Service and Portability of DBS Checks - The Update Service is provided by the DBS for individuals that enables them to reuse their DBS certificates when applying for similar jobs. To take advantage of this an individual needs to subscribe to the service for an annual fee of £13. It is also important to note that subscriptions can only be started within 19 calendar days of a DBS certificate issue date. So if someone had a DBS check processed 6 months ago for example it will be too late to subscribe to the Update Service. NCC's DBS Policy makes provision for accepting DBS checks made via the Update Service providing that the previous DBS check was at the same level as required by the role they are being appointed to. For example, someone who subscribes to the Update Service following an Enhanced DBS check with adult's barring list will not be able to use this in connection with an appointment to a post requiring an Enhanced DBS check with children's barring list. Where an Update Service check is made instead of processing a new DBS check the outcome of the check must be recorded via a Confirmation of Disclosure form to ensure that this is recorded on Oracle and the colleague's electronic personal file. Employees who move to NCC from another employer are reminded to update their email address in order to receive updates to their DBS check.

3.22 NPPV Checking and DBS Checks - Non-Police Personnel Vetting (NPPV) is an entirely separate process to that used to obtain DBS checks although both processes will most likely produce similar information in terms of criminal convictions both spent and unspent. NPPV checking is carried out by the Nottinghamshire Police Vetting Unit on Council employees who have access to Nottinghamshire Police information and/or assets. Although NPPV checking involves a greater range of information being checked it does not include checks against DBS maintained barred lists. NPPV checking is therefore never suitable as a DBS check substitute for posts that involve Regulated Activity.

Guidance Relating to Ongoing Employment

3.23 Renewal of DBS Checks - NCC's policy towards the renewal of DBS checks is to pursue fresh checks every three years. Managers are advised to commence these checks approximately 6 months before the renewal date in order to ensure compliance with NCC's time limit. It should be noted that there is no legal requirement to renew DBS checks assuming that they were correctly processed at the appropriate level when an employee was first engaged. Ofsted and the CQC have also confirmed that they do not require DBS checks to be renewed. Where an individual subscribes to the DBS's Update Service a check made via this service can be accepted in lieu of an entirely new DBS check at the manager's discretion.

3.24 Responsibilities of Colleagues Requiring DBS Checks - where colleagues are required to have a DBS check due to the nature of their role they must report relevant changes in circumstances to their line manager or HR colleagues as soon as possible. This issue is covered in more detail in Part A – section 5.14-20 above, NCC's DBS Policy, paragraph 11 and the Code of Conduct, paragraph 14. Changes in circumstances that should be reported include receiving a conviction, warning, reprimand, caution or awaiting sentence or during the investigation of any criminal allegations made against a colleague. This includes circumstances relating to motoring offences. Colleagues must initially report such changes in circumstances by completing the DBS Declaration Form and passing this on to their line manager.

4. Responsibilities of Managers

4.1 Referral to DBS - It is a manager's responsibility to make sure that they only employ people suitable for the role, with right approvals (pre-employment checks) and status (professional registration and training) to minimise the danger to service users. Managers must be aware of what is expected from their role, seeking guidance from their senior manager and HR advisor.

Managers play a key role in ensuring NCC meets its responsibilities in relation to referring colleagues/ex-colleagues who may have harmed or pose a risk of harming a vulnerable adult or child. Referrals are normally made as an outcome of a Disciplinary Hearing but they can also be made under certain other circumstances. Please refer to the "Framework Guidance for Making Safeguarding Referrals to Professional and Statutory Bodies" document and to HR advisors for further guidance on making referrals.

4.2 Referral to Professional Registration Bodies - this issue is similar to that for DBS referrals although there are significant differences and managers should refer to the "Framework Guidance for Making Safeguarding Referrals to Professional and Statutory Bodies" document.

4.3 HCPC Registration and Renewals - managers have a duty to ensure that colleagues requiring HCPC registration hold valid registration documentation, that this is recorded in the required locations and that renewals of registration are carried out in a timely manner. NCC's [HCPC Registration Policy](#) should be referred to for more guidance and manager responsibilities can be found under paragraph 13 of the Policy.

4.4 Colleagues Moving Between Posts Requiring DBS Checks - managers need to give due consideration when colleagues move between roles that both require a DBS check as to whether the existing DBS check is valid for the new role. For example, someone moving from an environment requiring an Enhanced DBS check with children's barring list check to an adult care environment will need a new DBS check if the new role involves regulated activity with adults. In addition to DBS considerations, exporting managers should ensure that a handover, including supervision notes, is provided to the importing manager in the case of internal moves.

4.5 Changes to post - similar considerations need to be made as for point 4 above when colleagues do not move from one post to another but where changes are made to their role. Changes to a role may result in a change to the level of DBS check required, professional registration, qualifications needed and where this is the case, it is the manager's responsibility to ensure that the necessary action is taken and that the outcomes from this are recorded in the necessary places.

4.6 Monitoring of DBS Renewal Dates via Oracle Dashboards - the need to renew DBS checks can now be monitored via Oracle Dashboard for some service areas such as Children & Adults and Neighbourhood Services. Other service areas that have colleagues needing DBS checks are in the process of being added on to Oracle. Managers should be able to view the situation for their service area where they know that records have been added to Oracle and if this is not the case they should contact HR colleagues in the first instance. Please note that the key document for updating Oracle records is the DBS Disclosure Confirmation form. Part of the process for completing this form includes sending a copy of it

to EMSS who will then use this to update the Oracle record. If this form is not sent to EMSS the Oracle record will not be updated and the Dashboard will show individual's checks as being overdue even where a check has taken place. See 3.23 above in relation to ensuring enough time for DBS renewals.

4.7 Provision of References - some departments have determined that when a request is received for an employment reference this can be completed by a manager but then should be approved by a head of service before forwarding on to the requesting organisation. They have further determined that managers should not provide personal/character references where these are requested. Managers should clarify what arrangements apply to their department.

4.8 Colleagues with Links to Individuals Undergoing Police Investigations / Criminal Proceedings – where managers become aware that a colleague has, or has had, a relationship with an individual who is the subject of a criminal investigation, primarily of a safeguarding nature, they should undertake a risk assessment of the situation. HR advice must be sought and action may be necessary such as revoking access to council systems or the making of adjustments to the employee's "normal" duties.

5. Useful Links

5.1 Internal Contacts and Links *(to complete)*

HR & Transformation - [Recruitment One Stop Shop](#) intranet page
[DBS Checking System](#)

East Midlands Shared Services – [who are EMSS?](#) contact information

5.2 External Links

Disclosure & Barring Service – [main web page](#)

Disclosure & Barring Service – [Tracking Service](#)

Disclosure & Barring Service – [Update Service](#)

Home Office - [Criminal records checks for overseas applicants](#)

GOV.UK - [Check if someone can work in the UK](#)

GOV.UK - [Check a job applicant's 'right to work' documents](#)

Centre for the Protection of National Infrastructure - [Pre-Employment Screening](#)

Disclosure Scotland – for [Basic Disclosures](#) only

Health & Care Professions Council – [main web page](#)

Appendix One [NB – this will be provided as a download for managers]

List A	Acceptable documents to establish a continuous statutory excuse
1	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4	A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6	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.
7	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.
8	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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.
9	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.
10	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

Appendix Two [NB – this will be provided as a download for managers]

List B	
Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave	
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.
2	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4	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 – Documents where a time-limited statutory excuse lasts for 6 months	
1	A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2	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.
3	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

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