

Criminal record assessment template

How to use this template

Use this template **after** you've conducted a formal disclosure discussion with the applicant, so you can be sure you're conducting a fair assessment.

Consider the information received during the disclosure discussion for each of the factors listed below. The applicant **will not** be present for this stage of the process.

If you only request details about restrictions or supervisory conditions, go straight to sections 7 and 8.

Any staff completing this assessment should be appropriately trained. If you have questions about using this document, contact Unlock for advice at recruit@unlock.org.uk.

Information about an applicant's criminal record is sensitive personal data, so don't share it unless strictly necessary.

What to consider before completing this assessment

In order to inform the following assessment, you should understand what risks, if any, are specific to the **role** being considered for the candidate below. This is how you identify the 'relevance' of a criminal record.

Example:

Jones Ltd employs HGV drivers and administrative staff. Their role assessment for the drivers identifies certain areas of risk such as:

- Responsibility for driving large vehicles safely
- Responsibility for loading and unloading large vehicles safely
- Requirement to work alone for long hours which can be tiring

They assess that the following criminal records may require further discussion/ assessment:

- Driving offences
- Offences relating to, or offences that occurred as a result of drug/ alcohol use

The risks they identify for administrative staff will be different to those identified for drivers (for example, they may assess that criminal records relating to digital fraud require more discussion for administrative roles).

Applicant name		
Role applied for		
Date of assessment		
Assessing staff member/s		
Factors	Things to consider	
1. Relevance	<p>Do any of the convictions listed on the DBS certificate relate to, or impact on, the responsibilities of the role?</p> <p>Are the circumstances of the offence relevant to the role?</p>	
2. Age/Time	<p>Look at:</p> <ul style="list-style-type: none"> • The length of time since the offence was committed • Their age when the offence was committed • The person's age now <p>Remember: conviction dates can often be much later than when the offence was committed.</p>	

Factors	Things to consider	
<p>3. Nature</p>	<p>Consider not just the category of the offence, but what the offence involved and what the applicant's actions were.</p> <p>For instance:</p> <ul style="list-style-type: none"> • Financial offences – was it theft or fraud? • Violent offences – was it against a vulnerable person, what was the level of harm caused? • Drugs offences – was it possession or supply? 	
<p>4. Seriousness</p>	<p>A DBS certificate will tell you what an offence is.</p> <p>How serious the offence is, as determined by the charge and sentence set out on the DBS certificate, may help you determine whether an offence is relevant when balanced against other factors.</p> <p>But consider:</p> <ul style="list-style-type: none"> • Just because something appears on a DBS check doesn't always mean it's very serious • Sentencing is not always consistent, so don't rely on previous examples of similar convictions to inform your decision 	

Factors	Things to consider	
<p>5. Pattern</p>	<p>Consider whether the person committed a single offence, or whether there is/was a pattern of offending.</p> <ul style="list-style-type: none"> • If they committed a number of offences, is there a significant gap between them? • Were the offences committed over a particular period of time? What was happening for them at that time? • Have their circumstances or motivation changed? <p>It's important to remember that some people may receive multiple convictions relating to the same time/incident. This means that multiple convictions do not automatically indicate a pattern of offending.</p>	
<p>6. Circumstances</p>	<p>You may not need to consider the circumstances around every offence (such as minor offences dealt with by way of a caution or fine).</p> <p>Remember that your job is not to judge the actions but to decide whether the offence and circumstances are relevant to the job applied for.</p> <p>If you do need to understand the circumstances, consider what you learned from the disclosure discussion about:</p> <ul style="list-style-type: none"> • What happened • Who was involved • Why it happened (e.g. whether there were any particular aggravating factors such as finances/accommodation/drug use etc.) 	

Factors	Things to consider	
<p>7. Legal restrictions/licence conditions</p>	<p>Some applicants may be under supervision or have certain requirements for what they do and where they go. These could be bail conditions, licence conditions or reporting requirements with the police.</p> <p>Restrictions of these kinds may have a direct practical effect on whether an applicant is able to conduct the role they have applied for. For example:</p> <ul style="list-style-type: none"> • Curfews or exclusion zones – can the applicant carry out the work at the particular time and location that the role requires? • Restrictions on use of the internet or electronic devices. In the course of their work, will the applicant need to access specific devices that are internet-enabled? • Electronic device monitoring. If this restriction is in place, will this pose any challenges to your organisation? If you collect sensitive data about your customers or beneficiaries, you may need to consider how you can protect confidentiality/trust if the police could access the same data. <p>Consider whether you are able to offer an adjustment to the role to accommodate any restrictions.</p>	

Factors	Things to consider	
<p>8. Mitigating factors</p>	<p>For any of the potential challenges identified, list here what positive or mitigating factors are also present.</p> <p>You may have already identified some of these above (such as it having been a long time since the last offence) but this is a space to collate and consider others. For example:</p> <ul style="list-style-type: none"> • Any existing risk management measures in the proposed workplace. Such as: CCTV, training, passwords, lockers, supervision, employee wellbeing services, etc. • Whether the applicant has made effort to move forward and/or avoid risk in future (such as rehabilitative courses/education or healthier relationships). Remember that many criminal records do not indicate ongoing risk – don't make evidence of rehabilitative activities mandatory. • Whether the candidate is currently being monitored by police/probation – if so, mitigations may include: <ul style="list-style-type: none"> A) They will likely have had to seek approval to make an application – which could mean supervising staff don't consider them a risk in this role B) They will continue to be monitored and risk assessed by professionals 	

Additional notes or information

Include any reasonable adjustments or safeguards that could be put in place to enable the candidate to take up the post – these will need to be documented and agreed with the candidate.

How to store this template

Successful candidates

If you've determined that the convictions listed on the DBS certificate aren't relevant or don't pose a risk, retain this record for no longer than 6 months.

If you've determined that convictions listed on the DBS certificate may be relevant, or are manageable with certain safeguards, you can retain this record for as long as it is useful for you to inform ongoing or dynamic risk management.

Your data retention policy should reflect that criminal record data is not static. Criminal records can become spent/ protected (filtered) over time, whilst someone remains in your employment. If you are recruiting for roles covered by the ROA, this assessment may need deleting if a record becomes spent. For roles exempt from the ROA, this assessment may need deleting if a record becomes protected (filtered).

Criminal records information should be stored securely, accessible only to those who need this information. It should be stored separately from the applicant's main personnel file.

Unsuccessful candidates

Retain records relating to unsuccessful candidates for 6 months from the date an appointment is made (in case an unsuccessful applicant challenges your decision at an employment tribunal.)