

(RA1) Risk Assessment

Guidance Notes

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Introduction

1. The purpose of the RA1 is to assess the risks of appointing an applicant who has convictions, cautions or bind over orders that are not spent or are excluded from the provisions of the Rehabilitation of Offenders Act 1974.
2. An RA1 form will be forwarded to any shortlisted candidate that has disclosed details of convictions, cautions or bind over orders on the Rehabilitation of Offenders Form, by HR ESC or by the appointing School.
3. Applicants are required to complete a Rehabilitation of Offenders form as part of the application process. This form requires the applicant to disclose details of any criminal offence they have been convicted of unless it is considered 'spent' under the provisions of the Rehabilitation of Offenders Act 1974.
4. However, posts that have significant access to children and/or vulnerable adults are classed as 'exempt' from the provisions of the Rehabilitation of Offenders Act 1974. Therefore applicants applying for such roles must disclose all convictions.
5. Disclosure of a conviction, cautions or bind over orders does not necessarily mean that the applicant is precluded from working with Caerphilly County Borough Council, however, an **RA1** must be undertaken to assess whether the applicant is suitable to work in the post.
6. The RA1 is split into two sections. The first section is to be completed by the applicant, if shortlisted, and requests further details regarding the convictions, cautions or bind over orders disclosed in the Rehabilitation of Offenders form (Note: best practice prevents the authority from requesting a detailed account via the application form). The appointing manager must complete the second section considering the information supplied by the applicant, where possible, prior to interview. This section assesses the potential job specific risks associated with the disclosed convictions and cautions.

Section 1: Details of Disclosure/s

1.1: Please detail all offences or incidents

7. In this section the applicant must list all convictions, cautions, bind-over orders or charges pending as disclosed within the Rehabilitation of Offenders form including the dates of the offence/s and the outcome/s or penalty. The applicant must also provide a full account of each offence listed and give details of the circumstances that led to offence being committed. Applicants should provide as much detail as possible as this will assist the appointing manager/head teacher to assess the risk.
8. The applicant should also provide details of how they feel about the offence/s committed e.g. any remorse, changes to personal circumstances, one off incident etc.
9. If the space provided is insufficient to allow for a full description, then applicants are advised to continue on a separate sheet and add these as inserts. If this is the case, applicants will need to clearly label the additional sheets and add their

Application Form Reference Number (this can be found on the front page of the RA1).

1.2: Declaration by Applicant

10. Once all the relevant details have been provided, the applicant will need to sign the declaration and either return it to Human Resources prior to their interview **or** bring the RA1 form with them to the Interview to be handed to the appointing manager/head teacher.
11. Applicants should be mindful that to knowingly make a false statement or omit information will result in their application being unsuccessful and should any offer of appointment be made, this would be immediately withdrawn.

Section 2: Assessment of Risk

2.1: Provide details of Post

12. The appointing manager/head teacher should provide a pen picture of the post; including the working environment, core responsibilities and the type/nature of work. The JD/PS would be a useful reference.
13. If the post involves work with children or vulnerable adults, then this should be the focus of this section.

2.2: Risks related to the disclosed offence/s associated with the job

14. In this section the appointing manager/head teacher will need to assess the information submitted by the applicant in Section 1 and the nature of the convictions or cautions and determine whether there are risks, specific to the post.
15. Section 2.2 has been split into High, Medium and Low Risks to assist the appointing manager/head teacher and make the assessment more objective.
16. The Manager/Head teacher will need to determine whether there are risks associated with the appointment. Where risks are identified, they should provide an explanation of the risks in the appropriate category (Low, Medium or High risks) and then based on the history/incident assess the likelihood of this occurring.

Working Example:

An applicant discloses details of an assault. If the applicant were applying for work that involved care for the elderly or a similar vulnerable adult group, then there would be a potential risk to this group.

The Manager / Head teacher will need to review the facts and consider how long ago the offence occurred, have they re-offended and what type of employment have they undertaken since as part of the risk assessment.

Scenario 1 - applicant was convicted of assault initially 15 years ago and applies for a Care Assistant post in Adult Services. The applicant has been convicted of the same offence four times since, the last time being 12 months ago. They have no experience in a social care environment and would

therefore be considered a high risk to vulnerable adults (this would be referenced in the High Risk section of 2.2).

Scenario 2 - An applicant was convicted of assault 20 years ago (they were 17 at the time) and applies for a Care Assistant post in Adult Services. There have been no convictions since that date and they have 18 years experience of working in a social care environment. The references are excellent and therefore would be considered a low risk to vulnerable adults (this would be referenced in the Low Risk section of 2.2).

17. When assessing risk, the appointing manager/head teacher should consider the following groups or risk areas:

- Children
- Vulnerable adults
- Members of the public
- Fellow employees and internal contacts
- Customers, Clients and Suppliers
- Organisational resources (Financial or other)

NB: not all of the above risk areas will be relevant i.e. if the post does not involve contact with children then there will be no risk to this group. Appointing managers/head teachers only need to determine the risks *specific to the role applied for*.

18. Most of the risk areas listed are self-explanatory and relate to people. The last risk area (Organisational Resources) can relate to financial or physical resources i.e. equipment, vehicles, stock or buildings. In this risk area convictions for theft and/or fraud may have implications.

19. The appointing Manager/Head teacher will also need to consider **any other** potential risks that they believe relevant which may not be covered above. A couple of examples to illustrate this could include risks to the reputation of the authority or risks to core activities.

Working Example:

An applicant had a conviction for drink driving and a driving ban 3 years ago. The ban has since elapsed but under the provisions of the Rehabilitation of Offenders Act 1974 the conviction is not spent, therefore the applicant has disclosed it. If the post applied for is a driving role, then there is a risk to the core activities of this role and the appointing Manager will need to determine whether this is a high, medium or low risk and the likelihood of re-offence.

2.3: Protective Measures

20. The appointing Manager/Head teacher should consider whether protective measures are required to enable the applicant to fulfil the requirements of the role. Examples of protective measures include supervision, employee prevented from working one-to-one with children or vulnerable adults, or making minor changes to the duties or tasks associated with a role to remove risk.

21. It is difficult to provide a definitive list of possible measures, as there are such a wide variety of posts and applicant circumstances to consider. However, appointing Managers/Head teachers should be mindful that the implementation of protective

measures suggests there are obvious risks associated with the appointment, and this ultimately brings into question the suitability of the applicant.

22. The appointing Manager/Head teacher will need to state 'yes' or 'no'. If 'yes', an explanation of the protective measures should be stipulated.
23. Where protective measures are implemented, these must be regularly monitored and reviewed over time by the manager to ensure they are both effective and fit for purpose. If it is determined that the protective measures are ineffective or not fit for purpose then the manager should liaise with their HR Business Partner to establish a way forward.

2.4: Overall Risk

24. To complete the assessment of the risks, the appointing Manager/Head teacher will need to provide an analysis of the overall risk and determine whether the overall risk of appointment is **High, Medium or Low**. The appointing Manager/Head teacher will need to tick the appropriate category and then provide a brief explanation in the comments box.
25. To determine whether the overall risk is high, medium or low there is no hard and fast rule or scientific method. The appointing Manager/Head teacher will need to review the risks identified in section 2.2 and use some logic i.e. if the level of risks identified are predominantly high the Manager/Head teacher should consider this high risk, if the level of risks identified are predominantly medium the risk would be medium and if the level of risks identified are predominantly low it would be low risk.
26. If the risk assessment results in risks being identified in all three levels of 2.2 (high, medium and low) then the appointing Manager/Head teacher will need to determine where the greatest priority lies. For example if the applicant was applying for a role as a Teaching Assistant and a high risk was identified for working with children but only low risks identified for working with members of the public or fellow employees, then the high risk to children would be the main priority and would be the determining factor in assessing the overall risk.

2.5 & 2.6: Conclusion and Recommendation

27. The appointing Manager/Head teacher will conclude their assessment and stipulate whether the applicant is suitable to be offered employment. They will also state whether any protective measures are required and will need to refer to section 2.3 for the details.
28. The appointing Manager/Head teacher is required to sign and date the risk assessment as part of the authorisation process, before forwarding to the Head of Service / Chair of Governing Body.

2.7: Head of Service / Chair of Governing Body Authorisation

29. To finalise the RA1 form, the appropriate Head of Service/Chair of Governing Body will need to authorise the appointment or not approve the appointment by ticking 'yes' or 'no'.

30. If the Head of Service/Chair of Governing Body disagrees with appointing Manager/Head teacher then an explanation should be provided as well as a suggested way to proceed.

Administration

31. Once completed, the RA1 should be forwarded to HR Employee Service Centre to action the necessary recommendations. The RA1 will be retained for auditing purposes.