

## Burton Leonard Church of England (VC) Primary School



### Declaration of Convictions, Arrests, Charges and Summons

Information for North Yorkshire County Council Staff

#### Convictions Received During Employment

In order to protect employees, service clients and the organisation (North Yorkshire County Council as a whole), a process has been introduced requiring employees to verbally report the following matters in a timely manner\* to their line manager, producing a copy of the court or police document, when available.

\* 'in a timely manner' normally refers to the first attendance at work following the event. There may be exceptions to this e.g. where an employee is held in custody or takes pre-arranged leave immediately after the event. In such cases, the employee should contact his/her manager at the first opportunity in order to relate the information.

Employees are required to immediately report to their line manager/designated manager\*\*:

- any conviction
- any Police caution (DBS posts only\*\*\*)
- any Penalty Notice for Damage
- any Penalty Notice for Disorder

received at any point during their employment.

\*\* It will be for services to determine which manager should receive the information in relation to specified levels of staff. Where nothing is determined to the contrary the immediate line manager will be the recipient.

\*\*\* Police Cautions become 'spent' under the Rehabilitation of Offenders Act as soon as they are issued. Certain occupations (including those which require DBS clearance) are exempt from the provisions of the Rehabilitation of Offenders Act

- for those employees who drive on business at any times during their employment, this also includes all motoring offences dealt with through the

courts and penalty points on driving licences (whether awarded by a court or through fixed penalty notices).

Managers will consider any possible effects of these matters on an individual's employment, discuss with an authorised officer (ie, a manager who has been trained and authorised to make decisions on positive DBS disclosures - legal/HR/senior manager as appropriate) and take relevant action.

### Arrests and Summons during Employment

Individuals can be arrested and summonsed in connection with a wide variety of possible offences which may or may not have an impact on their employment, dependent upon the nature of their posts and the nature of the alleged offence. Therefore, where an employee has been arrested, or reported for summons, on suspicion of committing any offence this must be verbally reported to their line manager/designated manager\*\* in a timely manner, producing a copy of the court or police document when available. After having undertaken a risk assessment, taking advice as appropriate, and recorded their decision (with reasons), the manager should, in appropriate cases, put in place precautionary measures for the protection of the employee, service users and the Authority. Precautionary action may include restriction of duties, temporary redeployment, and temporary change of work-base or, if none of these options are practicable, suspension from duty with pay. Managers are responsible for consulting with authorised officers/legal/HR as appropriate and taking relevant action. Following careful consideration of the available evidence, any action taken will be fair and reasonable in the circumstances.

### Police Notification

For those employed in 'notifiable occupations' (chiefly those with access to children or to vulnerable adults), the Police Service will notify employers of anything which comes to their attention which they believe to be appropriate for the employer to know about. This will essentially be to ensure the health, safety and well-being of these vulnerable groups and for the prevention of crime. It is the duty of staff, and in their interests, to notify their manager of any of the above listed occurrences at the first available opportunity, rather than to await the issuing of a police notification.

### Civil Offences

It will not be necessary to report most civil offences. Examples of civil offences are:

- Anti-social/Criminal Behaviour Orders
- Parenting Orders

However, in certain occupations, especially those that deal with children and vulnerable adults, employees need to be particularly aware of the requirements of occupational and professional codes of conduct as well as safeguarding guidance

and workplace expectations. Therefore, in occupations such as Family Support Workers, Education Social Workers, Youth Workers, Teachers, Teaching Assistants and others who work with young/vulnerable people it will be an expectation that such matters are reported.

### Updating

Employees are required to verbally advise the manager dealing with their disclosure (unless advised of a different reporting requirement) of any significant developments (eg, being charged with an offence following arrest, dates of court appearances), producing a copy of the court or police document where available, so that the situation can be kept under review.

### Failure to Report

Failure to report, in a timely manner\*, any conviction, Police caution (DBS posts only), Penalty Notice for Damage or Penalty Notice for Disorder, driving offence (where required), civil offence (where relevant) arrest, charge or summons may render the employee liable to disciplinary action.

### Retention of Data

Any declarations made will be recorded and filed in secure, restricted, confidential storage, with the employee's personal information, together with a record of any action taken by management. The details of any conviction, arrest, etc, will only be retained if the Authority has taken action as a result of the declaration.

### Employee Support

The Staff Care Network is a confidential counselling service available to all NYCC employees, available on 07885 260198. Employees have the right to consult with and take advice from their trade union representative on any aspect of this subject.

Adopted Spring 2016



Next review Spring 2019

*Amanda Tounson*