

# Criminal Record check

Policy and procedures



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## Criminal Record Check Policy

**Date of Policy: April 2021 renewed April 2022 renewed April 2023 April 2024**

This policy supersedes any other criminal record check policy.

### Criminal Record Check Policy Statement

Bristol City Football Club, Bristol City Academy, Bristol City Women's Football Club, PGA-ETC Bristol City Robins Foundation, Bristol Bears Rugby, Bristol Bears Women, Bristol Bears Academy, Bristol Bears Foundation, Bristol Flyers, Bristol Flyers Foundation, Bristol Sport Foundation, Ashton Gate and Bristol Sport are collectively referred to as "the Company".

"The Company" has both a moral and legal obligation to recruit the most suitable person for each vacancy, regardless of age, disability, gender, race, religion or beliefs, ethnicity, sexual orientation, marital or gender status, pregnancy or maternity or socio-economic background and is committed to providing the quality of opportunity for all.

The rights, dignity and confidentiality of applicants will be respected at all times. (Dignity at work policy)

This policy does not form part of an employee's contract of employment and will be reviewed on a regular basis and can be amended at any time.

This policy applies to "the Company's" directors, officers, consultants and employees (full-time, part-time, temporary, seasonal, voluntary). It also applies to agency workers, or self-employed contractors.

### Principles

The purpose of this policy is to ensure that following safer recruitment guidelines (see "the Company" Safer Recruitment Policy) the practice of safe recruitment and the deployment of staff working with young children and adults complies with DBS statutory guidance. (see DBS Disclosure and Barring service Code of Practice and "the Company" Recruitment and Retention of Ex-Offenders Policy).

DBS checks are a vital part of the Safeguarding process and are designed to prevent unsuitable candidates from working with children and any vulnerable person(s). They also enable "the Company" to avoid risk as it is illegal to employ anyone in a regulated activity with children or adults if they have been barred.

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This policy should be read in conjunction with “the Company’s” Self-Declaration form. It covers “the Company’s” approach to criminal record checks, disclosures and the employment of staff with a criminal record.

## **Roles and responsibilities**

It is the responsibility of “the Company” to ensure that all Managers when recruiting follow the safer recruitment policy, all legal requirements and guidance. In addition, all Designated Safeguarding Officers and others involved in the recruitment process should ensure that “the Company” operates safer recruitment procedures and makes sure that all appropriate checks are carried out on all staff. This will also apply to any contractors, agency workers and volunteers whose role requires them to work with children or adults in need or at risk (see “the Company’s” Safeguarding children, Safeguarding Adults policies and the government’s Keeping Children Safe in Education 2020) **before** the work or volunteering begins. This will ensure that “the Company” always maintains a safe and secure workforce.

All line Managers should be aware that satisfactory enhanced DBS checks must be received for all new staff who are taking up regulated activity. (see appendix 1 for a list of regulated activities). These checks will be co-ordinated through the Safeguarding office and the authority to start work can only be given by the Senior Safeguarding Lead in “the Company”.

In exceptional circumstances prior to receipt of a satisfactory check a new member of staff may be given permission to start if:

- Arrangements are in place to ensure that the individual is always supervised.
- The enhanced check has been applied for
- A satisfactory barred list check has been completed
- All other checks, including references have been completed

This decision can only be made by the relevant Manager in consultation with the Senior Safeguarding Lead.

Should a DBS be received with a disclosure a safeguarding risk assessment must be carried out by the Senior Safeguarding Lead. Any decision to refuse employment should be agreed by a senior disclosure panel consisting of Senior Safeguarding lead / HR consultant / Executive Director.

## **Recruitment procedures**

The above processes and procedures are in place to ensure the safe recruitment of staff and to ensure equality of opportunity.

Failure to comply with the policy could lead to disciplinary action by “the Company” under “the Company’s” Disciplinary Policy, up to and including summary dismissal. Where non-compliance is alleged, and it relates to an agency worker, volunteer, consultant or self-employed contractor “the Company’s” senior disclosure panel will review the circumstances and decide on the appropriate course of action.

## **DBS (CRC) Checks**

“The Company” endorses the use of GBG/DBS (Criminal Record Checks/ Disclosure and Barring service) and FACRC (FA Criminal Record Checks) to ensure appropriate assessment for clearance for those working with children, young people and adults at risk.

This includes those roles that are defined by law as a Regulated Activity, (appendix 1) or those roles that have been identified as requiring Enhanced Disclosures in sport. These are defined as unsupervised roles which involve teaching, training and instruction or caring for and supervising.

“The Company” complies with the DBS and FA Criminal Records Body Code of Practice and seeks to treat all applicants for positions fairly. “The Company” undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information received.

A satisfactory DBS check must be completed prior to the post being confirmed and before employment commences. This will be facilitated by the Safeguarding Administrator.

It is a criminal offence to employ or seek to employ anyone who is on the Barred list in a regulated activity. The FA's Policy Statement on the recruitment of Ex-Offenders.pdf gives a complete description.

## **Disclosure**

A disclosure is an impartial and confidential document that details all relevant, non-protected criminal records including cautions, convictions and other relevant police information and where appropriate details of those who are banned from working with children or adults at risk.

There are three levels of disclosure:

- Basic- will show any unspent convictions or conditional cautions

- Standard- will show any spent or unspent conviction, cautions, reprimands or warnings.

- Enhanced- will show any spent or unspent conviction, cautions, reprimands or warnings as well as any relevant information held by the local police.

Anyone already in “the Company” employment will be required to disclose any involvement with protection agencies and or police at the time that any involvement commences and should immediately contact the Senior Safeguarding lead for support.

## **Completion of DBS(CRC) application**

A self-declaration form will need to be completed where any current or spent convictions must be recorded. This information should be sent separately under confidential cover to the Safeguarding team. Failure to declare a conviction could lead to immediate withdrawal of any job offer. A criminal record will not necessarily prevent an individual from working within “the Company”.

The definition of a spent conviction can be checked at <https://www.gov.uk/exoffenders-and-employment>

The self-declaration form will be completed annually.

At any time during the DBS application process or after appointment it is the responsibility of the individual to make “the Company” aware of any pending prosecutions, cautions, warnings, reprimands, disqualifications or convictions. “The Company” will make the decision as to whether it is appropriate for the individual to be offered or remain in that post.

## **Assessing a criminal record disclosure**

On receipt of a DBS certificate this should immediately be taken to the safeguarding office. Once recorded and provided there are no convictions, the safeguarding administrator will organise induction training and notify the relevant Head of Department.

If the certificate contains convictions this will be passed to the lead disclosure manager (Senior Safeguarding Officer for “the Company”). At this point a decision will be made to either employ, request an enhanced check if applicable or refer directly to the Senior Disclosure Panel.

## **Senior Disclosure Panel**

This panel consists of the Senior Safeguarding Officer, HR consultant and Executive Director.

The panel are responsible for deciding whether a candidate with a criminal record can be employed within “the Company”. This will include a review of information provided on self-declaration form. Suitability of an individual with a criminal record will vary depending on the nature of the position and the details and circumstances of any prosecutions, cautions, reprimands, disqualifications or convictions.

The panel will have suitable criteria (see appendix 2) and have received appropriate guidance in the relevant legislation related to the employment of ex-offenders (The Rehabilitation Act 1974).

The panel will assess an individual’s criminal record in relation to the tasks (summary document appendix 3 and 4) they will be required to perform and the circumstances surrounding the work they will be asked to carry out.

The following will be taken into consideration:

- Level of supervision?
- Is there direct contact with the public?
- Will the nature of the work required provide an opportunity to reoffend?
- Will the position put the applicant in a position of trust over children and adults at risk?
- Will the position put the applicant in a “position of trust” (have influence over children, adults at risk?
- The seriousness of the offence and its relevance to other employees, clients, company property?

In addition, and where relevant, the panel will take into account:

- The country in which the offence was committed.
- Whether the offence has been decriminalised by parliament.
- Whether the applicant’s circumstances have changed since then.
- Whether the offence was a one off or part of a history of offending.
- Time lapse since the offence was committed.
- Any relevant information supplied by the applicant.

- Where applicable longevity and conduct of service within “the Company”

Where possible the senior disclosure panel or a representative of the panel will meet with the applicant/member of staff before the outcome is decided in order to further understand the circumstances surrounding the offence(s).

All final decisions will be notified in writing by a member of the panel.

### **Applicants who have lived abroad**

A DBS Check is a check of UK police records only – the DBS is unable to access police records held overseas. If an applicant has spent time living overseas, then a DBS Check may not give a full picture of their criminal history.

If the applicant has lived overseas, it is possible to obtain an equivalent criminal record check from any other countries that they have lived in.

Each country has a different process for obtaining a criminal record check. The DBS has published an A-Z list of countries detailing how to obtain a check from each one.

This list will contain guidelines for each country and should be followed for any countries the applicant has lived in. (see guidance [GOV.UK](https://www.gov.uk)) Northern Ireland ([AccessNI](#)) Scotland ([Disclosure Scotland](#))

If they have lived in the UK also a DBS Check should be carried out in the usual way in addition to any overseas criminal record checks.

### **Single Central Record**

This is a legal requirement of the EFL and is the responsibility of the Senior Safeguarding Officer supported by the Safeguarding Administrator. This record contains details including DBS numbers for all employees, voluntary staff and guests who have regular contact with children, young people and Adults at risk.

### **Contractors**

Contractors that are used within “the Company” should comply with “the Company’s” Safeguarding and Safer Recruitment requirements together with the Criminal Record policy.

It is the responsibility of the contractor or agency to complete DBS checks on any of its work force that will be working with or in areas where there are young people and adults at risk. unsupervised. DBS numbers for these staff should be given to the Senior Safeguarding Officer alternatively a letter of confirmation from the contractor may suffice.

“The Company” has the right to ask a contractor to withdraw any member of their work force who does not meet the requirements as laid out in the Criminal Record Policy.

## **Volunteers**

Volunteers that are working within “the Company” will be subject to the same employment and vetting checks as paid staff subject to assessment of their roles and responsibilities and whether they will be working in any unsupervised capacity. Anyone under the age of 16 years is not eligible for a DBS check. Volunteer roles will be assessed to see whether they fall within regulated activity and, if so, they will be subject to completion of identity checks, an application form, and an enhanced disclosure form DBS. They will also be asked for references and will require an interview. All checks will be recorded on “the Company’s” Single Central Register.

## **Retention and Disposal DBS information**

“The Company” complies with the DBS Code of Practice regarding handling, use, storage, retention, and disposal of Disclosures and any related information.(Data Protection Act 1998)

Any disclosure information will always be kept securely within the Safeguarding office with access strictly controlled.

In accordance with section 124 of the Police Act 1997, disclosure information will only be shared with staff authorised to receive it due to the nature of their duties. “The Company” recognises that it is a criminal offence to share this information with anyone who is not entitled to receive it.

Disclosure information will only be used for the purpose for which it was requested and for which the applicant has given consent.

## **Complaints procedure**

If anyone has a concern that this policy has not been followed correctly the concern should be raised with “the Company” Senior Safeguarding Officer, in the first instance.





<b>Regulated Activity</b> Roles required to have <b>enhanced</b> disclosures with the <b>appropriate barred list checks</b>	<b><i>Enhanced</i></b>	<b>Standard</b>	<b>Basic</b>
Safeguarding Manager	Head of Recruitment	General Steward	Chairman
Designated Safeguarding Officer	Player Liaison Officer	Steward Supervisors	Club Secretary
Childcare Provider	Chief Scout	Matchday Search and Intervention stewards	Finance Officer
Academy Manager	Academy performance/video analyst		Lead disclosure Officer
Head of Youth Development	Matchday coordinators		DBS Verifiers
Sport team Manager U18	Drivers -Adults at Risk		Scouts
U18 Coach	Charity Trustee		Recruitment Officer
Coach working with Children and Adults at Risk	Matchday regular family area stewards		Academy/Foundation/Community Administrator
Sports Scientists (Fitness trainer, Nutritionist, Psychologist, Physiologist)	Matchday away stewards		Ticket Office staff
Drivers	Matchday stewards-disabled areas		Club shop staff
Head of Education	Academy Directors		Commercial team
Tutors and assessors	Board of Governors		Photographer
Academy stewards	Kit persons		Cleaning staff
Staff on trips/ tours /tournaments	Character Mascot		Maintenance staff
Chaplain	Groundsperson		
Host Family			
Club Doctor			
Physiotherapists			
Sports psychologists			
Community coach			
Youth workers			

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## Appendix 2 DBS Assessment Matrix

Name \_\_\_\_\_

Date \_\_\_\_\_

Offence	Weighting	Adult at time of offence (yes = 1)	Last offence within last 10 years (yes=3)	Custodial sentence given (yes =3)	Other offences (yes=2)	1 on 1 contact with children/ vulnerable adults or their data? (yes=1)	Regular contact with children/ vulnerable adults? (yes=1)	Position of trust? (yes=1)	MITIGATING FACTORS (1 – 14)	SCORE <sup>1</sup>
		AGGRAVATING FACTORS				EMPLOYMENT FACTORS				
Offences against children	14									
Sexual offences	11									
Offences against the person	9									
Firearms or violence	9									
Possession of offensive weapon/bladed article	8									
Personal offences (D+D)	8									
Drugs – use, distribution, supplying	8									
Thefts from property/others	8									
Damage to property	8									
Football related	8									
Shoplifting	4									
Driving related	4									
Additional Information	1 – 14									

<sup>1</sup> The following points will also be added to the total score:-

4 if the applicant failed to disclose an offence on the Self Disclosure Form; and

3 if the applicant minimised the seriousness of an offence on the Self Disclosure Form.

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## How to use the Matrix:

Find the relevant category for the offence that the applicant has committed, if an applicant has several convictions then the most heavily weighted becomes the 'baseline' offence to which the matrix is applied. Other, less serious, offences become relevant when giving points for "last offence within last 10 years" and "other offences". This is because the most serious offence should always be the one that consideration is given to. It is important that a career thief is not judged based on his latest conviction for speeding.

The number of points in the **weighting column** does not change, simply enter the pre-defined number points to the **aggravating factors** and **employment factors** that apply and then add together the **weighting points**, the **aggravating points** and the **employment points**, deduct any **mitigating factors** and write the total in the "**score**" column. (See next page for information on aggravating points, employment points, mitigating factors and weighting)

The applicant will be dealt with as follows:

Score	Result
14 and over	Excluded
8-13	Panel
7 and under	Offence Not considered

The only offences that will not be considered formally by the Disclosure Panel are minor driving offences or a single incident of shoplifting. Even here, if the last offence was within 10 years, there was a custodial sentence, or an applicant has failed to disclose the offence it will lead to panel. Therefore, only old and minor driving or shoplifting related convictions will not be considered.

All other offences could result in exclusion where sufficient aggravation exists. As a minimum all other offences will at least always lead to panel. This is because it would not be safe to allow any of these offences to avoid panel as even without aggravation, they could still point to an applicant that poses a risk to "the Company" in some way. "The Company" needs to be able to use its discretion and decide if, for example, someone who used cannabis in the past would pose little or no risk to "the Company".

The matrix and the cut-off points are designed so that, predictably, any offence against a child leads to automatic exclusion. Also, any sexual offence within the last 10 years or one that lead to a custodial sentence is also automatically excluded. This is because a sex offender with recent offences will be a huge risk, as will anyone who has committed a sexual offence so serious that it led to a custodial sentence.

**Scores to be applied and explanation:**

**Aggravating Factors:**

Aggravation	Score	=	Reason
Adult at time of offence	yes no	1 0	This factor carries a low number of points because the fact that someone was under 18 at time of committing offence is less relevant than how long ago the offence was committed. A 20year old who committed a serious assault at age 17 should not be presumed to have matured significantly by reason of reaching adult age alone. They are still a higher risk than a person committing a crime at 20 who is now 40 and has no further offences
Last offence within 10 years	yes no	3 0	Related to previous point, this factor carries a high number of points because it is always relevant. A person committing an offence within the last 10 years has not been able to prove that they are 'reformed' because not enough time has passed since their last offence. Conversely, someone who has been able to avoid re-offending for 20 years is less of a risk as they have shown a reformed attitude and good behaviour.
Custodial sentence given	yes no	3 0	Another important factor and therefore carries more points. The rationale behind this is that custodial sentences are given where(a)an offence is always serious(e.g. murder) or (b) on the occasion in question, other aggravating factors were present which made an offence more serious (e.g. racially aggravated, offender's past record, involvement of others, use of violence, under the influence, etc). By giving more weight to offences that resulted in a custodial sentence, we need not consider many of those other factors ourselves – the presence of such factors is effectively already taken into account by the fact that a custodial sentence was given in the first place.
Other offences	yes no	2 0	This factor is moderately important; if an offender has committed more offences(either before or after the 'baseline' offence),this shows they are a higher risk; the original offence could never be discounted or justified due to exceptional circumstances (or similar) because the person has shown that they are a repeat offender.
Additional information	N/A	1 – 14	There may be circumstances in which an applicant has had brushes with the law but these have not resulted in convictions. The Disclosure Panel shall assess the relevance of this information to the role being applied for and attribute a score to the information.

**Employment Factors:** seek to illustrate the level of risk inherent in a particular role within “the Company” as follows-

1 on 1 contact with children/ vulnerable adults or their data?	yes no	1 0	If an individual is placed in sole charge of a child or vulnerable adult, this is clearly a position of responsibility and this weighting reflects this fact.
Regular contact with children/	yes no		If a person is regularly having contact with the same child or children OR is regularly involved in working with children, this is again a position of extreme responsibility and this weighting reflects this fact.

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vulnerable adults?			
Position of trust?	yes no		There are certain roles within the Club where a person is positioned as an ambassador of the Club and extremely high standards of behaviour will be necessary. This weighting reflects this fact.

### **Mitigating Factors:**

The Disclosure Panel shall deduct points where there are matters of mitigation which the applicant wishes to have considered and the Disclosure Panel considers are relevant.

### **Explanation of Offences:**

Offences against children:	Any offence against the person or sexual offence where the victim is a child or any offence where an act becomes an offence when a child is involved
Offences against the person:	Any offence where a person is assaulted or attacked physically
Sexual offences:	Any offence of a sexual nature, or committed with sexual intent
Personal offences (D+D):	Drunk and disorderly, urinating in the street, affray, prostitution
Firearms or violence:	Either against someone or during theft/robbery etc
Drugs – use, distribution, supplying:	Personal use through to cultivation, Cannabis to Heroin
Thefts from property/others: (excluding shoplifting)	Burglary to street robbery, shoplifting
Damage to property:	Vandalism, criminal damage, arson
Football related:	Any conduct at football match or related, banning orders.

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Driving related:  
speeding but if banned totting up counts),

Careless, dangerous, drunk  
TWOC, no documents etc.

**Approved/Not approved**

(excludes

### Appendix 3 **Summary sheet**

This should be completed following the Senior Disciplinary panel meeting and shared with HR as appropriate.  
All accompanying documentation must be kept in Safeguarding secure file for a minimum of 1 year and then destroyed.

Name	Department	Start date
DBS nos.	Level of certificate	Date of issue
Job role	Is this a position of trust? Is this a supervised role?	What level of contact would there be with young people/adults at risk?
Current convictions YES/NO	Self- Dec completed? Date?	Did the candidate share an explanation of circumstances around any conviction? YES/NO
Is a risk assessment required prior to start date?  Completed date  By whom	Probation period?	
Any further information?		

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A copy of any risk assessment should be attached to this form.

Completed by \_\_\_\_\_ signed \_\_\_\_\_  
 Passed to HR on \_\_\_\_\_ signed (HR) \_\_\_\_\_

**ASHTON GATE STADIUM  
RISK ASSESSMENT FOR DBS**

**Appendix 4**

**Name.** **Dept.** **Date.**

Hazard	Existing Controls	L	S	Risk (L x S)	People Affected	Further Controls	Final Risk Assessment	Additional Actions

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Hazard	Existing Controls	L	S	Risk (L x S)	People Affected	Further Controls	Final Risk Assessment	Additional Actions

## Risk Matrix

		+ Likelihood				
Severity  +		1 Remote	2 Unlikely	3 Possible	4 Likely	5 Certain
	1 Minor	1	2	3	4	5
	2 Harmful	2	4	6	8	10
	3	3	6	9	12	15

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	Serious					
	4 Major	4	8	12	16	20
	5 Fatal/catastrophic	5	10	15	20	25

+ Risk Rating		
+ 1 to 6	Minimal	Allow the event to go ahead
7 to 12	Low	Allow the event to go ahead but monitor in case of changes
13 to 18	Medium	Some control measures may be required before the event goes ahead
19 to 24	High	Urgent control measures may be needed before the event goes ahead
25	Intolerable	Stop the event, unless benefits significantly outweigh the risk

Legend: Add / remove as necessary

SP  
ST  
OFF  
POL  
MED  
BB  
PR

Spectators  
Stewards  
Officials  
Police  
Medical Staff  
Ball Boys  
Press

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PL

Players

Additional notes (if required)

Signed :  
Date ;

## Reference materials

Company policies:

Safeguarding Children Policy  
Safeguarding Adult Policy  
DBS Policy and Procedures  
Self-Declaration procedures  
Disciplinary Policy  
Recruitment of Ex -offenders Policy

Government policies:

Keeping Children Safe in Education 2019  
GBG/DBS guidelines and Code of Practice  
Equality Act 2010  
Data Protection Act 1998  
Police Act 1997  
Rehabilitation Act 1974

FA/EFL Policies

FA Criminal Record Checks Policy  
EFL Safeguarding Standards 2020  
FA Policy-Recruitment Ex-Offenders

Date reviewed	Position	Owner
April 2020	Executive Board	M.A. Martin
April 2021	Executive Board	
April 2022	Executive Board	
April 2023	Executive Board	



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