



National  
Operational  
Guidance

## Guidance

### NFCC Positive Disclosure Risk Assessment Guidance



**NFCC**  
National Fire  
Chiefs Council

Developed and maintained by the NFCC

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## Summary - Positive Disclosure Risk Assessment Guidance

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### Summary

This Positive Disclosure Risk Assessment Guidance document provides a framework to help fire and rescue services take a risk-based approach to managing information found on Disclosure and Barring Service (DBS) checks.

This guidance supports services to meet the requirements of the [Safeguarding Fire Standard](#) and the [Fire and rescue national framework for England](#), along with being responsive to the local needs of communities in meeting the national requirements across the UK.

The terminology and protocols in this guidance may differ within local arrangements and for devolved administrations. Any further reference should be made to local guidance and legislation for Wales. As well as information in Northern Ireland, such as [Appendix A - Northern Ireland FRS Recruitment of Ex Offenders Feb 2020](#) of this guidance and [Disclosure Scotland](#) for Scotland.

The focus of this guidance is on the management of risk, whilst demonstrating the sector's commitment to the Rehabilitation of Offenders. The guidance is designed to ensure that if information is shared or disclosed it is done so in accordance with the law but in such a way that allows appropriate and proportionate enquiries to be made that ensures adults and children at risk are protected and public confidence in services is maintained.

There is a clear expectation that fire and rescue services offer support and develop partnerships for those identified as vulnerable and at risk from exploitation or abuse to deliver their core functions, including protection, prevention, and safeguarding.

Fire and rescue services must also have appropriate safeguarding arrangements in place to provide the public with the reassurance and confidence that they have every right to expect.

This Risk Assessment will support the appropriate application of Disclosure Barring Service (DBS) checks and takes full account of the inclusion of Fire Rescue Authority employees within the Rehabilitation of Offenders Act (Exceptions) Order 1975.

Reference to this document should be made to ensure that a reasonable and proportionate decision is made when a 'positive disclosure' (when a DBS check reveals that a current or prospective employee has previous convictions) is received against an individual.



## Introduction - Positive Disclosure Risk Assessment Guidance

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When using this risk assessment, you should consider the main principles (among others that may be relevant) to ensure an appropriate and proportionate approach is taken. The National Fire Chiefs Council (NFCC) and Fire and Rescue Authorities (FRAs) are committed to support the rehabilitation into employment of reformed ex-offenders who have stayed on the right side of the law.

Fire and rescue services are also organisations committed to public safety. Therefore, the potential risks to public safety identified through a DBS check must be carefully evaluated and appropriately mitigated.

[The Public Sector Equality Duty](#) requires that we should seek to eliminate discrimination, advance equality of opportunity, and foster good relations between people with protected characteristics. We recommend that services collect and analyse data on any actions agreed through these risk assessments so any discriminatory impacts can be mitigated.

Efficiency and effectiveness are key elements of services achieving value for money. In adhering to this principle, you should consider the need to expeditiously make any considerations relating to risk ensuring, for example, that recruitment is not delayed, and unnecessary costs are not incurred.

Under the Rehabilitation of Offenders Act 1974, following a specified period of time which varies according to the disposal administered or sentence passed, all cautions and convictions (except those resulting in prison sentences of over 30 months) are regarded as 'spent'. As a result, the offender is regarded as 'rehabilitated'. For most purposes, the Act treats a rehabilitated person as if they had never committed an offence and, as such, they are not obliged to declare their caution(s) or conviction(s), for example, when applying for employment or insurance.

All individuals have a right to a private life which should not be interfered with except, for example, where in the interests of public safety. You should, for example, limit the circulation of information regarding a positive disclosure to a need-to-know basis only.

### **Core Code of Ethics**

A national [Core Code of Ethics](#) for Fire and Rescue Services in England has been developed in partnership with the National Fire Chiefs Council, Local Government Association, and the Association of Police and Crime Commissioners to support a consistent approach to ethics, including behaviours, by fire and rescue services in England.

It will help to improve the organisational culture and workforce diversity of FRSs, ensuring that communities are supported in the best way.



## Process

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This risk assessment is based on the principles of OASys but adapted for our audience. OASys is an actuarial risk and needs assessment tool used by the prison and probation services in England and Wales. Fire and Rescue Services are committed to the rehabilitation of offenders, as such, the OASys was considered to support this approach as it is composed of many subsections and generates a summary risk score in order to assess likelihood of reoffending and risk of harm to self and others. As such this risk assessment is not an exact replica of the OASys risk assessment, but the principles remain aligned.

The risk assessment should be undertaken by a professional advisor for Safeguarding and Human Resources when a positive disclosure is received against an individual. This will support your service in making a proportionate and reasonable decision about whether to employ or continue to employ an individual or volunteer, and or how to mitigate any risks. Prior to any formal decision being reached about the individual, they must be offered the opportunity to discuss the contents of their DBS certificate with a professional advisor for Safeguarding and/or Human Resources and/or Line Manager.

It is the responsibility of the Safeguarding team within your service to ensure that the appropriate timeframes are adhered to, in regard to the reporting of cases to the local authority. As such, it is imperative that the safeguarding team is engaged at the earliest opportunity.

Once the risk assessment has been carried out and a final decision made, the wording on the form must be agreed and must be signed off by a Senior Manager within Safeguarding and Human Resources. These roles should be of strategic level, for example, Head of Department.

Any disclosure regarding existing employees which raises concerns about children or vulnerable adults must be shared by the safeguarding team to the appropriate local authority officers, this is in accordance with the Children Act 1989 (for England) and local authority procedures. Reference to any local arrangements on legislation for devolved administrations should be made in accordance with local guidance and legislation information for Northern Ireland, Scotland, and Wales.

## Bias & Risk Assessments

As mentioned above the risk assessment adopted is based on the principles of OASys but adapted for our audience. OASys is an actuarial risk and needs assessment tool used by the prison and probation services in England and Wales.

The feedback from the use of actuarial risk and needs assessment tool used by the prison and probation services in England and Wales indicates the following:

- Professional judgements are not just affected by the person's responses but also by the thought processes, behaviours and emotional reactions of the assessor
- Practitioners are often required to make decisions in challenging situations with incomplete information, and it is thus important to pay attention to the potential influence of subjective biases and individual emotions and values
- To minimise error and ensure that decisions are balanced, reasoned and well-evidenced, practitioners need to seek and critically appraise information, and adopt an open, honest and reflective approach.
- At the organisational level, senior managers need to ensure that the OASys actuarial risk and needs assessment is complimented with appropriate quality assurance, monitoring and training in place, and sufficient oversight of the whole system to ensure that good practice can be maintained & bias minimised



### Positive Disclosure (DBS) Risk Assessment - Template

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A link to the [Positive Disclosure \(DBS\) Risk Assessment template \(PDF\)](#) [Positive Disclosure \(DBS\) Risk Assessment template](#) (word)

**The scoring for this risk matrix gives a re-offending score based on risk factors.**



Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
<p><b>1. Criminal History:</b> An individual's criminal history is extremely important.</p> <ul style="list-style-type: none"> <li>• Offence(s) have been carried out in the last two years (Score 2)</li> <li>• Previous convictions unspent (Score 1)</li> <li>• 1-2 Previous convictions (score 1)</li> <li>• 3 + Previous convictions (score 2)</li> </ul>	No	Yes	Yes	
<p><b>2. Were the offence(s) first disclosed by the individual?</b> Failure to disclose a relevant offence without a satisfactory reason, may be a breach of contract and render any employment offer void. If the individual is an employee, consider the potential for disciplinary action.</p>	Yes	N/A	No	
<p><b>3. Burglary:</b> Individuals with burglary offences are more likely to re-offend than other types of offences. <b>Does the offence(s) - caution or conviction include burglary?</b> Including 'Aggravated Burglary' and 'Attempted Burglary'.</p>	No	N/A	Yes	
<p><b>4. Sexual Offences:</b> <b>Does the offence (conviction or caution) involve a sexual or sexually motivated offence?</b></p>	No	N/A	Yes	
<p><b>5. Age of first offence (conviction or caution)?</b> The risk of reoffending is higher for those aged 10-17 years of age at their first offence, this is evidenced by <a href="#">'The Start of a Criminal Career'</a>.</p>	24+ years	18-23 years	10-17 years	
<p><b>6. Has the individual previously breached a court order?</b> Breach of previous Court Orders increase the risk. Such as, breaches of:</p> <ul style="list-style-type: none"> <li>• Conditional discharge</li> <li>• Bail</li> <li>• Licence</li> <li>• Failure to comply with any Order</li> </ul>	No	N/A	Yes	



Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
<p><b>7. Criminal Versatility:</b>  <a href="#">OASys research</a> evidence suggests that generic offenders are more prolific and more likely to re-offend than offenders who specialise in one type of offences. Use the categories below to differentiate groups of offences:</p> <ul style="list-style-type: none"> <li>• Violence against the person</li> <li>• Sexual offences</li> <li>• Burglary</li> <li>• Robbery</li> <li>• Theft and handling</li> <li>• Fraud and forgery</li> <li>• Criminal damage</li> <li>• Drug offences</li> <li>• Other indictable offences (serious enough to be dealt with at Crown Court - excluding motor)</li> <li>• Indictable Motoring Offences</li> <li>• Other summary offences (can only be dealt with at Magistrates Court) - excluding motor. This includes Public order offences (threatening behaviour), harassment, drunk and disorderly</li> <li>• Summary motoring offences</li> </ul>	0 offences	1-4 offences	5+ offences	
<p><b>8. Is the role holder public facing or a person in a position of trust?</b></p>	No	N/A	Yes	
<p><b>1. Did the offence include any of the following?</b>            When certain factors are present, it increases the likelihood of further incidents of serious harm:</p> <ul style="list-style-type: none"> <li>• Carrying or using an offensive weapon</li> <li>• Any violence, threat of violence or coercion</li> <li>• Excessive use of violence or sadistic violence</li> <li>• Arson</li> <li>• Physical damage to property (but not caused when committing another offence, for example burglary or theft)</li> <li>• Sexual element to offending (such as disclosing private sexual images without consent)</li> </ul>	No	N/A	Yes	
<p><b>10. Do offences form part of an established pattern?</b>            These might not be the same category of offence, but could stem from same motivation, such as:</p> <ul style="list-style-type: none"> <li>• Burglary or break ins</li> <li>• Theft</li> <li>• Fraud (financial)</li> <li>• Drug or Alcohol related (drug or drink driving, drunk and disorderly or assault under the influence of drugs or alcohol)</li> </ul>	No (No pattern evident)	N/A	Yes (A pattern is demonstrated)	





Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
<b>11. Are there any concerns in regard to the individual's motivations for working with children or vulnerable adults?</b> In accordance with local authority safer recruitment practice and guidance.	No	N/A	Yes	
<b>12. Is there any evidence in regard to any inability to manage conflict, cope with challenging behaviour?</b>	No	N/A	Yes	
<b>Risk Factors - Total Category Scores:</b> Grand Total (0-24 from all categories in blue box):				



## Assessment Results

Using the Total Score, identify the scale of risk and consider the following:

### 0 - 4 Low Risk

1. If **low risk** and nothing highlighted in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) – Okay to employ or continue in post. Exclude, suspend, or redeploy (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.
2. If **low risk** but offence(s) have been highlighted in question (I - Factors which indicate increase in likelihood of further incidents of serious harm), consider the factors highlighted in (A - Criminal History) and the nature of employment or role. Exclude suspend or redeploy (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

### 5 - 9 Medium Risk

3. If **medium risk** action is required. For an existing employee, consider actions to mitigate any potential risks to members of the public, the employee or applicant, and the organisation. These actions should follow your disciplinary processes or withdrawal of offer of employment for new applicants. Consider whether there has been a breakdown of trust for non-disclosure. Exclude or suspend (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

### 10 - 24 High Risk

4. If **high risk** action is required immediately. For an existing employee consider actions to mitigate any potential risks to members of the public, the employee or applicant, and the organisation. These actions should follow your disciplinary processes or withdrawal of offer of employment for new applicants. Consider whether there has been a breakdown of trust for non-disclosure. Exclude or suspend (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

### 'Soft Information' Disclosed

If 'soft information' is disclosed on an Enhanced DBS Form, or a statutory agency (for example the Police or Local Authority Designated Officer (LADO)) note the following actions:



- For an individual who has no other offending history, and this does not include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) - **treat as low risk as per assessment result 1.**
- For an individual who has identified other offending history but does not include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) consider the factors highlighted in (A - Criminal History) and the nature of employment or role, which would increase risk action accordingly.
- If this information does include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm), but no other offending history treat as per **assessment result 2.**
- If this information does include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) and other offending history treat as per **assessment result 4.**



## Decision Record Sheet

### Decision Record Sheet

Low Risk:	Medium Risk:	High Risk:
Total score recorded:	Total score recorded:	Total score recorded:
<b>Recommended Outcome Recorded (To be retained with both Safeguarding and HR systems)</b>		
<b>Action Decided:</b>		
<b>Report Summary:</b>		
<b>Safeguarding Professional</b>		
<b>Signature:</b>		<b>Date:</b>
<b>Printed Name:</b>		



<b>Human Resources Professional</b>		<b>Date:</b>
<b>Signature:</b>		
<b>Printed Name:</b>		
<b>Senior Manager for Safeguarding</b>		<b>Date:</b>
<b>Signature:</b>		
<b>Printed Name:</b>		
<b>Senior Manager for Human Resources</b>		<b>Date:</b>
<b>Signature:</b>		
<b>Printed Name:</b>		
Note: If the above post holders of Signatory are not available, consider a Principal Officer, equivalent to ACO level or above as a signatory.		



## EqIAs - Positive Disclosure - July 2023

**Note for all: Equality Impact Assessments are live documents and updated accordingly for revision.**

### Positive Disclosure

The NFCC Positive Disclosure Guidance is one of the three pieces of guidance being published in July 2023. This guidance and associated risk assessment is a framework which has been produced to support FRSs on how to take a risk-based approach to managing information found on Disclosure and Barring Service (DBS) checks.

The guidance affects all representatives of the Fire and Rescue Authorities in England (and devolved administrations), including those who are employees, employers and volunteers and will supports services to meet necessary requirements and be responsive to the local needs of communities in meeting the national requirements across the UK. It is highlighted that terminology and protocols in this guidance may differ within local arrangements and for devolved administrations.

An Equality Impact Assessment (EqIA) has been conducted on the Guidance and considers the nine protected characteristics in accordance with the Equality Act 2010 and its positive impact.

The guidance document produced to help implement the Oasys risk matrix recognises that at the organisational level, senior managers need to ensure that use of the 'OASys risk matrix' procedures and assessment tools are unbiased and fit for purpose, with appropriate quality assurance, monitoring and training in place, and sufficient oversight of the whole system to ensure that good practice can be maintained. In this case in line with the equality act the consideration of 'sexual orientation'.

HR departments will be encouraged to triage and review both the organisational approach and the



practice in individual cases so that there is a sufficient focus on keeping people safe, whilst engaging with the safeguarding team.

To support the guidance within the process of a managing information of a 'positive disclosure', the proposed risk assessment adopted is based on the principles of OASys but adapted for our audience. OASys is an actuarial risk and needs assessment tool used by the prison and probation services in England and Wales. The EIA has taken the key learning on the implementation of 'OASys' risk assessment tool within other sectors and highlighted the need to consider the possibility of subjective 'bias' that may impact on decision making and which can be in the form of the protected characteristics outlined on the Equality Act. The guidance clearly sets out possible ways to minimise bias in the Event of assessing positive disclosures.