

Appendix C to Policy for Provision of Criminal Record Checks

Policy on Foreign Nationals or UK Residents who have Worked or been Resident Overseas in the past Five Years

The DBS can only access criminal records held on the Police National Computer and this does not hold details of convictions, cautions, reprimands or warnings from outside the United Kingdom. A DBS check will not provide details of an overseas criminal record that may, or may not exist.

All persons who are appointed to a post requiring a DBS check must however still undergo a DBS check regardless of their length of stay in the UK or, even if they have never been resident. All new arrivals to the UK must provide, in addition to all documentation in relation to the Immigration requirements, and DBS requirements, a **Statement of Good Conduct (SOGC)**. The definition of new arrival is an applicant who has worked or been resident overseas in the **previous five years** and this includes citizens of the UK who have worked or lived overseas.

It is preferred that the SOGC is obtained via the relevant UK embassy of **every country** in which residency or employment is relevant. **The applicant is responsible for acquiring this.**

Managers should request that the applicant obtains the SOGC in English, as otherwise costs may be incurred for translation. This document should be considered along with all other employment checks before taking a decision regarding appointment.

It is recommended therefore that prospective candidates are advised that they should obtain their SOGC(s) prior to application or at least before interview. References must be obtained from previous employers and in the case of those seeking to work with children and/or vulnerable groups, **one of these references should be from the last employer where the individual worked with vulnerable clients.**

Particular care must be taken with the usual range of other pre-employment checks such as confirming identity, qualifications, verifying work permits and eligibility to work and pre-employment medical questionnaires must be carried out.

Although it may be of limited value to ask a person who has little or no previous residence in the UK to apply for disclosure, advice indicates that if the person applies to work in the regulated childcare sector or with vulnerable groups, the employer is required to check the Protection of Children list through the disclosure process.

The unavailability of an applicant's Certificate of Good Conduct may give cause for concern about his or her suitability to be offered employment in a position of trust.

Although such candidates will not be barred from working for the Council, appointing managers must make their final recruitment decision with due regard to all the relevant facts, the risk assessment and the overall requirement to protect vulnerable groups. Any decision not to appoint must be carefully explained to the candidate and reassurance given about the reasons for it.