

# RECRUITMENT AND SELECTION POLICY

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<b>Assurance Committee</b>	<b>Staff Governance Committee</b>
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**TABLE OF CONTENTS**

- i) Consultation and Distribution Record
- ii) Change Record
  
- 1. Introduction
  
- 2. Aim, Purpose and Outcomes
  
- 3. Scope
  - 3.1 Who are the Stakeholders
  
- 4. Principal Content
  - 4.1 Data Protection Legislation
  - 4.2 Personal Relationships at work
  - 4.3 Disclosure of Criminal Convictions
  - 4.4 Rehabilitation of Offenders
  
- 5. Roles & Responsibilities
  
- 6. Resource Implications
  
- 7. Communications Plan
  
- 8. Quality Improvement – Monitoring and Review
  
- 9. Equality and Diversity Impact Assessment
  
- 10. Summary of Policy/FAQ's
  
- 11. References

**APPENDIX A – Legal Requirements and other related policies**

**APPENDIX B – PVG/Disclosure Scotland Checklist**

**APPENDIX C - Risk Matrix**

i) **CONSULTATION AND DISTRIBUTION RECORD**

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ii) **CHANGE RECORD**

<b>Date</b>	<b>Author</b>	<b>Change</b>	<b>Version No.</b>
31 01 2017	Lorraine Scott	Terminology change- Disability Two tick now Disability Confident Scheme Reference section updated	3
11.05.18	Deputy HRD	Policy reviewed against GDPR legislation – changes are that references to Data Protection Act are amended to reflect current Data Protection Legislation	3
October 2019	Head of HR – Medical, Dental & Employment Services	Distribution list and review date updated	3
August 2022	Recruitment Manager	Link to Safer Pre-Employment PIN included, updated disclosure risk matrix included in appendix C, membership of positive disclosure panel updated, employment acts	4

		updated Appendix A	

## 1. INTRODUCTION

NHS Lanarkshire's Recruitment and Selection Policy and Procedure is designed to promote equality of opportunity in the process of attracting, recruiting and selecting staff.

NHS Lanarkshire is legally bound to ensure that there is no unfair discrimination, and that all legal obligations are met. Discriminatory criteria such as age, sex, ethnicity/race, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity, or gender reassignment will not be used. Similarly, a disability will not present as a barrier to opportunity and the requirement to demonstrate reasonable adjustments will be enforced unless it conflicts with intrinsic criteria for the job.

It is important for the future success of NHS Lanarkshire that the highest calibre staff are recruited and retained and that the process to achieve this ensures consistency of action and quality of decision.

The organisation needs to recruit effectively while at the same time giving equal opportunity to individuals and developing work-life balance policies. The principles, values and the recommendations of the PIN Policy on Equal Opportunities and Family Friendly are consistent with this policy. In addition, the Safer Pre-Employment PIN is also a document following by recruitment, the document can found via the following link: <https://www.staffgovernance.scot.nhs.uk/media/1409/secondment-pin-policy.pdf>

This policy further aims to provide recruitment procedures which ensure that staff are employed appropriately, trained, further developed and equipped to respond effectively to diversity and service delivery needs.

The detailed recruitment and selection procedures supporting this policy are contained within the Recruitment Section of Firstport under Jobtrain.

For medical and Dental staff the guidance document can be obtained from the medical and dental recruitment team.

## 2. AIM, PURPOSE AND OUTCOMES

- NHS Lanarkshire aims to appoint candidates according to their abilities, qualifications and training.
- Equal opportunities for employment and promotion within NHS Lanarkshire are open to all with the appropriate qualification, skills or experience.
- NHS Lanarkshire will establish a recruitment process, which will ensure that employees are chosen using relevant objective criteria that are without discrimination or prejudice or unfair assumption.

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- Ensure contemporary, consistent and efficient recruitment processes that are inclusive of all talent sources and comply with relevant employment legislation.
  - Staff involved in recruitment will receive appropriate training and ongoing professional HR support in the necessary legal and procedural requirements.
  - NHS Lanarkshire will establish networks with other organisations both locally and nationally to recruit staff.
  - As part of NHS Lanarkshire's commitment to promoting equality of opportunity in employment, NHS Lanarkshire will promote and maintain the Disability Confident Scheme status. All applicants who declare a disability and who meet the minimum criteria for the post will be guaranteed job interview,
  - Where appropriate, reasonable adjustments to the recruitment and selection process, workplace and/or role will be made to support people with disabilities, to attain and remain in employment, advice will be sought from Occupational Health colleagues when necessary.

### 3. **SCOPE**

This policy applies to all directly employed staff and potential staff of NHS Lanarkshire, irrespective of age, sex, ethnicity, disability, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity or gender reassignment.

Areas outwith Human Resources, which have responsibility for all or part of recruitment administration, are required to follow the terms of this policy.

In terms of best practice in recruitment and selection, and to comply with legal obligations, NHS Lanarkshire requires line managers to take responsibility for the recruitment and selection process. Human Resources, will provide administrative support and professional advice and guidance throughout the process, where appropriate.

Objective criteria for selection must be used. Staff must be appointed or promoted according to their qualifications, abilities and training in line with the approved job description for the post. The recruitment process must be free from discrimination to ensure equal opportunity to every applicant. Therefore, recruiting staff should complete the relevant Learnpro modules and are provided with ongoing support and access to professional HR advice in the necessary legal and procedural arrangements.

#### 3.1 **Who are the Stakeholders**

Current Employees of NHS Lanarkshire. All employees and potential employees of NHS Lanarkshire.

NHS Lanarkshire takes care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure and confidential. In order to find out more about current data protection legislation and how we process your information, please visit the Data Protection Notice on our website at [www.nhslanarkshire.scot.nhs.uk](http://www.nhslanarkshire.scot.nhs.uk) or ask a member of staff for a copy of our Data Protection Notice.

## 4. PRINCIPAL CONTENT

NHS Lanarkshire recruitment and selection policy and procedures aims to comply with relevant legislative requirements as well as other related policy and codes of practice, as referenced in Appendix A.

Whilst appropriate policies have been developed, to ensure consistency in approach this policy and associated documents should also act as an “umbrella” policy for all recruitment entry routes into NHS Lanarkshire including:

- Staffbank
- Honorary Contracts
- Fixed Term Contracts
- Secondments
- Redeployment Policy
- Volunteering
- Supported Employment Initiatives

### 4.1 DATA PROTECTION LEGISLATION

The recruitment process inevitably involves the collection of personal information (and sensitive data) which is subject to the standards imposed under Data Protection legislation and Codes of Practice. NHS Lanarkshire commits to protect and keep secure all personal data, to process it in accordance with the Regulations, and to allow subject access when requested.

### 4.2 PERSONAL RELATIONSHIPS AT WORK

When participating in the NHS Lanarkshire recruitment process, managers will be expected to work within the requirements of the Recruitment Policy and Procedures as well as within the Standards of Business Conduct and Guidance. As such, members of staff in a line management/supervisory role may wish to consider if it's appropriate to be involved in the selection or appointment of any applicant with whom they have a personal relationship, to protect them and the organisation from any accusations of bias.

### 4.3 DISCLOSURE OF CRIMINAL CONVICTIONS

As part of the Recruitment and Selection process, NHS Lanarkshire (NHSL) uses the Disclosure Scotland service for relevant posts. Dependant upon the post, a criminal record

check is carried out on each successful applicant at an appropriate level, who will be offered the post subject to the check being satisfactory. No approach will be made to Disclosure Scotland without the consent of the successful applicant who will be asked to complete an electronic application, giving authorisation for the check to be undertaken but equally, no appointment will be made without an appropriate disclosure check being carried out.

Disclosure Scotland provides criminal history information on an individual to the organisation for offer of employment purposes under Part 5 of the Police Act 1997. The main objective of Disclosure Scotland is to help employers and other organisations make safer recruitment decisions and will provide criminal history information on anyone seeking employment in relevant posts or voluntary posts which involve positions of trust such as working with children and vulnerable groups.

Three different levels of criminal record check as defined by Disclosure Scotland: have been available for some time, Basic, Standard or Enhanced (prisons only).

In addition to the above checks The Protection of Vulnerable Groups (Scotland) Act 2007: Scottish Vetting and Barring Scheme creates the legislative framework for a strengthened, robust and streamlined vetting and barring scheme for those working with children and protected adults in Scotland. The PVG Scheme replaces enhanced disclosures for individuals working with vulnerable groups and went live on 28 February 2011.

Any individual undertaking regulated work with children and/or protected adults must be a member of the PVG Scheme. It is an offence for an organisation to offer regulated work to someone who is barred or to fail to remove a person from regulated work if they have been notified that they are barred.

The level of Disclosure check required for a post can be determined by using the checklist in Appendix B.

HR will score any positive disclosures received using the risk matrix in Appendix C. Depending on the score HR will forward the necessary positive disclosures to the Disclosure Panel; the panel will determine the suitability of appointment for applicants with positive disclosures. The Disclosure Panel consists of the Director of Human Resources, Nurse Director Health & Social Care North Lanarkshire, Nurse Director Acute, staffside and a Director of Hospital Services. For Medical Disclosures the Medical Director will join the panel.

#### **4.4 REHABILITATION OF OFFENDERS**

NHS Lanarkshire complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons, their nominees and other recipients of information by disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

If individuals have criminal convictions which do not legally prevent them from working with vulnerable groups then a risk matrix approach is taken (Appendix C), dependant on the score the positive disclosure may be taken to the Disclosure Panel to ensure consistency in decisions made.

### 5. ROLES AND RESPONSIBILITIES

Employees must

- Ensure they are familiar with the policy and procedures
- Comply with the policy
- Attend training as necessary
- Actively pursue alternative employment opportunities

Managers must

- Ensure they communicate with staff about the policy
- Consistently implement the policy at their local level
- Keep accurate records

Staff Side Representatives must

- Support the principles and procedures in the policy
- Act in accordance with NHS Lanarkshire's Partnership Agreement
- Undertake training as appropriate

Human Resources Staff must

- Provide expert advice and support on the application of the policy
- Monitor and review the policy

### 6. RESOURCE IMPLICATIONS

The recruitment process inevitably has costs associated with it. Additional costs may be incurred when using external advertising agents for difficult to fill posts, for example international medical jobs websites

Costs associated with undertaking criminal record/PVG checks.

### 7. COMMUNICATION PLAN

- This policy will be launched using the weekly staff briefing and it will be available on Firstport and NHS Lanarkshire's public website.  
<http://firstport/sites/humanresources/Policies-Procedures-Guidelines/Human%20Resources/Recruitment%20and%20Selection%20Policy.doc>  
Please see the Recruitment and Selection Guidelines in this section too.
- Staff within HR will be briefed on the content of the policy – if you require further information or advice please contact human resources on 01698 754 368 for general recruitment and 01698 754358 for medical staffing.



- This policy will also be discussed at the appropriate management team meetings and local partnership fora.

### 8. **QUALITY IMPROVEMENT – Monitoring and Review**

The policy will be reviewed every three years by the Joint Policy Forum.

### 9. **EQUALITY AND DIVERSITY IMPACT ASSESSMENT**

Objective criteria for selection must be used. Staff must be appointed or promoted according to their experience and/or qualifications, abilities and training. The recruitment process must be free from discrimination to ensure equality of opportunity for all.

NHS Lanarkshire is positive about disabled people and as such will provide all applicants with a disability who meet the minimum criteria for the post a guaranteed job interview.

This policy meets NHS Lanarkshire's EDIA

### 10. **SUMMARY OF POLICY**

This policy and its more detailed supporting procedures outline how the NHS Lanarkshire will recruit the highest calibre of candidates to vacancies within the organisation, whilst ensuring a fair and transparent approach which adheres to legislation and good practice.

### 11. **REFERENCES**

- NHS Scotland Partnership Information Network (Pin) policies on Equality and Diversity & Human Rights, Supporting Work/Life Balance and Safer Pre & Post Employment Checks
- General Data Protection Regulations (GDPR) 2018
- Recruitment & Selection Process Guidance Pack

## APPENDIX A – LEGAL REQUIREMENTS AND OTHER RELATED POLICIES

The main Acts and Regulations relating to the management of recruitment are listed below:

- Equal Pay Act 1970 and subsequent amendments
- Health & Safety at Work etc. Act 1974
- Rehabilitation of Offenders Act 1974 and Police Act 1997
- Trade Union and Labour Relations (Consolidation) Act 1992
- Trade Union Reform and Employment Rights Act 1993
- Immigration, Asylum and Nationality Acts 1996 and 2006
- Freedom of Information Act 2002
- Employment Rights Act 1996
- National Minimum Wage Act 1998 and Amendment Regulations 2006
- Working Time Regulations 1998 and Amendment Regulations 2006
- Data Protection Legislation 2018 and Freedom of Information Act 2002
- Human Rights Act 1998
- Employment Relations Acts 1999 and 2004
- Part Time Workers (prevention of Less Favourable Treatment) Regulations 2000
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Equality Act 2010

### Other Related Policy

- Safer Pre and Post Employment Checking Partnership Information Network (PIN) Policy Second Edition March 2014
- Disclosure Scotland Code of Practice, 2011 edition
- Code of Practice for the international Recruitment of Healthcare Professionals in Scotland, August 2022
- Interagency Guidelines for Child and Adult Protection
- Adults with Incapacity (Scotland) Act 2000
- Mental Health (Care and Treatment Scotland) Act 2003
- Adult Support and Protection (Scotland) Act 2007
- Protection of Vulnerable Groups (Scotland) Act 2007
- Agency Workers Regulations 2010

APPENDIX B

**NHS SCOTLAND**

**PVG/DISCLOSURE GUIDANCE CHECKLIST**

**Introduction**

The PVG Scheme is established by the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”).

This document has been designed to assist NHS Scotland Boards to implement the legislation and to assist in determining the appropriate level of disclosure, (if any) is required for a post. Please refer to the ‘Frequently Asked Questions’ document for further clarity and examples.

SECTION A – PVG Childcare only	YES	NO
<p><b>1. Is the post holder required to work in a children’s establishment <sup>(1)</sup> as part of normal duties?</b></p> <p><sup>(1)</sup> defined as ‘A children’s hospital (establishment) is any institution for the reception and treatment of persons suffering from illness and is exclusively or mainly for children’</p> <p><b>IF YOU HAVE ANSWERED ‘YES’ to Q1 – and the postholder has the opportunity for unsupervised contact with children, the postholder is considered to be in regulated work and required to become a PVG Scheme member for Children. Generally speaking, most posts within a Children’s establishment will have freedom of movement and as such have the opportunity for unsupervised contact with Children.</b></p> <p><b><u>If No, or the post does not have the opportunity for unsupervised contact - Progress to SECTION B.</u></b></p>		
SECTION B – PVG Childcare and/or Adult	YES	NO
<p><b>2. Who are the post holders working with?</b></p> <p>a) Children – all children under the age of 18 years</p>		

<p>b) Protected adults <sup>(2)</sup></p> <p><sup>(2)</sup> is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service, e.g. Health service.</p>			
<p><b>3. What are the post holders doing?</b></p> <p><b>a) Regulated Activities/work with children</b></p> <p>An individual may be doing regulated work with children if their work involves any of the following activities (as part of their normal duties)</p> <ul style="list-style-type: none"> <li>• Caring for children</li> <li>• Teaching, instructing, training or supervising children</li> <li>• Being in sole charge of children</li> <li>• Unsupervised contact with children under arrangements made by a responsible person</li> <li>• Providing advice or guidance to a child or to particular children which relates to physical or emotional well-being, education or training.</li> <li>• Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children.</li> </ul> <p><b>b) Regulated activities/work with adults</b></p> <p>An individual may be doing regulated work with adults if their work involves any of the following activities (as part of their normal duties)</p> <ul style="list-style-type: none"> <li>• Caring for protected adults (individual in receipt of a health service)</li> <li>• Teaching, instructing, training or supervising protected adults.</li> <li>• Being in sole charge of protected adults.</li> <li>• Providing assistance, advice or guidance to a physical or emotional well-being, education or training.</li> <li>• Inspecting adult care services.</li> </ul> <p>With the exception of supervising children, sole charge of children, or unsupervised contact with children, the following incidental test applies to activities listed in a) and b) above.</p> <p><i>Exceptions to regulated work - Incidental</i></p> <p><i>The scope of regulated work is narrowed by the incidental test. Some, but not all, activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally to working with individuals who are not children or protected adults.</i></p> <p><i>e.g. - open to all</i>  <i>- Health promotion events</i></p>			

<ul style="list-style-type: none"> <li>- <i>Public Meetings</i></li> <li>- <i>presenting/delivering training to a group that may have children or vulnerable adults; or</i></li> <li>- <i>attendance is discretionary</i></li> </ul>			
<p><b>4. Is it the postholders 'Normal' duties?</b></p> <p>Normal duties can be considered as something the individual might be expected to do as part of their post on an ongoing basis, and excludes one-off occurrences and unforeseeable events.</p> <p>Normal duties</p> <ul style="list-style-type: none"> <li>- appears in a job description, task description or contract (but these should not be manipulated to stretch the boundary of the PVG scheme)</li> <li>- it can be reasonably anticipated or</li> <li>- it occurs regularly</li> </ul> <p>Unlikely to be normal duties when:</p> <ul style="list-style-type: none"> <li>- done in response to an emergency (unless by an emergency worker)</li> <li>- arranged at the last minute to stand in for sickness or other unexpected absence, or</li> <li>- done as a one-off activity of short duration which is not part of normal routine/occupation</li> </ul>			
<p><b>IF YOU HAVE ANSWERED 'YES' to Q2, 3 and 4 – The postholder will require to be a PVG Scheme member.</b></p> <p>If you have answered 'NO' to any one or more of these questions <b><u>please progress to Q5</u></b></p>			
<p><b>5. Is the Person Providing a Welfare service – particular need physical/mental impairment – e.g. Chaplains, Counsellors, some health promotion and some volunteers (these individuals need to be working with protected adults or children or both, <u>and</u> satisfy questions 3(b) and 4 to be considered as regulated work.</b></p> <p>A welfare service includes any service which provides support, assistance, advice or counselling to individual with particular needs, meeting the following conditions. The service must be a service that:</p> <ul style="list-style-type: none"> <li>• Is provided in the course of work to one or more persons aged 16 or over</li> <li>• Is delivered on behalf of an organisation</li> <li>• Requires training to be undertaken by the person delivering the service</li> <li>• Has a frequency and formality attached to the service and</li> <li>• Either             <ul style="list-style-type: none"> <li>(i) requires a contract to be agreed between the service provider and the recipient of the service prior to the service being carried out or</li> </ul> </li> </ul>			

## RECRUITMENT AND SELECTION POLICY

<p>(ii) is personalised to an individual adult's needs.</p> <p>A particular need is a specific requirement an individual may have arising from whether physical or mental illness, or physical or mental disability (temporary or permanent) which may disadvantage that person when compared to the rest of society.</p>		
<p><b>6. Will the postholder be providing immediate day to day supervision or management of workers doing regulated activities?</b></p> <p>An individual may be doing regulated work if, as part of normal duties, they are responsible for the day to day supervision or management of an individual doing regulated work through activities the individual performs e.g. the holder is responsible for the management, supervision, appraisal, training and immediate welfare of the individual, the holder of the position meets regularly with the individual to discuss and review the individuals work.</p> <p>e.g. Service Managers, Senior Nurses, Heads of Professions (dependant on departmental structure)</p>		
<p><b>IF YOU HAVE ANSWERED 'YES' to Q5 <u>or</u> Q6 – The postholder will require to become a PVG Scheme member.</b></p> <p>If you have answered 'NO', then consideration should be given to whether or not an Enhanced, Standard or Basic Disclosure is required. <b>Please progress to SECTION C</b></p>		
<p><b>SECTION C – ENHANCED / STANDARD / BASIC</b></p>	<p><b>YES</b></p>	<p><b>NO</b></p>
<p><b>7. Is the postholder in a non-clinical role which is either based or required to visit the prison service to carry out normal duties?</b></p> <p>e.g. Administration role</p>		
<p><b>IF YOU HAVE ANSWERED 'YES' to Q7 – the postholder will require an Enhanced Disclosure. This is the only NHS category currently eligible for an Enhanced Disclosure.</b></p> <p>If you have answered 'NO', <b><u>please progress to Q 8.</u></b></p>		
<p><b>8. Is the postholder registered with the Health Professions Council but not doing regulated work or providing a welfare service as described in questions 1, 2, 3 &amp; 4?</b></p> <p>e.g. Biomedical Scientists</p>		
<p><b>IF YOU HAVE ANSWERED 'YES' to Q8 – the postholder will require a Standard Disclosure.</b></p>		

<p>If you have answered 'NO', <b><u>please progress to Q9 &amp; 10.</u></b></p>		
<p><b>9. Is the postholder providing a health service?</b></p> <p>Any employment or work which is concerned with the provision of health services and which is of such a kind as to enable the holder to have access to persons in receipt of such services in the course of that persons normal duties. e.g. providing appointments to patients, A&amp;E reception, Inputting patient notes, Technicians if they are maintaining medical equipment , ATO</p>		
<p><b>10. Does the postholder have regular access to patients?</b></p> <p>That is regular face to face, 1:1, telephoning (passing test results, giving appointments) to/with patients.</p>		
<p><b>IF YOU HAVE ANSWERED 'YES' to Q9 <u>and</u> 10 – the postholder will require a Standard Disclosure.</b></p> <p><b>IF YOU HAVE ANSWERED 'NO' to either Q9 <u>or</u> 10, consider whether or not a Basic Disclosure is required.</b></p>		
<p><b>11. Is it another role which is felt to need a criminal record check for example; finance, payroll, audit?</b></p>		
<p><b>IF YOU HAVE ANSWERED 'YES' to Q11 – the postholder is only eligible for a Basic Disclosure</b></p>		

APPENDIX C

**NHS LANARKSHIRE - RISK SCORING FOR DISCLOSURE PURPOSES**

A. Nature of the offence

Murder	10	Wilful Fire Raising	7	Careless Driving	3
Culpable Homicide	10	House Breaking	7	Breach of the Peace – Criminal Justice Licensing (Scotland) Act 2010: Section 38 (with aggravation: sectarianism, racism, etc.	3
Sexual Offences (including rape)	10	Attempted House Breaking	7	No Car Insurance	3
Assault with Severe Injury & Permanent Disfigurement (serious)	10	Theft or Reset	7	No MOT	3
Extortion	10	Embezzlement/ Fraud	7	Driving Whilst Using Mobile Phone	2
Causing Death by Dangerous Driving – S1 Road Traffic Act 1988	9	Forgery & Uttering	7	Breach of the Peace – Criminal Justice Licensing Scotland Act 2010: Section 38	2
Assault	8	Perjury	7	Speeding Offence	1
Robbery	8	Drug Offences:	7	Not Wearing a	1



## RECRUITMENT AND SELECTION POLICY

		Procession		Seatbelt	
Drug Offences: Dealing	8	Driving Under the Influence of Drugs or Alcohol	7	No Car Tax	1
Domestic Abuse	8	Reckless Conduct	7	No TV License	1
Offensive Weapons/Knife Crime	8	Obstruction of Justice	5	Driving Through a Red Light	1
Firearms Offence	8	Dangerous Driving	5		
Crimes Against Child – Child & Young Person Scotland Act Section 12	8	Driving Without a License	5		
Assault on Emergency Workers Act 2005	8	Computer Crime (Social Networking)	4		
Stalking - Criminal Justice & Licensing (Scotland) Act 2010	7	Vandalism or Malicious Mischief	4		

B. When the offence occurred scale 1-3

<2 Years	3	2-5 Years	2	>5 Years	1
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C. Age of the applicant when the Offence Occurred – Scale 1-3

>30 Years	3	21 - 30 Years	2	< 21 years	1
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D. Number of offences – Scale 0-3

4+ Offences	3
3 Offences	2
2 Offences	1
1 Offence	0

E. Indication of Risk   
 Total Score for This Application

Score	Outcomes
Low Risk – 3 to 4	Appoint the Applicant
Medium Risk - 5 to 7	Find out further information and consider if severity warrants referral to panel.
Medium to High Risk - 8 to 11	Forward to the panel for consideration.
High Risk – 12	Do not appoint