



## Overseas criminal record checking – guidance notes

The Gov.uk website (follow link below) gives advice about the criminal record checking process for most countries. Although they call it ‘criminal record checks for overseas applicants’, this document is also for use with UK nationals who have spent time outside of the UK, or for anyone who needs an overseas check.

Their information includes what will be produced by each country, for example a ‘certificate of good conduct’ or a ‘police clearance certificate’, details regarding who can apply, for example individuals themselves and not the employer/organisation, and what the full process is. Details of costs and turnaround times may also be given, plus contact details: - <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Consulate, Embassy or High Commission for the country in question can also offer advice about the process and confirm that the DBS information is up to date. They are also able to advise if you are having trouble with the process at all. If there is any doubt about documents produced, they may also be able to provide advice regarding authentication.

### 1. Checking document authenticity

**Before viewing and checking any original overseas criminal record document**, you should seek information yourself regarding the correct criminal record process for that country, so you know what you are looking for when presented with the original document. Try and find out beforehand what security features are available to check on the original document and any other information which may be of use to you when presented with the original. Use the above sources to help you.

Make sure the document you are presented with is the **original** and not a photocopy or an emailed version, and that it looks genuine, has not been tampered with, etc. See [DBS ID checking guidelines](#) for advice about checking for signs of tampering and fraud, etc. Do not accept emailed documents, the applicant needs to present the original. Is the document on high grade quality paper? Does it contain watermarks or other security features? Has it been officially stamped? Obtain all possible guidance from the appropriate official source beforehand, so you are prepared for checking any security features, etc that there may be when you are presented with the original.

Sometimes, on the certificate itself, there will be guidance about how to check the authenticity of the document and what exactly to check for. Don’t rely on this though; as noted above you should go to the relevant official website of the issuing authority before you are presented with the original so you are already aware of any genuine security features. The issuing authority may provide guidance on authentication of the certificate and sometimes they have photos of example certificates which is very useful so you know what one should actually look like.

Carry out thorough security checks on original documents and then, with the individual’s permission, take a photocopy for further checking later (ensure compliance with staff Privacy notice).

Check all the individual's details are correct on the certificate, for example, their full name, date of birth etc, just the same checks as you would do on a British DBS certificate, plus any extra information you can check such as passport number etc.

Look at all other details on the certificate, for example if it says 'Partial disclosure', try and find out what level of check this actually is, what information it gives you and if this was the only level of check available and is it the level/type you require? Sometimes, the level and type of check is dependent on how the applicant fills out the application form, for example the reason they give for needing the check, for what role exactly. There is sometimes the option for the individual to state the period of time they want their check to cover. Have they asked for a complete history or just partial? Their answers can influence the level and type of check received, whether it shows all offences or just where unspent, offences only from a certain period of time etc. It is usually possible to go to the application form yourself on line, as if you are the applicant and look at the options given to the applicant when filling this in so you can check they have requested the level and type you need them to. Sometimes they need to apply for more than one certificate e.g. two are required from Italy. It's advisable to look into this yourself as early in the process as possible.

Where appropriate ensure the document has been translated into English through a professionally accredited translation service. Sometimes, the issuing authority also provides their own English translation which is fine, but there must be no doubt that it was the issuing authority who did the translation. Under no circumstances can the individual translate their own certificate, nor a person who is not independent of the subject matter or professionally accredited.

It may also be possible to check other details on a certificate from their official website such as the address of the issuing organisation/authority, name of the person signing the certificate/providing the criminal record information. Look on official websites to find out what their logos should look like.

**N.B.** – we always need to do a British DBS check in addition to any overseas checks even where the person may never have lived/visited in the UK yet, to verify that they have no criminal history in the UK.

## **2. What if an overseas check cannot be obtained for some reason?**

Some countries will not issue the individual or us ('the employer') with any criminal record information. Always check for yourself as to whether criminal record information is available from the country in question rather than relying on the word of the individual. If advice is not available on the [DBS website](#) try the country's Embassy or Consulate.

Occasionally, there may be other barriers to obtaining overseas checks, such as time constraints, disproportionate costs etc. Please take advice from Caroline Coulesey or Liz Felgate as to whether or not it is 'not reasonably practicable' to obtain the overseas check. All avenues for obtaining the check must be fully explored and again, establish all facts for yourself, e.g. turnaround times of checks, costs etc.

Fully document all information regarding why it was not possible/reasonably practicable to obtain the check.

**Where it is not possible to get an overseas check or it is deemed not reasonably practicable, additional measures must be taken/put in place:-**

- Take up extra relevant references appropriate to the role. References should be taken up directly and the source verified independently (rather than pre-prepared

ones the applicant may have). References need to be able to testify to the individual's suitability for the role. Where a person has not worked in a similar role recently, or at all previously, it is still important to seek extra references from the employer/s who most recently employed them to work in a similar role or, where this is not applicable, from someone who is able to comment on their suitability. If you have questions about the content of a reference or concerns about its authenticity, it may be useful to follow up references by phone. You should keep clear notes, with the reference, of any conversations you have in case they are required in the future.

- Look back over any interview notes and recruitment paperwork. Did the interviewer suitably ascertain the individual's attitude and motivation to working in such a role? If necessary hold further such discussions with the individual and/or interviewer.
- Have all relevant qualifications been checked? Such checks should already have taken place, but double check.
- Double check that all gaps in employment, changes in career, or anything else which strikes you as odd or that doesn't ring true have been identified and you are happy with the outcome of such follow on discussions with the individual. Seek further information if you feel it is necessary.
- Put extra workplace supervision in place where necessary and make sure all appropriate people are made aware that overseas checks could not be obtained.

Refer to guidance under the University's Safeguarding Policy and guidance documents for other practical advice.

[http://www.leeds.ac.uk/secretariat/documents/safeguarding\\_policy.pdf](http://www.leeds.ac.uk/secretariat/documents/safeguarding_policy.pdf)

[http://www.leeds.ac.uk/secretariat/documents/safeguarding\\_guidance.pdf](http://www.leeds.ac.uk/secretariat/documents/safeguarding_guidance.pdf)

Fully document all information relating to each of the above as applicable.

If you have queries on any of the above, contact Liz Felgate (ext. 34149 / email: [e.j.felgate@adm.leeds.ac.uk](mailto:e.j.felgate@adm.leeds.ac.uk)).