

Recruitment of Ex-Offenders Policy

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Sources of guidance used	<ul style="list-style-type: none"> • Disclosure and Barring Service • Due Diligence Checking

1. Introduction

- 1.1 All individuals or organisations using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust and who are recipients of DBS check information must comply fully with the DBS Code of Practice. Amongst other things, this requires them to treat all applicants for posts who have a criminal record fairly and not to discriminate unfairly against the subject of a DBS check on the basis of conviction or other information revealed. It also obliges them to have a written policy on the recruitment of such people, which can be given to all applicants for posts where a DBS check is requested and to ensure that a body or individual at whose request applications are countersigned has such a written policy.
- 1.2 Adherence to this policy will ensure compliance with the DBS Code of Practice in this respect.

2. Policy Statement

- 2.1 As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, the organisation complies fully with the DBS Code of Practice and will treat all applicants for posts fairly. It will not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- 2.2 The organisation will only ask a person to provide details of convictions and cautions that it is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the post is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended) and where appropriate Police Act Regulations (as amended) apply, the organisation will only ask a person about convictions and cautions that are not 'protected'.
- 2.3 The organisation is committed to the fair treatment of everyone. It seeks to ensure that people's differences are reflected throughout all

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of its affairs, regardless of age, caring responsibilities, class, disability, gender reassignment, marriage and civil partnership, offending background, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- 2.4 This Policy will be made available to all DBS applicants at the outset of the recruitment process.
- 2.5 The organisation actively promotes equality of opportunity for all with the right mix of talent, skills, and potential and welcomes applications from a wide range of candidates, including those with a criminal record. It will select all candidates for interview based on the quality and relevance of their skills, competencies, knowledge and quality of experience.
- 2.6 A DBS check will be requested only after a thorough risk assessment has indicated that one is both proportionate and relevant to the post concerned. For those posts where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested if the person is offered the post.
- 2.7 Where a DBS check is to form part of the recruitment process, the organisation will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. It will request that this information is sent under separate, confidential, cover to the Chief Executive and will guarantee that this information is only be seen by those who need to see it as part of the recruitment process.
- 2.8 Unless the nature of the post allows the organisation to ask questions about a person's entire criminal record (except for certain spent convictions and cautions which are 'protected', so not subject to disclosure to employers and that cannot be taken into account), it will ask only about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- 2.9 The organisation will ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. It will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, such as the Rehabilitation of Offenders Act 1974.
- 2.10 At interview, or in a separate discussion, the organisation will ensure that an open and measured discussion takes place on the subject of any offences or any other matter that might be relevant

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to the post. Failure to reveal information that is directly relevant to the post sought could lead to withdrawal of an offer of employment.

- 2.11 The organisation will make every subject of a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request.
- 2.12 The organisation will discuss any matter revealed in a DBS certificate with the person seeking the post before withdrawing a conditional offer of employment.
- 2.13 **Having a criminal record will not necessarily bar a person from working with the organisation.** This will depend on the nature of the post and the circumstances and background of any offences.

3. Policy implementation and review.

- 3.1 The Chief Executive is responsible for ensuring that this Policy is carried out. Every designated manager is responsible for its implementation in their own service and with their own staff, wherever appropriate.
- 3.2 Any responsibilities of the Chair and Chief Executive described in this Policy shall, in their absence, be undertaken when necessary by the Vice-Chair and deputy respectively.
- 3.3 At least once every three years, the Board will review this Policy and compliance with it, in consultation with recognised trade union and other employee representatives.