

# **RECRUITMENT OF EX-OFFENDERS**

## **POLICY AND PROCEDURE**

**August 2016**

## **POLICY STATEMENT**

The purpose of this policy is to provide procedural guidance and direction for the recruitment of ex-offenders

The overarching aim is to confirm The Disabilities Trust Group's approach towards employing people who have a criminal record.

The Trust is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. The Trust will therefore consider ex-offenders for employment on their individual merits.

## **SCOPE**

Due to the nature of the service the Trust provides, the Trust is included under the list of excluded services in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 which covers England, Scotland and Wales.

This policy also applies to:

- All Disabilities Trust staff and workers/suppliers of services including registered, unregistered, bank, temporary, locum staff, and self-employed contractors
- All students, volunteers and those on secondments or other flexible working arrangements.
- The majority of job roles in the Trust are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This entitles the Trust to seek detailed information relevant to the job role on both spent and unspent convictions/cautions/ warnings/reprimands/bind-overs from job applicants and base employment decisions on this information.

This policy is for guidance only and may be amended from time to time

All employees have a duty to follow any code of conduct and/or any rules contained; non-compliance with this policy is likely to result in disciplinary action being taken in accordance with this Disciplinary policy and procedure.

## **PRINCIPLES**

The following key principles outline the Trust's approach to the recruitment of ex-offenders

- The Trust will not automatically refuse to employ a particular individual just because he/she has a criminal record
- The Trust will review individual circumstances on a case by case basis in relation to the role the applicant has applied for
- The Trust will comply fully with the Disclosure and Barring Service (DBS) and Disclosure Scotland Codes of Practice and any employment based decisions relating to Disclosure or PVG Scheme Record information will be made in accordance with these.

## PROCEDURE

### Requesting information

Within the application form and during job interviews, the Trust will ask job applicants to disclose any unspent convictions/cautions/warnings/reprimands/bind-overs. Under the Trust's exemption from the Rehabilitation of Offenders Act 1974, additional questions may be asked about spent convictions/cautions/warnings/ reprimands/ bind-overs. The job applicant is expected to disclose all of these.

### Relevance of Offences

The Trust will not refuse to employ a particular individual unless the nature of the conviction/caution/warning/ reprimand/bind-over has some relevance to the job for which the individual has applied. When deciding the relevance of offences, the following will be considered on a case by case basis: (Note: this list is not exhaustive.)

- Does the post involve one-to-one contact with children or other vulnerable groups such as vulnerable adults or employees?
- What level of supervision will the post holder receive?
- Does the post involve any responsibility for finance or items of value?
- Would the nature of the job present any opportunities for the post holder to re-offend in the course of work?

After considering the above, if the Trust deems the nature of the offence relevant to the job for which they have applied, the Trust may, at its discretion, decline an offer of employment.

### Disclosure and Barring Service

Disclosure and Barring Service (DBS) is a function that provide support to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The service allows employers to access the criminal history of individuals working or volunteering in certain positions especially involved in working with vulnerable groups.

Therefore when processing an enhanced Disclosure and/or a Disclosure Scotland/PVG Scheme Record these lists will be checked as part of this process in accordance with the vulnerable group(s) that the individual will be working with.

Any individual who is on one or both of the barring lists will also be barred from working with children and/or vulnerable adults in Scotland. Likewise, an individual who is barred from working with children and/or vulnerable adults in Scotland will also be barred throughout the rest of the UK on the same basis. It is a criminal offence for anyone who is barred from working with a particular group (i.e. children or vulnerable adults) to seek work or volunteer opportunities with that particular group. Furthermore it is an offence to employ/use staff/volunteers with specified groups if they have been barred. As such the Trust will not employ or offer work to any individual barred from working with the particular group the role is associated with. In circumstances where the Trust is notified that a barring decision has been made, following the employment of the relevant individual, the Trust will invoke disciplinary proceedings in order to terminate the contract of employment. Other appropriate action will be taken should the individual be a bank worker or volunteer.

DBS will decide whether it is appropriate for a person to be placed on or removed from a

barred list.

More information regarding DBS and Disclosure Scotland checks can be found in the Trust's Criminal Records Check Policy and Procedure.

**Documentary Evidence**

The Trust will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's history and any criminal records. The Trust will require the applicant to make an application to the DBS for a standard or enhanced Disclosure (whichever the Trust deems appropriate for the role) or Disclosure Scotland for a PVG Scheme Record or Disclosure. The Trust will cover the fee incurred in obtaining the appropriate criminal records certificate.

The Trust is committed to ensuring that all information provided about an individual's criminal history, including any information released in Disclosures/PVG Scheme Records, is used fairly and stored and handled appropriately in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal history will be held only as long as required for employment purposes and will not be disclosed to any unauthorised person.

The Trust's Criminal Record Check and Disclosure Scotland Policy and Procedure contains further information relating to Disclosures and PVG Scheme Records.

**Employment Decisions**

The Trust complies fully with the Disclosure and Barring Service and Disclosure Scotland Codes of Practice and any employment based decisions relating to Disclosure or PVG Scheme Record information are made in accordance with these. Copies can be obtained from the DBS or Disclosure Scotland websites.

**MONITORING, AUDIT & REVIEW**

This policy remains under the control of the Director of Governance and Quality and resides within the Disabilities Trust's SharePoint (The Hub).

The SharePoint system (The Hub) maintains the document control database for tracking and monitoring The Disabilities Trust-wide controlled documents.

It is the responsibility of the Quality Assurance Regional Advisors to audit compliance with all policies as part of their normal audit cycle, and to undertake or direct remedial action as required.

**EQUALITY IMPACT ASSESSMENT STATEMENT**

As part of its development, this policy and its impact on equality have been reviewed in line with the Trust's Equality and Diversity Policy. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on service users and people employed by The Disabilities Trust on the grounds of any protected characteristic.

**ASSOCIATED POLICIES & PROCEDURES**

Other Policies and Procedures to be operated in succession with

- Equal Opportunities Policy and Procedure
- Recruitment and Selection Procedure
- Criminal Record Check Policy and Procedure
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### **SUPPORTING DOCUMENTS & TEMAPLATES**

Supporting documentation and appropriate templates including are available to accompany this policy and procedure and can be located on The Hub.  
If you require further information on this subject, please contact the Human Resources Department.

### **POLICY REVIEW**

Date: **August 2016**  
Review Date: **August 2018**

Signed and approved by: \_\_\_\_\_  
**Naomi Carey, Director of HR**

