

Recruitment of Ex-offenders

About this sample policy

To help ensure that practice reflects policy, each society's committee may wish to adapt the sample Government policy statement below according to their own working approach and values. There is no one size fits all.

The Rehabilitation of Offenders Act (ROA) generally applies in the same way to voluntary work as it does to paid employment. This means that a Society may only ask about spent convictions or request Standard or Enhanced Disclosure and Barring Service checks if the voluntary work is of a nature that is exempt from the ROA.

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies (i.e. registered with the Disclosure and Barring Service or 'DBS') must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Most Societies are not Registered Bodies, and therefore these additional duties are unlikely to be compulsory. If you arrange for 'youth camps' or other residential activities, then please arrange for detailed advice.

The template's exact wording is not set in stone.

Please give it overall consideration when also thinking about your policies and processes for health & safety and safeguarding (for children and vulnerable adults). These will normally include a focus on recruitment, induction and supervision, including what checks are carried out on new people who work or volunteer.

For some roles, asking about criminal records will be a legal obligation (for example, for chaperones). But unless a person is barred from working in a regulated activity, there is no legal reason why you can't engage them.

Most criminal records will not make someone unsuitable for work with children or vulnerable adults.

A blanket ban on people with a criminal record is not an effective approach to safer recruitment. Safeguarding depends on training, awareness, oversight and responding to concerns.

Language is very important and the words you use in your policy will give a strong impression of how the society approaches its recruitment processes. For example, "ex-offender" can be stigmatising and fails to recognise the breadth of people that have a criminal record, (e.g. those with single minor offences from decades ago).

You may wish to strike a welcoming and positive note by including something like:

[Society name] actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates. We recognise the contribution that people with criminal records can make as workers and volunteers and welcome applications from those with a criminal record. We select all candidates for interview or audition based on their skills, creativity and experience; or

We judge each case on its own merits and do not discriminate against any applicant on the basis of criminal record information disclosed to us; or even

We take a positive approach to applicants with criminal records.

Guidance on job applicants and DBS filtering

You can direct applicants to the guidance and criteria which explains the filtering of old and minor cautions and convictions (<https://www.gov.uk/government/collections/dbs-filtering-guidance>) which are now 'protected' so not subject to disclosure to employers.

You can also visit the charity, Unlock (<https://unlock.org.uk/>) which has useful information on the Rehabilitation of Offenders Act and more on Disclosure and Barring Service filtering.

Please note: Whilst every care has been taken in the preparation of this factsheet it is not intended to be a complete guide to the law. Societies should seek appropriate advice on specific problems before any action is taken.

GOV.UK SAMPLE POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies (i.e. registered with the Disclosure and Barring Service or 'DBS') must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. See further information below for recent changes to the disclosure of criminal information on DBS certificates.

The Code also obliges registered bodies to have a written policy on the recruitment of ex-offenders, a copy of which can be given to DBS applicants at the outset of the recruitment process.

To help you meet this requirement the DBS has produced the following sample policy statement which can be used or adapted for this purpose. This policy statement can also be included within your [company's] equal opportunities policy.

Sample Policy Statement

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), [Organisation Name] complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- [Organisation Name] undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- [Organisation Name] can only ask an individual to provide details of convictions and cautions that [Organisation Name] are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position 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),
- [Organisation Name] can only ask an individual about convictions and cautions that are not protected.
- [Organisation Name] is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- [Organisation Name] has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.
- [Organisation Name] actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.
- [Organisation Name] select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an

application for a DBS certificate will be submitted in the event of the individual being offered the position.

- [Organisation Name] ensures that all those in [Organisation Name] who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- [Organisation Name] also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, [Organisation Name] ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- [Organisation Name] makes every subject of a criminal record check submitted to DBS aware of the existence of the [Code of Practice](#) and makes a copy available on request.
- [Organisation Name] undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Further information regarding conviction information

On the 29th May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.