Safer Recruitment and People Management

Template Policy on Recruitment of Ex-Offenders

Introduction

This policy statement applies to all recruitment and selection processes where the PCC is the employer or recruiter.
It applies to all roles where the Church of England's Safer Recruitment and People Management Policy indicates that an enhanced or enhanced plus DBS check is required.

Principles

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. A copy of the Code of Practice can be found at: https://www.gov.uk/government/publications/dbs-code-of-practice

Information regarding conviction information

Within current legislation certain old and minor cautions and convictions are no longer 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.

Further guidance is available from the Disclosure & Barring Service regarding the filtering of old and minor cautions and convictions which are now 'protected' and therefore not subject to disclosure to employee. https://www.gov.uk/government/publications/dbs-filtering-guidance

- 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), *Tatham Fells* complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly

- *Tatham Fells* undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed

- *Tatham Fells* can only ask an individual 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 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) the *Tatham Fells* can only ask an individual about convictions and cautions that are not protected.

- *Tatham Fells* 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

- *Tatham Fells* 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

- *Tatham Fells* 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

- *Tatham Fells* selects 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

- *Tatham Fells* ensures that all those in *[Parish]* who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences

- *Tatham Fells* 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, *Tatham Fells* 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

- *Tatham Fells* 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

- *Tatham Fells* undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment or voluntary recruitment.

Disclosure and Barring Service Sample Policy on the Recruitment of Ex-offenders available at

https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders

Signed (on behalf of the PCC)

Date

Review date