



Policy on the Recruitment of Ex-Offenders

Purpose

This policy sets out Impetus' approach to employing ex-offenders in paid or voluntary positions and work placements.

It is made available to all applicants for positions requiring disclosure of criminal records during the recruitment process.

Scope

This policy applies to people seeking paid employment, a volunteer role or a work placement with Impetus and all staff and volunteers involved in recruiting others.

Context and Background

At Impetus we are committed to the fair treatment of existing and potential staff and volunteers, as well as users of our services. We actively promote equality of opportunity and welcome applications from a wide range of candidates, including those with criminal records. At the same time, because of the nature of the services Impetus provides, for certain positions we need to carry out in-depth vetting as part of the recruitment process.

The Rehabilitation of Offenders Act (ROA) 1974 aims to ensure that ex-offenders who have not re-offended for a set period after the date of their conviction are not discriminated against. Under the Act, most convictions become 'spent' after a prescribed period, depending on the seriousness of the offence; and, with some exceptions (outlined in the next paragraph), job applicants do not have to declare spent convictions.

In order to protect vulnerable groups, there are a large number of posts and professions that are exempted from the ROA. These include, but are not limited to, posts involving access to children, young people, the elderly and disabled. In such cases organisations can only ask an individual about convictions and cautions that would be disclosed by a criminal record check.

The Police Act 1997 allows organisations that recruit to positions exempt from the ROA to obtain information on the criminal record of prospective employees and volunteers from a centralised source. Criminal records checks are currently carried out by the Disclosure and Barring Service (DBS)¹.

¹ On 1 December 2012 the Criminal Records Bureau and Independent Safeguarding Authority merged to become the Disclosure and Barring Service (DBS). Where practicable the terminology in this document was updated in February 2013 to follow current usage.

Standard checks show spent and unspent convictions on the Police National Computer (PNC) along with cautions, reprimands, final warnings. Some PNC information will be filtered and will not appear on the certificate. *Enhanced checks* also contain information held by police locally. A *positive disclosure* is a one that shows cautions, warnings or convictions.

As an organisation using the DBS to assess applicants' suitability for positions of trust, Impetus complies fully with the DBS Code of practice and undertakes to treat all applicants fairly. We undertake not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

Recruitment Process

At Impetus we actively promote equality of opportunity for all with the optimal mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

Unless the nature of the position allows Impetus to request a criminal record check, we only ask about unspent convictions. A standard or enhanced criminal record check is only requested after a risk assessment has indicated that one is both proportionate and relevant to the position concerned.

For those positions where a criminal record check is required, the application form, job advertisements and recruitment briefs will contain a statement that a criminal record check will be requested in the event of the individual being offered the position.

We ask all applicants called for interview to make a voluntary disclosure of appropriate details of their criminal record at the time we invite them to interview. We request that this information is provided under separate, confidential cover, to a designated person within Impetus and we undertake to ensure that this information is only seen by those who need to see it as part of the recruitment process.

If an applicant fails to reveal information that is directly relevant to the position sought, this could lead to the withdrawal of an offer of employment or a volunteer position.

Before a decision is reached on whether to offer or confirm employment to an applicant who has a positive disclosure (whether voluntary or from the DBS), we give the individual the opportunity to discuss the content of the disclosure either at interview or in a separate meeting.

We then make a balanced decision about whether to offer or confirm employment / a volunteer engagement. The recruiting manager carries out an assessment of the

risks attached to confirming employment / a volunteer engagement and considers actions to mitigate those risks. The final decision is taken by the Personnel Sub-Committee.

In making decisions about whether or not to make or confirm an offer to an applicant who has a positive disclosure, we take into consideration factors including:

- The nature of the role and whether the conviction is relevant to the position applied for or offered;
- The seriousness of the offence revealed;
- The length of time since the offence took place;
- Whether the applicant has a pattern of offending behaviour; and
- Whether the applicant's circumstances have changed since the offence took place.

Support and Management

Impetus ensures that all staff, volunteers and people on work placements involved in the recruitment process are aware of this policy and have received relevant training and guidance on the recruitment of ex-offenders and related legislation.

All documents that contain information about a staff member, volunteer or work placement and their criminal record shall be handled, stored and disposed of in line with the related Impetus policy, reproduced at Annex A.

After recruitment, as appropriate, we will provide personal support by nominating a mentor for the employed ex-offender. The mentor will normally be the project leader, line manager, supervisor or a trustee nominated as person in charge. An ex-offender may also be asked to nominate a contact person, such as a family member or close friend, to Impetus to help safeguard their welfare.

Applied Procedures

- Recruitment procedures
- Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Criminal Records Bureau Disclosures and Disclosure Information

Governing Documents

This policy is underpinned by the following legislation/guidance:

- Rehabilitation of Offenders Act (ROA) 1974²
- Police Act 1997
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Pan Sussex Multi-Agency Policy and Procedures for Safeguarding Adults at Risk
- DBS Code of Practice
- DBS filtering guidance³
- Impetus Equal Opportunities Code of Practice for the Recruitment and Selection of Staff
- Impetus Equal Opportunities and Diversity Policy

Date Approved by Board: 30th July 2013

Review Date: August 2016

² Impetus (like other organisations) can only apply for a criminal record check if the position is included in the list of professions, offices, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. What purports to be a consolidation of these exceptions can at the time of writing be found on the DBS website at <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-checking-service-guidance/eligibility-guidance> .

³ <https://www.gov.uk/government/publications/dbs-filtering-guidance>