**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 are legally entitled to ask applicants for details of all convictions, cautions reprimands and final warnings, irrespective of whether they are ‘spent’ or ‘unspent’.

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 (known as disclosures) are currently carried out by the Criminal Records Bureau (CRB).

*Standard disclosures* show spent and unspent convictions on the Police National Computer along with cautions, reprimands, final warnings and other information. *Enhanced disclosures* also contain information held by police locally and, for positions working with children and vulnerable adults, information held by the Independent Safeguarding Authority. A *positive disclosure* is a one that shows cautions, warnings or convictions.

As an organisation using the CRB disclosure service to assess applicants’ suitability for positions of trust, Impetus complies fully with the CRB 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 ask questions about an applicant’s entire criminal record, we only ask about unspent convictions. A standard or enhanced CRB disclosure 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 CRB check is required, the application form, job advertisements and recruitment briefs will contain a statement that a disclosure 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 CRB), 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) 1974[[1]](#footnote-1)
* Police Act 1997
* Safeguarding Vulnerable Groups Act 2006
* Pan Sussex Multi-Agency Policy and Procedures for Safeguarding Adults at Risk
* CRB Code of Practice
* Impetus Equal Opportunities Code of Practice for the Recruitment and Selection of Staff
* Impetus Equal Opportunities and Diversity Policy

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**Review Date: August 2014**

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

**1. General Principles**

As an organisation using the Criminal Records Bureau (CRB) disclosure service to help assess the suitability for positions of trust, Brighton & Hove Impetus complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

**2. Storage and Access**

Disclosure information is never kept in an applicants personnel file and is always kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

**3. Handling**

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. Impetus maintains a record of all those **to** whom Disclosure and Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

**4. Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

**5. Retention**

Once a recruitment (or other relevant) decision has been made, Impetus does not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes and complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, Impetus will consult the CRB about this and will give full consideration to the Data Protection and the Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

**6. Disposal**

Once the retention period has elapsed, Impetus will ensure that any Disclosure information is immediately destroyed by secure means, i.e. shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in an unsecured receptacle (e.g. waste bin or confidential waste sack). Impetus will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure. However, notwithstanding the above, Impetus may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

1. Impetus (like other organisations) can only apply for a CRB check if the position is included in the CRB's 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 CRB website at

   <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/CRB/about-the-crb/eligible-positions-guide> . [↑](#footnote-ref-1)