

Recruitment of Ex-Offenders Policy

Introduction

1. Communities Together Durham (CTD) welcomes applications for both paid and voluntary positions from interested and suitably qualified people, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience. Applications from ex-offenders will be considered on their merit.
2. As an organisation using the Disclosure & Barring Service (DBS) to assess applicants' suitability for eligible posts, CTD undertakes to treat all applicants for positions fairly and not to discriminate on the basis of conviction or other information revealed. An application for a criminal record check is only submitted to the DBS for relevant roles in accordance with legislation and guidance from central government and it is proportionate and relevant to the position concerned. A disclosure is only requested where DBS eligibility criteria is met.
3. CTD is committed to the fair treatment of its staff (paid and voluntary), potential staff/officers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

Policy Scope

4. CTD will apply this policy to employed/paid and volunteer roles.
5. CTD will make this policy available to all applicants at the start of the recruitment process.
6. This policy statement sits alongside other CTD policies and practice guidance relating to recruitment/appointment processes and safeguarding.

Disclosure and Barring Service

7. As an organisation which assesses 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), CTD undertakes to treat all applicants for positions fairly, and to make all those who are subject to a criminal record check aware of this code of practice.
8. CTD undertakes not to discriminate unfairly against any person subject to a criminal record check on the basis of a conviction or other information revealed.
9. CTD will only ask an individual to provide details of convictions and cautions that the employer 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).

10. Unless the nature of the position allows for questions about an entire criminal record to be asked, CTD will only ask an individual about “unspent” convictions and cautions as defined in the Rehabilitation of Offenders Act 1974. Employers of occupational groups and professions which involve substantial contact with/or access to children, young people and vulnerable adults have a legal obligation to ask applicants for details of convictions, irrespective of whether they are spent or unspent, under the Exemptions Order of the Rehabilitation of Offenders Act.

Recruitment Process

11. CTD selects all candidates for interview based on their skills, qualifications and experience (excepting where there is an ‘occupational requirement’ as laid out under the terms of the Equality Act 2010).

12. Those involved in the recruitment process are required to undertake suitable training (we use the Church of England’s Safer Recruitment and People Management training).

13. An application for a criminal record check is only submitted after a thorough assessment has indicated that this is both proportionate and relevant to the position concerned. This assessment will determine the level of DBS check that is appropriate and whether a Confidential Declaration Form (CDF) is required.

14. For positions where these measures are considered to be necessary, this is made known to applicants at the start of the recruitment process, along with the level of check that will be required. A privacy notice is made available to applicants which explains how their personal data will be used by CTD.

15. Access to CDFs and DBS checks will be limited to those whose role requires such access as part of the recruitment and management process. This will typically include the recruiting manager and the Designated Safeguarding Lead who will review and assess any information disclosed.

16. Any disclosure of a caution or conviction, whether for a serious violent and/or sexual offence or a conviction resulting in a custodial offence (whether or not suspended), or other intelligence information disclosed, will be referred to the Designated Safeguarding Lead for an initial assessment. They will consult as appropriate with the individual responsible for the recruitment process to determine whether the disclosure may affect suitability for the role and whether any risk can be effectively mitigated. A disclosure is not necessarily a barrier to undertaking the position the individual applied for.

17. At interview, or in a separate discussion, CTD ensures that there is an open and measured discussion 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.

18. Offers of employment or of voluntary work are conditional based on satisfactory completion of the DBS check and receipt of satisfactory references. CTD undertakes to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer.