

Recruitment of Ex-Offenders Policy

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Policy Owner: Policy and Advice Team
Distribution: Internal and External - Non Confidential

Purpose

This policy outlines Barnardo's use of criminal record checks and the recruitment of staff and volunteers with criminal convictions.

Barnardo's has developed this policy:

- a) To ensure that Barnardo's complies with the spirit and requirements of the Rehabilitation of Offenders legislation.
- b) To ensure consistent and fair practice regarding the recruitment of staff and volunteers who have a criminal record to paid positions or voluntary, unpaid positions.

Scope

This policy applies to all staff and volunteers, including potential staff/volunteers applying for roles at Barnardo's, and is made available to applicants at the outset of the recruitment process.

Roles & Responsibilities

Job Applicants are responsible for disclosing criminal record information (according to whether the role is exempt/not exempt from the Rehabilitation of Offenders legislation). As part of the application process job applicants will be informed when and how to provide this information.

Line Managers/Recruiting Managers are responsible for complying with this policy, identifying whether the role falls within the scope of the Rehabilitation of Offenders legislation and if criminal record information is revealed, ensuring that a measured discussion on the subject of any offences or other matter that might be relevant to the position takes place with the applicant.

Local People Teams are responsible for providing advice to managers in pursuant of this policy and supporting managers in the application of this policy, as required.

Corporate People Team, Policy & Advice are responsible ensuring compliance with legal and regulatory obligations and Codes of Practice (for example, Disclosure

and Barring Service (DBS), Disclosure Scotland and Access NI), as appropriate and updating this policy.

Definitions/Abbreviations

AccessNI – branch within the Department of Justice in the Northern Ireland Executive responsible for criminal record disclosure checks in Northern Ireland. Its job is to supply certificates that show whether people who want to work in certain types of jobs, for example with children and or vulnerable adults, have a criminal record or if other important information is known about them.

Criminal Record for the purposes of this policy may include 'spent' and 'unspent' criminal convictions, cautions, reprimands, final warnings which are not 'protected' (i.e. eligible for filtering). For further information on filtering, please refer to the Nacro Website and/or the Disclosure and Barring Service website, Disclosure Scotland or the Department of Justice Northern Ireland website, as appropriate.

DBS - The Disclosure and Barring Service. Responsible for criminal record disclosure checks in England and Wales.

Disclosure Scotland - Executive Agency of the Scottish Government. Their core function is to provide criminal history information to organisations and potential employers.

Policy Statement

Barnardo's is committed to creating equal access to opportunities for paid work and voluntary involvement, while continuing to base selection and promotion solely on ability to meet the requirements of the post. This is irrespective of age, disability, gender reassignment, marriage, and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation, irrelevant offending background, responsibility for dependents, economic status or political values.

Barnardo's will not discriminate unfairly against any applicant on the basis of a conviction or other information revealed.

General Principles

- Barnardo's actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates, including those with criminal records.
- As an organisation using the Disclosure and Barring Service (DBS), Disclosure Scotland and Access NI to assess applicants' suitability for positions of trust, Barnardo's complies fully with their Codes of Practice and undertakes to treat all applicants fairly. A copy of the relevant Code of Practice (DBS, Disclosure Scotland or Access NI) is available upon request from the Recruitment Team.
- Unless the nature of the position allows Barnardo's to ask questions about an applicant's 'spent' and 'unspent' criminal convictions (including cautions, reprimands or final warnings) that are not 'protected' as part of the application process (e.g. posts exempt from the Rehabilitation of Offenders legislation, such as those involving working with children or vulnerable adults), we only ask about 'unspent' convictions. Certain convictions (and cautions) become 'spent' after a

rehabilitation period during which time there have been no further convictions. The way in which a conviction can become 'spent' under the legislation will depend upon the sentence received for the offence, and the applicable rehabilitation period. There are however certain convictions which can never become spent.

- Job applicants will be asked to complete an online Safeguarding Self-Declaration according to whether the role is exempt/not exempt from the Rehabilitation of Offenders legislation in order to provide details of their criminal record. We guarantee that this information will only be seen by those who need to see it as part of the recruitment and selection process, e.g. recruiting manager, People Advisor/Assistant Director People, and will be checked for the potentially successful applicant only. The information will be held in accordance with our Privacy Statement located on our website at http://www.barnardos.org.uk/privacy_statement.htm
- Where a position is 'exempt' from the Rehabilitation of Offenders legislation an enhanced criminal records Disclosure will form part of the recruitment process. For relevant positions 'covered' by the Rehabilitation of Offenders legislation, a basic criminal records Disclosure will apply with the individual's consent.
- A criminal records Disclosure is only requested for those positions where it is deemed both proportionate and relevant to the position concerned, following consideration of the role requirements.
- For those positions 'exempt' from the Rehabilitation of Offenders legislation recruitment materials will contain a statement that an enhanced criminal records Disclosure will be required in the event of an individual being offered the position.
- For relevant roles 'covered' by the Rehabilitation of Offenders legislation, job applicants will be made aware that as part of the recruitment process, successful candidates will be asked to consent to a basic criminal records check.
- With some exceptions e.g. conviction of a Schedule Four offence, having a criminal record will not necessarily bar a person from working with us in either a paid or unpaid capacity. This will depend on the nature of the disclosed conviction(s) and the position sought; the circumstances and background of the offence and their relevance to the post in question.
- Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before deciding whether the conditional offer of employment or volunteering placement will be confirmed or withdrawn.
- A failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or volunteering placement.

- Once in post staff, in accordance with our Safeguarding Code of Conduct, must inform their line manager, of any changes to their circumstances which affects their criminal record status, in order that the impact upon their suitability to undertake their role may be reviewed. This requirement also applies to voluntary involvement and volunteers informing their supervisor.

Associated guidance and documents

- Criminal Records Disclosure Policies (England & Wales, Northern Ireland and Scotland)
- Promoting Equality/Valuing Diversity Policy
- Recruitment and Selection Policy
- Safeguarding Code of Conduct
- Volunteer Procedures

References

- Police Act 1997
- Protection of Vulnerable Groups (Scotland) Act 2007
- Rehabilitation of Offenders Act (ROA) 1974 – Exceptions and amendments
- Rehabilitation of Offenders (Northern Ireland) Order 1978, as amended in 2014
- Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979
- The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012
- Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003

Compliance

- Local People Teams, Recruitment Centre and Volunteering and Community Engagement Teams monitoring of general adherence to policy.
- Feedback from UNISON and Barnardo's Equality, Diversity and Inclusion Networks.
- Audits

Document history

Version	Date	Author	Status	Comment
2.0	01.04.17	Policy & Advice Team	Approved	Updated policy into new format.
2.1	1.10.18	Policy & Advice Team	Approved	Updated to reflect basic Disclosures