

Policy on Recruitment of Ex-Offenders

The aim of this policy is to state our approach towards employing people who have criminal convictions. We are committed to equality of opportunity for job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

We will therefore consider ex-offenders for employment on their individual merits. Our approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Jobs covered by the Rehabilitation of Offenders Act 1974

We will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

Jobs involving access to children and young people are exempted from the Rehabilitation of Offenders Act. If the job into which we are seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, we will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned). Even in these circumstances, however, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

In all cases where an offer of employment has been made, we will seek documentary evidence about that person's criminal convictions. We will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for an appropriate level of DBS check, and where relevant a barred lists check. We will pay the fee for obtaining the appropriate criminal records certificate. Where the individual is a member of the DBS update service, we will, with their permission, carry out a status check on any current certificate.

Data protection

We process information about an individual's criminal convictions in accordance with our data protection policy on processing special categories of personal data. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of team member data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.

Disclosure and Barring Service Checks (DBS) Policy

This policy sets out our approach when recruiting and our approach to team members, contractors, casuals, interns, volunteers and work experience applicants in roles involving work directly or indirectly with children or young people.

We will comply with the DBS code of practice at all times.

Anyone involved in DBS checking or decision making will have received the necessary training in the relevant legislation.

What checks will be carried out?

We will carry out an Enhanced DBS check with Children's Barred List check on all team members (including interns and apprentices), PhD Tutors and Trustees where we have determined that there is a need based on regulated activity, or regular contact with children. We will only carry out DBS checks where needed in accordance with the law. Having a criminal conviction will not necessarily bar you from working with us and each case will be looked at on an individual basis. However, safeguarding the young people that we work with is our primary concern. We select all candidates for interview based on their skills and qualifications. An application for a DBS check (with Children's Barred Lists checks if necessary) is only submitted after an offer of employment has been accepted.

Offers of employment

All offers of employment will be conditional on the candidate satisfying our usual background checking procedures. In addition, the offer of employment will be conditional, where required, on satisfactory completion of DBS checks. Where the job applicant refuses to agree to the DBS application or a DBS check is completed but the job applicant refuses to allow the charity to review their certificate, they will be treated as not having satisfactorily completed the DBS check.

No successful applicant or internal employee will be permitted to commence any 'regulated activity' part of their role until all specified conditions are satisfied. Any employee who carries out unsupervised (supervisor must have a cleared check in place) regulated activity may be subject to formal disciplinary action together with their line manager.

Process for DBS checks

HR will send new joiners full guidance on how to apply for a DBS check.

Line managers and Heads of Department carry full responsibility to ensure that no 'regulated activity' can be carried out until the team member has received a

certificate and have been cleared by HR. Any manager or Head of Department who is found to be contravening this rule may be subject to formal disciplinary action together with the employee.

What is the process if a conviction appears on the certificate received?

If a conviction appears on a certificate, then it will appear on the portal of our umbrella checking service. It is extremely important that if this should arise, the amount of people notified and informed should be kept to the 'need to know' minimum. It should not be discussed in group emails or with anyone outside of the following processes:

Process for Team members or Trustees

1. A certificate containing a disclosure is flagged on the portal.
2. HR will then notify the Designated Safeguarding Lead or the Deputy in their absence who will agree the next steps.
3. HR or the relevant Manager will ask the person to provide the certificate for review by the Designated Safeguarding Lead.
4. Following this, a decision will be made as to the person's suitability for the role.
5. The individual will be informed of the result.

Process for Tutors

1. A certificate containing a disclosure is flagged on the portal.
2. HR will then notify the Designated Safeguarding Lead or the Deputy in their absence who will agree the next steps.
3. HR will ask the person to provide the certificate for review by the Designated Safeguarding Lead.
4. A decision will be made as to the person's suitability for the role and the individual will be informed of the result
5. HR will inform the Programme Officer of the Tutor concerned and, with explicit consent of the Tutor, contact the placement school to inform them of the disclosure.

Disclosure of criminal convictions

We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. We cannot ask an individual about convictions and cautions that are protected.

Renewals

We will renew an individual's check every three years and the HR team will contact the individual to arrange this. If you leave your employment and then return, we will get a new check for you, even if the break is less than three years (but not less than three months).

If you have a career break or sabbatical of six months or longer, then we will also request a new check to be completed.

For the avoidance of doubt, maternity leave/shared parental leave is not considered to be a break in employment, and should a DBS require renewal during a period of leave, it will be renewed at the point of return to work.

Update Service subscriptions

We will take out subscriptions to the DBS update service for team members renewing their DBS. Once a team member has applied for a certificate renewal, they will be able to subscribe to the DBS update service and the cost of this can be claimed back through the expenses policy. The DBS update service allows applicants to keep their DBS certificates up-to-date and for employers to check a DBS certificate at any point.

Handling of data

We are committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and is stored and handled appropriately and in accordance with the provisions of the Data Protection Act 2018 (and any subsequent legislation which replaces or amends this Act).

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Data held on file about an individual's criminal convictions will be held only for as long as is required for employment purposes and will not be disclosed to any unauthorised person.

Storage and retention

Certificates (or copies) of documentations relating to a decision made **MUST** be destroyed after six months.

Any documentation kept for this six-month period must be in a locked cabinet or in a password protected document.

Notes relating to decisions can be kept but should be kept locked away and only the minimum amount of people should be able to access them.

If someone is deemed suitable and cleared, then their check must be recorded in the same way as someone with no convictions. Cleared is cleared and no extra notes should be kept.

If someone is deemed not suitable, then this should not be recorded on a database to which multiple people have access. These notes can be kept privately as long as they are locked away.

Once a recruitment or other relevant decision has been made, we will not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be the purpose of completing safeguarding audits. We will not receive or request to see hard copies of DBS certificates unless a disclosure is flagged on the portal.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we will keep a record of the date of issue for a certificate, the name of the subject, the type of check requested, the position for which the certificate was requested, the unique disclosure number of the certificates and the details of the recruitment decision taken.

Further information

We have a child safeguarding policy which every employee, contractor, casual intern, volunteer and work experience applicant is required to read and comply with in any interactions they have with children in relation to their engagement with us. This policy applies to all even if their role does not require a DBS check.

If you have any questions or concerns regarding this policy, then please contact the HR team.