

# **RECRUITMENT OF EX-OFFENDERS**

## **POLICY AND PROCEDURE**

**APRIL 2011**

# RECRUITMENT OF EX-OFFENDERS

## Policy and Procedure

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### **Policy**

The aim of this policy is to confirm The Disabilities Trust Group's approach towards employing people who have a criminal record.

The Trust is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. The Trust will therefore consider ex-offenders for employment on their individual merits.

This policy complies with the framework specified in the Trust's policy on Policies and Procedures.

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### **Exemption from the Rehabilitation of Offenders Act 1974**

Due to the nature of the service the Trust provides, the Trust is included under the list of excluded services in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 which covers England, Scotland and Wales.

Therefore, the majority of job roles are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This entitles the Trust to seek detailed information relevant to the job role on both spent and unspent convictions/cautions/warnings/reprimands/bind-overs from job applicants and base employment decisions on this information.

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### **Requesting Information**

The Trust will not automatically refuse to employ a particular individual just because he/she has a criminal record.

Within the application form and during job interviews, the Trust will ask job applicants to disclose any unspent convictions/cautions/warnings/reprimands/bind-overs. The Trust will also ask job applicants, under the Trust's exemption from the Rehabilitation of Offenders Act 1974, questions about spent convictions/cautions/warnings/reprimands/ bind-overs and expect them to disclose all of these. If an applicant has a conviction/caution/warning/reprimand or bind-over that is spent or unspent, and the Trust deems the nature of the offence relevant to the job for which they have applied, the Trust will review individual circumstances of each case and may, at its discretion, decline an offer of employment.

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### **Relevance of Offences**

The Trust will not refuse to employ a particular individual unless the nature of the conviction/caution/warning/reprimand/bind-over has some relevance to the job for which the individual has applied. The Trust, when deciding the relevance of offences will consider the following: (Note: this list is not exhaustive.)

- Does the post involve one-to-one contact with children or other vulnerable groups such as vulnerable adults or employees?
  - What level of supervision will the post holder receive?
  - Does the post involve any responsibility for finance or items of value?
  - Would the nature of the job present any opportunities for the post holder to re-offend in the course of work?
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### **Independent Safeguarding Authority (ISA)**

ISA is a non-departmental public body sponsored by the Home Office and responsible for maintaining two new barred lists, the 'Children's and Vulnerable Adults' lists. These lists contain the details of individuals who have been assessed as posing a risk of harm if they were to work with vulnerable groups based on information held about that individual. These new lists replace the previous POCA, POVA and List 99 lists and came into effect from 12<sup>th</sup> October 2009.

ISA uses information from a number of sources including the Police, Local Authorities and employers to make the assessment of an individual and uses trained case workers, who decide on a case-by-case basis whether a person poses a potential on-going risk and if necessary, bar an individual from working with vulnerable groups.

Therefore when processing an enhanced Criminal Records Bureau (CRB) Disclosure and/or a Disclosure Scotland/PVG Scheme Record these lists will be checked as part of this process in accordance with the vulnerable group(s) that the individual will be working with.

Any individual who is on one or both of the ISA barring lists will also be barred from working with children and/or vulnerable adults in Scotland. Likewise, an individual who is barred from working with children and/or vulnerable adults in Scotland will also be barred throughout the rest of the UK on the same basis. It is a criminal offence for anyone who is barred from working with a particular group (i.e. children or

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vulnerable adults) to seek work or volunteer opportunities with that particular group. Furthermore it is an offence to employ/use staff/volunteers with specified groups if they have been barred. As such the Trust will not employ or offer work to any individual barred from working with the particular group the role is associated with. In circumstances where the Trust is notified that a barring decision has been made, following the employment of the relevant individual, the Trust will invoke disciplinary proceedings in order to terminate the contract of employment. Other appropriate action will be taken should the individual be a bank worker or volunteer.

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### **Documentary Evidence**

The Trust will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal history. The Trust will require the applicant to make an application to the CRB for a standard or enhanced Disclosure (whichever the Trust deems appropriate for the role) or Disclosure Scotland for a PVG Scheme Record or Disclosure. The Trust will cover the fee incurred in obtaining the appropriate criminal records certificate.

The Trust is committed to ensuring that all information provided about an individual's criminal history, including any information released in Disclosures/PVG Scheme Records, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal history will be held only as long as required for employment purposes and will not be disclosed to any unauthorised person.

The Trust's CRB and Disclosure Scotland Policy and Procedure contains further information relating to Disclosures and PVG Scheme Records.

### **Employment Decisions**

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The Trust complies fully with the CRB and Disclosure Scotland Codes of Practice and any employment based decisions relating to Disclosure or PVG Scheme Record information are made in accordance with these. Copies can be obtained from the CRB or Disclosure Scotland websites at [www.direct.gov.uk/crb](http://www.direct.gov.uk/crb) or [www.businesslink.gov.uk/crb](http://www.businesslink.gov.uk/crb) or [www.homeoffice.gov.uk/crb](http://www.homeoffice.gov.uk/crb) or [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) Alternatively, a copy is available on request.

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**Line  
Managers'  
Guide**

A Line Managers' Guide is not available to accompany this Policy and Procedure.

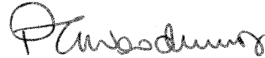
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**Further  
Information**

If you require further information on this subject, please contact the Human Resources Department.

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**SIGNED**



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**DATE**

April 2011

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**REVIEW DATE**

April 2013

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