



Recruitment of ex-offenders

Date of acceptance: July 2018
On behalf of Staff: Kate Bowgett

Review due: July 2021
On behalf of Board:

Overview

It is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed.

It also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

The following policy is taken from the DBS.

- As an organization using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Groundswell complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- Groundswell is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
- We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- We actively promote equality of opportunity for all with the right 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.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required. All application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.



- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process, except for certain spent convictions and cautions are 'protected' so not subject to disclosure to employers and that cannot be taken into account. We request that any information not subject to their filtering is sent under separate, confidential cover, to a designated person within Groundswell and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the entire of the positions allows groundswell to ask questions about your entire criminal record, except for certain spent convictions and cautions which are protected so not subject to disclosure to employers and that cannot be taken into account, we only ask about 'unspent' convictions as defined the Rehabilitation of Offenders Act 1974.
- We ensure that all those in groundswell who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of offenders Act 1974.
- 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. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

Recruitment of Roles Involving Regulated Activity

If someone is on the POVA (Protection of Vulnerable Adults) list, then they have been banned from working with vulnerable adults and it would be illegal for us to involve them in such a role.

In all other cases where a past caution/conviction is declared or appears on a DBS Disclosure a risk assessment will be undertaken to determine whether the individual's past convictions suggest they might potentially pose a risk to clients.



The Process

1. **At Application Stage:** Applicants are informed that they will need to submit an application form, undergo an interview/selection session to show that they meet defined skills criteria, provide reference details and that they will have to do an Enhanced DBS check because they will be working one to one with potentially vulnerable adults. They are also told that providing they get through the interview process they will be given an opportunity to disclose any unspent convictions that are likely to appear on their DBS.
2. **Applicants who pass the Interview** will be asked to provide two references. Referees are asked:

Do you know of any reason why it would be inappropriate for X to be working one to one, unsupervised with vulnerable adults?

If they indicate concern in this regard we would be very reluctant to accept the candidate, we would bring them in to discuss what convictions or disciplinary they have had in the past, give them the opportunity to be up front, and explain what has happened between the incident and the present to rule out the risk.

3. **Once references have been accepted,** Groundswell will conduct an Enhanced DBS check. Staff/volunteers are unable to work one to one with clients until the check has been processed. If the check reveals relevant past offences, the individual will have a DBS Review Meeting with a relevant Manager in which previous offences will be discussed. We have adapted the key questions we ask from the NACRO guide for employers Recruiting Responsibly:
 - Is the caution or conviction a one-off or are there several cautions/convictions?
 - Is it an old or recent caution/conviction?
 - Is it a juvenile or adult caution/conviction?
 - Is the behaviour that constituted the offence(s) a particular cause for concern (e.g. if it was a sexual offence, was it a teenager sleeping with his under-aged girlfriend or something more serious; if a drug offence, was it possession of a small amount of cannabis for own use or possession of a class A drug with intent to supply)?



- Is the context behind that behaviour a cause for concern (e.g. was the conviction for violence a result of someone in or a premeditated violent assault)?
- Were there particular circumstances at the time that led to the offending (e.g. drug and alcohol misuse, dysfunctional family, financial hardship) which have now changed?
- What evidence is there of change (e.g. job, family, housing, support)?
- What is the person's attitude to the offence(s)? Is it one of remorse? Do they take responsibility for it, recognise the harm they caused?

Following the DBS Review Meeting. From this information we will decide if an individual's past record suggests that there might be a:

- **LOW RISK** – no reason to believe there is any risk and the individual can work directly with clients
- **MEDIUM RISK** - past convictions suggest that there potentially could be a risk but changes in circumstances and current support mean that this risk is substantially reduced. The individual can work directly with clients but their Line Manager needs to check via supervision that their circumstances remain stable and that support systems remain in place. The risk assessment will be revisited on a quarterly basis.

HIGH RISK – past convictions suggest that there could potentially be a risk and there have not been significant changes in circumstances or available support to reduce that risk. The individual will not be able to work directly with clients or take on any role involving regulated activity.

4. **Ongoing Review.** Risk Assessments (and quarterly reviews for people where a Medium Risk has been identified) will be written up and kept on file. Where a Medium or High Risk has been identified this will be formally raised with the Senior Management Team.
5. **Retention of DBS.** In line with DBS guidance we do not retain copies of people's certificates longer than it is necessary to make a decision over recruitment. All copies are destroyed securely within six months. *"Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the*



consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.” (Disclosure and Barring Service: Handling of DBS Certificate Information 2012)

CONTACT DETAILS

For more information, or if you have any questions or concerns please contact our designated officer responsible for safeguarding and vulnerable adult protection:

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Regulated Activity Flow Chart

