

Wales Council for Voluntary

Action

Supporting charities, volunteers and communities

Model policy series



9. A model recruitment of ex-offenders policy

- **[Organisation Name]** 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 dependants, age, physical/mental disability or offending background.
- **[Organisation Name]** actively promotes 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.
- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order and using criminal record checks processed through the Disclosure and Barring Service (DBS), our organisation complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- **Working with children and vulnerable adults:** we will ask an individual about their *full criminal record history where a DBS certificate at enhanced level, (also including a DBS Barred list check if the work is regulated activity) can legally be requested.
- Where a DBS certificate is legally requested (where the position is one that is included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), [Organisation Name] can only ask an individual about convictions and cautions that are not **protected (subject to filtering). In all other cases, where we cannot ask for a higher level DBS check, we will ask an applicant to declare any unspent convictions.
- We will only carry out a DBS check after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned, and when check eligibility conditions are met.
- We undertake not to discriminate unfairly against anyone we have asked to undergo a criminal record check on the basis of a conviction or other information revealed and this policy is made available to all DBS applicants at

the outset of the recruitment process. We will ensure that all applicants who are asked to undergo a DBS check are aware of the existence of the DBS Code of Practice; a copy of which will be available on request.

- For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an applicant will need to undergo a DBS check at the appropriate level in the event of the individual being offered the position.
- At interview, or in a separate discussion, we will 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 only ask an individual to provide details of convictions and cautions that our organisation is legally entitled to know about. We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- We will ensure that all those in our organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences, and have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act (ROA) 1974.

Supporting information

Rehabilitation of Offenders (ROA)

*Under the ROA, after a specific period of time has passed (which varies according to the sentence or disposal received), cautions and convictions are regarded as 'spent'. Once a caution or conviction becomes spent, an individual is treated as rehabilitated with regards to that offence, and they don't have to declare it for most purposes, for example when applying for employment or insurance.

**On the 29 May 2013, **legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.
- All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence,

whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.


- You can also direct applicants to the guidance and criteria on our website which explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers

You can also direct applicants to the guidance and criteria on DBS website which explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers. Also information on which type of work and positions are eligible for DBS checks

www.gov.uk/government/organisations/disclosure-and-barring-service

[//www.unlock.org.uk/main](http://www.unlock.org.uk/main) for further advice on ROA and convictions

The information in this document is for information only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.

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