

Recruitment of Ex-Offenders

Introduction

RtR is committed to the fair treatment of its staff, potential staff, volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills, and potential and welcomes applications from a wide range of candidates, including those with criminal records. We will select all candidates for interview based on their skills, qualifications, and experience.

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention their conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

A large number of positions within RtR qualify for DBS (Disclosure and Barring Service), which provide access to sensitive criminal record information about candidates. As an organisation using the Disclosure and Barring Service (DBS) Disclosure service, service to assess applicants' suitability for positions of trust, RtR must comply fully with the relevant legislation and DBS Code of Practice and undertakes to treat all applicants for positions fairly.

We must undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Having a criminal record will not necessarily bar an individual from working within RtR. This will depend on the nature of the position and the circumstances and background of the offences.

The Rehabilitation of Offenders Act 1974 (England and Wales),) was introduced to ensure that ex-offenders who had not re-offended for a period of time since their conviction are not discriminated against when applying for jobs.

Unless a position is exempted from the Acts, employers are not allowed to discriminate on the grounds of spent convictions. A DBS is only requested after a thorough risk assessment has indicated that it is both proportionate and relevant to the position concerned.

For those positions where a Disclosure is required, all application packs, job adverts and recruitment briefs must contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

If the post does not involve working with children or vulnerable adults, RtR will only require applicants to disclose 'unspent' criminal convictions as part of their application. RtR will

advise applicants at the time when they first submit their application, the extent and depth of the vetting they will be subjected to, before the role can be offered to them. This will enable any person who objects to the vetting process, for whatever reason, to withdraw their application early on in the recruitment process.

Successful applicants will be required to consent to subsequent criminal record checks during employment as deemed appropriate by the charity or regulatory bodies.

Our checking processes

All employees, volunteers, contractors, sole traders, agency workers and interns will undergo some form of pre-employment security check. The level of check will vary dependent upon the role and the access to children or young people.

Posts that do not involve direct access to children or young people are covered by the Rehabilitation of Ex-Offenders Act In order to protect vulnerable groups such as children and young people, when staff are recruited into positions involving regular work with these groups, they are exempt from the ROA for those positions only and so RtR is entitled to ask the individual to disclose both spent and unspent convictions.

Our procedure

Where a Disclosure is to form part of the recruitment process, all applicants called for interview must be encouraged to provide details of their criminal record at an early stage in the application process.

This information is provided confidentially on a safeguarding form and given in a sealed envelope to the chair of the interview panel or interviewer. This information is only to be seen by those who need to see it as part of the recruitment process. All those who are involved in the recruitment process, in particular the chair of the panel, should have been suitably trained to identify and assess the relevance and circumstances of offences and they should 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, Rehabilitation of Offenders Order 1978.

The relevance of convictions should be judged against the following criteria:

- The seriousness of the offence and its relevance to other employees and customers etc.
- The length of time since the offence occurred
- Whether the offence was a one-off or part of a history of offending Circumstances which led to the committing of the offence
- Whether the applicant's personal circumstances have since changed
- The country in which the offence occurred
- Decriminalisation and remorse

At interview, or in a separate discussion, it is important 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 or volunteering but a thorough discussion with the recruiting manager and/or HR and the candidate should have taken place first before any offer is withdrawn. Any matter revealed in a Disclosure must be discussed with the person seeking the position before making a finalising any offer of employment. Only convictions which are relevant to the role which an individual applies for must be taken in to consideration. Past convictions which were spent a long period of time ago and which would not impact on an individual's ability to perform a role competently and safely, must not bar an individual from taking up a position within RtR.

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Dawn Hodson
CEO RtR
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