

Transition Bro Gwaun

RECRUITMENT OF PEOPLE WITH A CRIMINAL RECORD

Background

The Rehabilitation of Offenders Act (ROA) 1974 was introduced to ensure that ex-offenders who have not re-offended for a period of time since the date of their conviction are not discriminated against when applying for jobs. The Act allows that ex-offenders are no longer legally required to disclose to organisations convictions that have become 'spent'.

However in order to protect certain vulnerable groups within society, there are a large number of posts and professions that are exempted from the Act. Additionally Safeguarding Vulnerable Groups Act 2006 Schedule 4 and as amended by the Protection of Freedoms Act 2012 sets out the activities and work which are 'regulated activity' and which a person who has been barred by the Disclosure & Barring Service (DBS) must not do.

In such cases, organisations are legally entitled to ask applicants for details of all convictions, whether unspent or spent. This is shown on a DBS Enhanced Certificate. Regulated activity legislation further allows information to be disclosed as to whether or not an individual is barred from working with a particular vulnerable group. Such information is requested and obtained through a DBS Enhanced Certificate to include a check against the DBS barred lists.

General Principles

Transition Bro Gwaun 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 that does not create a risk to children and vulnerable adults.

This policy has been adopted by Transition Bro Gwaun as a condition of the use of WCVA Criminal Records Unit (CRU) as DBS Umbrella Registered Body countersigning DBS applications on our behalf.

Transition Bro Gwaun understand that WCVA CRU is obliged to take all reasonable steps to satisfy themselves that Transition Bro Gwaun will comply with the requirements of the DBS Code of Practice and in accordance with the Data Protection Act and holding of sensitive personal data.

Date adopted..... Signed.....

This policy statement can also be included within your company's Equal Opportunities policy.

CRU ADVICE: DBS Code of Practice

Although the code of practice which is published under section 122(2) of the Police Act 1997, has not been rebranded with the DBS logo or new terminology,

organisations who receive certificate information from the DBS should still comply with the obligations set out in the document.

POLICY: Recruitment and DBS policy

As an organisation using the Disclosure & Barring Service (DBS) to assess applicants' suitability for positions of trust, Transition Bro Gwaun complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed. We select all candidates for interview based on their skills, qualifications and experience. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences

Code of Practice for Transition Bro Gwaun

- We ensure that all those in Transition Bro Gwaun who are involved in the recruitment process are made aware of the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- Unless the nature of the position allows Transition Bro Gwaun to ask questions about an entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned, and meets eligibility criteria where relevant as laid down in legislation. 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 application 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. We request that this information is sent under separate, confidential cover, to a designated person within Transition Bro Gwaun and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 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 or volunteering.
- We undertake to discuss any matter revealed in a DBS Certificate with the person seeking the position before withdrawing a conditional offer of employment or volunteering.
- We have a written policy on the recruitment of ex-offenders, which is made available to all DBS check applicants at the outset of the recruitment process.
- We ensure that every person who has been asked to undergo a DBS check is made aware of the existence of the DBS Code of Practice and is provided with a copy on request.
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Approved by:	First Approved:	
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Trustees	25.6.2024	
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