

# **Brigitte Trust**

## **Recruitment of Ex-Offenders Policy**

### **1 Introduction**

Brigitte Trust uses the DBS Disclosure service to access applicants' suitability for positions of trust. The Trust will:

- Not discriminate unfairly against any subject of a DBS Check on the basis of conviction or other information revealed
- Make recruitment and selection decisions in accordance with the Trust's Equality and Diversity Policy and the Rehabilitation of Offenders act (1974)
- Actively promote equality of opportunity for all with the right mix of talent, skills and potential, and will fairly consider applications from those with criminal records
- Select all candidates for interview based on their skills, qualifications and experience
- Meet the cost of obtaining non-portable DBS Checks.

A criminal record will not necessarily bar an applicant from working for the Trust; this will depend on the position, the circumstances and the background of the offence/s.

### **2 Aims**

To provide fair treatment to employees, volunteers and recruitment applicants regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

### **3 Principles**

Brigitte Trust will:

- Confirm that no applicant will automatically be barred from working with us because of a conviction
- Normally disregard 'spent' convictions except for positions exempted under the Rehabilitation of Offenders Act (1974) i.e. positions involving regular contact with children or adults at risk
- Carry out Enhanced DBS checks on any potential employee or volunteer who may be working with or coming in to contact with vulnerable groups (Protection of Vulnerable Adults [POVA] Act 24<sup>th</sup> July 2004)
- Comply with the DBS Code of Practice to ensure that the process is fair and that any information revealed is treated fairly and securely
- Comply with its obligations under the Data Protection Act 1998 and other legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.
- Brigitte Trust ensures that all those 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.

## **4 Disclosure & Barring Service DBS**

Disclosures are provided by the Disclosure & Barring Service (DBS) an executive agency of the Home Office, and contain information held by the police and government departments.

A DBS Check offers a means to check the background of a job applicant to ensure that they do not have a history that would make them unsuitable for a post.

They are used by employers to make safer recruitment decisions. There are some posts for which a Disclosure is required by law.

Disclosures provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer (PNC). If the position involves working with children or adults at risk, Disclosures will also contain details from the Government's Protection of Children Act List (PoCA) and the list held by the Department for Education and Skills (DfES) under Section 142 of the Education Act 2002 or the POVA Act List.

There are two levels of Disclosure i.e. Standard and Enhanced.

- Standard Disclosures are primarily for posts that involve working with or accessing the personal data of children or adults at risk, but they may also be used for certain other professions, such as within legal and finance.
- Enhanced Disclosures are for posts involving a greater degree of contact with children or adults at risk i.e. involving regularly caring for, supervising, training or being in sole charge of such people. These disclosures may also contain information from the Chief Police Officer of the local police force. This level of Disclosure will be applied for where a post involves significant one-to-one contact with children or adults at risk.

## **5 Procedure**

### **5.1 The Post**

- Before advertising, the need for a DBS Disclosure at the appropriate level must be assessed and justified, and applicants must at the advertisement or interview stage be advised that a Standard or Enhanced Disclosure will be required. This written policy on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process.

### **5.2 Recruitment**

**5.2.1** Where a Standard Disclosure is required, we encourage applicants to provide details of any 'unspent' convictions at an early stage in the application process, so that the matter can be considered.

**5.2.2** Where an Enhanced Disclosure is required, we encourage applicants to provide details of any convictions, cautions, reprimands and warnings, both 'spent' and 'unspent', at an early stage in the application process, so that the matter can be considered.

**5.2.3** The details given by applicants and information in Disclosures will only be seen by senior management and Administration

**5.2.4** Where there are any concerns, these will be discussed with the applicant directly, either before or during the interview.

### **5.3 Selection**

**5.3.1** Administration will send out the Disclosure application form and guidance notes only when they have confirmation that a candidate is being offered the post or once volunteers are within the training programme. It is against the DBS Code of Practice to process a DBS check until an offer or conditional offer of appointment has been made.

**5.3.2** Employees or volunteers will not in any circumstances be permitted to work on their own with clients, carers or their other family members, or to access client information unsupervised until a satisfactory Disclosure has been received.

**5.3.4** Once processed, a copy of the Disclosure is sent to the successful candidate and the Trust. If certain offences are disclosed which may prevent an employee or volunteer carrying out their duties in a satisfactory and safe manner, the job offer will be withdrawn, after explaining the reasons to the candidate. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

## **6. On-going Employment**

**6.1** For posts requiring a DBS Disclosure, Brigitte Trust reserves the right to request an updated Disclosure at any time and at least every three years.

**6.2** Employees or volunteers are requested to disclose any criminal convictions they receive during the course of their employment to the Charity Manager, particularly where it may impact on their ability to carry out their role. This includes cautions, reprimands and warnings.

**3.** Should a Disclosure jeopardise the continuation of employment, the matter will be dealt with through the Disciplinary Procedure or Volunteer Support & Resolution Process.

## **7. Overseas Applicants**

The DBS can only access records held on the Police National Computer. If an applicant is from overseas, a DBS Check may not provide a complete picture of their criminal record. It may be possible to obtain some information from certain countries and applicants would be asked to obtain these checks if possible. If it were not possible to obtain overseas checks then a risk assessment would be undertaken, which might include obtaining reference statements from the period of time when the applicant lived overseas.

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