

## Policy Statement on the Recruitment of Ex-Offenders

The Church of England's practice guidance on Safer Recruitment<sup>1</sup> requires that all parishes have a written policy statement on the recruitment of ex-offenders. The practice guidance states that, *'Applicants for paid and volunteer positions must be clear about how they will be treated if they are ex-offenders.'*

The policy below is taken from a sample statement issued by the Disclosure and Barring Service (DBS)<sup>2</sup>. In the following Policy Statement, the term 'we' refers to the PCC of the Cheam Team Ministry.

### Policy Statement

1. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974<sup>3</sup> (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), we comply fully with the code of practice<sup>4</sup> and undertake to treat all applicants for positions fairly;
2. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed;
3. We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about<sup>5</sup>. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended);
4. We can only ask an individual about convictions and cautions that are not protected;
5. We are committed to the fair treatment of 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;
6. This policy is made available to all DBS applicants at the start of the recruitment process;
7. 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;
8. We select all candidates for interview based on their skills, qualifications and experience;
9. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. 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 application for a DBS certificate will be submitted in the event of the individual being offered the position;
10. We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offence (see below regarding Responding to DBS Disclosures & Information);
11. 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;

<sup>1</sup> Church of England Safer Recruitment Practice Guidance: [www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer\\_recruitment\\_practice\\_guidance\\_2016.pdf](http://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf) (Section 2.3, July 2016)

<sup>2</sup> DBS Sample Policy: [www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders](http://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders)

<sup>3</sup> Full text available here: [www.legislation.gov.uk/ukpga/1974/53](http://www.legislation.gov.uk/ukpga/1974/53)

<sup>4</sup> DBS Code of Practice: [www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice)

<sup>5</sup> Where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended.

12. 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;
13. We make every subject of a criminal record check submitted to DBS aware of the existence of the code of practice<sup>6</sup> and make a copy available on request;
14. We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **Responding to DBS Disclosures & Information**

The Church of England's practice guidance on Safer Recruitment<sup>7</sup> states clearly that the Diocesan Safeguarding Adviser must be informed when there are disclosures of cautions, convictions, reprimands or police intelligence in order to ensure that the relevance of the offences and associated risk are assessed.

*4.4. The disclosure will be passed to the Diocesan Safeguarding Adviser for a risk assessment. The Diocesan Safeguarding Adviser is qualified to identify and assess the relevance and circumstances of offences and the risk. If the issues are complex he or she will ask for assistance from the Local Safeguarding Children or Adults Safeguarding Board. In very complex cases the advice of an independent specialist may be required. The Diocesan Safeguarding Adviser will make a recommendation concerning the suitability of the applicant to the person responsible for the appointment in line with the diocese's local arrangements. Should the applicant not wish the confidential declaration and / or the criminal record disclosure to be seen, which is entirely his / her choice, the application must not proceed further and must be terminated.*

### **Additional Resources and Further Guidance**

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

Employers are no longer able to take an individual's old and minor cautions and convictions into account when making decisions. However, 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, remain subject to disclosure.

In addition, all convictions resulting in a custodial sentence, whether or not suspended, remain subject to disclosure, as are all convictions where an individual has more than one conviction recorded.

Information regarding the filtering of old and minor cautions and convictions which are now 'protected' and thus not subject to disclosure to employers.

<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates/filtering-rules-for-dbs-certificates-criminal-record-checks>

How long do I have to disclose my criminal record for? Guide from *Unlock*

<http://hub.unlock.org.uk/wp-content/uploads/ROA-Unlock-A5-8pp.pdf>

NACRO Resettlement Resources

[www.nacro.org.uk/resettlement-advice-service/](http://www.nacro.org.uk/resettlement-advice-service/)

**Policy agreed and adopted by the PCC at a meeting on 24<sup>th</sup> April 2023.**

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<sup>6</sup> DBS Code of Practice: [www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice)

<sup>7</sup> Church of England Safer Recruitment Practice Guidance: [www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer\\_recruitment\\_practice\\_guidance\\_2016.pdf](http://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf) (Section 2.3, July 2016)