

## **St Elizabeth's Policy Statement on the Recruitment and Employment of Ex-offenders**

- 1) Posts at St Elizabeth's are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order. Criminal record checks are carried out, both as part of the recruitment process and regularly as part of our ongoing safeguarding checking processes. Checks are carried out through the Disclosure and Barring Service (DBS).
- 2) St Elizabeth's complies fully with the Home Office **Code of Practice** and undertakes to treat all applicants for positions fairly, as well as those already employed or working at the Centre. St Elizabeth's undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 3) St Elizabeth's can only ask an individual to provide details of convictions and cautions that St Elizabeth's are legally entitled to know about. 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) Eligibility for DBS checks is set out in the following legislation:
  - i. Standard checks – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.
  - ii. Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.
  - iii. Enhanced checks with children's and/or adults' barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).
- 5) The Disclosure and Barring Service (DBS) through its criminal record checking service, helps employers with recruitment into, and continued employment/work within, more sensitive roles to prevent unsuitable people working with children or vulnerable groups.

These roles are deemed 'exempt' from the Rehabilitation of Offenders Act. The main types of checks available are:

- i. **Basic Disclosures** (Basic Check) are available for roles that are covered by the Rehabilitation of Offenders Act 1974. Basic Disclosures contain details of only 'unspent' cautions or convictions.
  - ii. **Standard Disclosure** (Standard DBS check), which can only be carried out on roles which are 'exempt' from the Rehabilitation of Offenders Act 1974 (ROA). These contain details of all convictions, cautions, reprimands and final warnings which are not 'protected' and are therefore eligible for filtering. Standard Disclosures are available for jobs and activities listed in the Exceptions Order.
  - iii. **Enhanced Disclosures** (Enhanced DBS checks) contain details of all convictions, cautions, reprimands and final warnings which are not 'protected', and may also include 'other relevant information' (police intelligence) which a chief police officer of the force that holds the information reasonably believes to be relevant to the role applied for and, therefore, ought to be included. Enhanced Disclosures are only available for certain jobs and activities listed in both the ROA Exceptions Order and also the Police Act 1997 (Criminal Records) Regulations.
  - iv. **Enhanced Disclosures with children's and/or adults' barred list check(s)** include the same criminal record information as Enhanced Disclosures, but also detail whether the person is barred from working with either children or vulnerable adults or both. To be eligible to request a check of the children's or adults' barred lists, the position must be eligible for an Enhanced Disclosure and also specifically listed in the Police Act 1997 (Criminal Records) regulations as eligible to check against the appropriate barred list(s).
- 6) St Elizabeth's 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.
  - 7) St Elizabeth's 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. St Elizabeth's select all candidates for interview based on their skills, qualifications and experience.
  - 8) 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.

- 9) St Elizabeth's ensures that all those who are involved in the relevant part of the recruitment or employment check process have been suitably trained to identify and assess the relevance and circumstances of offences. St Elizabeth's also ensures 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.
  - 10) At interview, or in a separate discussion, St Elizabeth's ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.
  - 11) Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
  - 12) St Elizabeth's makes every applicant for employment or employee/worker subject to ongoing safeguarding checks, aware of the existence of the Home Office Code of Practice and makes a copy available on request.
  - 13) St Elizabeth's undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
  - 14) St Elizabeth's will assess each situation on its own merits following the approach detailed below:-
    - a) What's the nature of the role?
    - b) Is the offence relevant to the role?
    - c) What's the nature of the offence, and how serious is it?
    - d) How old was the applicant at the time they offended?
    - e) How long has it been since the offence occurred?
    - f) Was the offence declared at the application for employment/work stage (where requested) or as appropriate for convictions obtained whilst working at St Elizabeth's?
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**References:-**

Revised Home Office Code of Practice for Disclosure and Barring Service Registered Persons (November 2015) July 2018

(July 2018)