



Recruitment of Ex-Offenders Policy

April 2011

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Policy Statement

Headwise believes that job selection should be based on an individuals, skills, abilities, experience and, where appropriate, their qualifications and training. Headwise will therefore consider ex-offenders for employment based on their individual merits and will not automatically refuse to offer employment to an individual because they have a criminal record.

Due to the nature of the services that Headwise provides, it is included under the list of excluded services in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 which covers England, Scotland and Wales. Therefore, the majority of job roles are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This entitles Headwise to seek detailed information relevant to the job role on both spent and unspent convictions, cautions, warnings, reprimands or bind-overs from job applicants and base employment decisions on this information.

Aims of the Policy

- This policy is intended to set out the values, principles and policies underpinning the service's approach to employing people with a criminal record.
- The policy sets out the actions that this service will undertake in order to meet the above Regulations and Standards.

1. Requesting Information from applicants

- 1.1 Applicants are required to declare on the application form if they have any spent or unspent convictions, cautions, warnings, reprimands or bind-overs.
- 1.2 Where an applicant has indicated that they have any spent or unspent convictions, cautions, warnings, reprimands or bind-overs, they will be asked about the details of these during interview if they are short-listed under Headwise's exemption from the Rehabilitation of Offenders Act.
- 1.3 If an applicant has a conviction, caution, warning, reprimand or bind-over that is spent or unspent that Headwise considers the nature of the offence to be relevant to the job for which they have applied, Headwise may, at their discretion, decline an offer of employment.

2. Relevance of Offences

2.1 Headwise will not refuse to employ an individual unless the nature of the conviction, caution, warning or reprimand or bind-over has some relevance to the position for which they have applied. Headwise will consider the following when considering the relevance of offences:

- Does the post involve close contact with children or vulnerable adults or any other vulnerable groups?
- What level of supervision will the post-holder have?
- Does the nature of the position present any opportunities for the post-holder to re-offend in the course of their duties?
- Does the post hold any responsibility for finance or items of value?

*Please note this list is not exhaustive

3. Disclosure and Barring Service

3.1 The DBS is responsible for the maintenance of two new lists which hold details of those who have been assessed as posing a risk of harm if they were to work with vulnerable groups and have been barred from working with children or vulnerable adults.

3.2 DBS disclosures will include a check on these lists as part of the process according to the group of vulnerable people for which the disclosure has been requested.

3.3 Persons barred from working with particular groups of vulnerable people in England and Wales will also be barred in Scotland and Vice Versa.

3.4 It is a criminal offence for anyone who is barred from working with a particular group to seek work or volunteer opportunities with that particular group.

3.5 It is also an offence to employ/use staff or volunteers with specified groups if they have been barred.

3.6 Headwise will not offer employment to any individual barred from working with the particular group the job position is relevant to.

3.7 In circumstances where Headwise is notified that a barring decision has been made, following the employment of the relevant individual, Headwise will

invoke disciplinary proceedings in order to terminate the contract of employment.

3.8 Headwise Ltd will refer any employee or person working as a volunteer at Headwise Ltd to the Disclosure and Barring Service if they:

- Are sacked because they harmed a child or adult
- Are sacked or removed from working in a regulated activity because they might have harmed a child or adult otherwise
- Would have been sacked for either of these reasons but resigned first.

4. Disclosure and Barring Services Disclosure Procedure

4.1 Once a person has been selected the person to whom it wishes to offer a position, they will be invited to complete an application to the DBS for a standard or enhanced (whichever Headwise deems appropriate for the role) Disclosure.

4.2 Headwise will cover the fee incurred in obtaining the appropriate DBS Disclosure.

4.3 Headwise will ensure that all information provided about an individual's criminal history, including any released in DBS Disclosures is used fairly and stored and handled appropriately and in accordance with the data Protection Act 1998.

4.4 Data held on file about an individual's criminal history will be held only as long as required for employment purposes and will not be disclosed to any unauthorised person.

4.5 Headwise will comply with the DBS Code of Practice, copies of which can be found at www.homeoffice.gov.uk/crb.

5. Training

5.1 All staff who will be involved in recruitment procedures will receive appropriate training.

Related Legislation

- Police Act 1997
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders 1974 (Exceptions) Order 1975

Useful Resources/Publications

- www.homeoffice.gov.uk/crb
- www.nacro.org.uk

Andrew Worthington

SIGNED:

POSITION: Director

IMPLEMENTATION DATE: April 2011

Date	Comments	Reviewed by	Next Review Date
12.02.2013	No changes made.	N Carroll	30.04.2014
26.02.2014	Policy changed to reflect change from ISA and CRB to DBS	N Carroll	30.04.2015