

## ***Criminal Records & Recruitment of Ex-Offenders Policy***

*Approved by the DMNW Board, July 2013, Updated Jan 18*

### **Policy Statement**

As a responsible employer, committed to equality of opportunity, DMNW has a duty to balance the need to treat ex-offenders fairly with the need to ensure the safety of children and adults in vulnerable situations.

This means that we cannot and would not wish to carry out indiscriminate vetting of staff or volunteers, but neither can we place people in positions of trust without carrying out appropriate checks and risk assessments.

Our guidelines are intended to ensure fair and transparent treatment of all our paid staff and volunteers, including applicants for new positions.

We welcome applications from a wide range of candidates, including those with criminal records. We will select all candidates for interview based on their skills, qualifications and experience.

### **Policy Framework**

- A. We will routinely assess the suitability of candidates for staff and volunteer positions. This may include seeking references and asking about unspent convictions.
- B. We will **not** make disclosure checks on staff and volunteers, or ask for information about spent convictions, unless the positions concerned involve engagement in regulated activity.
- C. Where staff and volunteers will be engaged in regulated activity, we will seek an **enhanced disclosure**.
- D. We do not believe that any of our current activity with **adults** constitutes [regulated activity as redefined by the Protection of Freedoms Act 2012](#) or indeed under the previous legal definition.
- E. When funded, our youth work programme is a form of training of **children**. It will therefore constitute regulated activity where any one individual is delivering it regularly and without [supervision](#). In this context, we take *regularly* to mean weekly or more frequently. We take *without supervision* to mean without the close and direct supervision that would reasonably allow us to assume that there is no potential for abuse of children to take place. Given that our youth work programme is delivered by different members of staff at different times of the week, it is likely that we will be legally required to seek an **enhanced disclosure with** barred list check for all **staff** youth work posts.
- F. It is likely that youth work **volunteers** will be much more closely supervised than paid staff and, if this is the case, we will not be legally required to seek disclosure checks, although if they meet the old “period

condition” (working on more than 2 days in any period of 30 days) we may opt to do so<sup>1</sup> (without barred list check) depending on assessment of risk.

- G. **Other staff and volunteer** positions are unlikely to involve regulated activity and will be ineligible for disclosures.
- H. Although being a **trustee** of DMNW no longer constitutes regulated activity in itself, this position is still eligible<sup>1</sup> for an enhanced disclosure, and we will follow Charity Commission guidance in requiring one.
- I. Where a criminal record is revealed either in routine assessment or through formal vetting, we will carry out a risk assessment before deciding whether to remove a candidate from consideration (in the case of new positions) or to remove them from office (in the case of new positions).

### **Practice Guidelines: Recruitment**

Decisions on both seeking disclosure checks for specific positions and acting on the results of those checks will be made within this Policy Framework:

- by the Recruitment Panel, in the case of new staff posts;
- by the Chief Officer, in the case of existing staff posts;
- by the Project Coordinator, in the case of volunteer positions;
- by the Board, in the case of Board positions.

In all cases, the reason for any decision will be recorded and given to the candidates, together with a copy of this policy.

All recruitment processes will involve at least one person who has a firm awareness of our responsibilities under the Rehabilitation of Offenders Act 1974, the Safeguarding Vulnerable Groups 2006 and the Protection of Freedoms Act 2012.

For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We will request that this information is sent under separate, confidential cover, to a designated person within DMNW 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 will ensure that an open and measured discussion takes place on the subject of any offences or other relevant matter. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We will discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

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<sup>1</sup> [DBS checks: eligibility guidance](#) (ref 01b)

## **Portability and Period of Validity**

We will seek renewal of disclosures every three years. We will normally treat disclosures as portable if they are less than one year old and include a barred list check (where we would require one).

## **Secure Handling of Disclosures and Disclosure information**

### *Storage and access*

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### *Handling*

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### *Usage*

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### *Retention*

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### *Disposal*

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.