Policy for Recruiting of Ex-Offenders for Church Roles and Responsibilities

For St Luke's Church, 46 Cell Barnes Lane, St Albans AL1 5QJ

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Signed: …….. **Role: ……..** **Date: ……..**

1. Introduction

The code of practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

To help you meet this requirement the DBS has produced the following sample policy statement which can be used or adapted for this purpose.

This policy statement can also be included within your organisation's equal opportunities policy.

2. Further information about conviction information

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- in addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- 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, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded

- you can direct applicants to the guidance and criteria which explains the filtering of old and minor cautions and convictions which are now ‘protected’ so not subject to disclosure to employers

3. Policy

- As an organisation assessing applicants’ suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), St Luke’s Church complies fully with the code of practice and undertakes to treat all applicants for positions fairly;
- St Luke’s Church undertakes not to discriminate unfairly against any subject of a criminal record check based on a conviction or other information revealed;
- St Luke’s Church can only ask an individual to provide details of convictions and cautions that St Luke’s Church 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);
- St Luke’s Church can only ask an individual about convictions and cautions that are not protected;
- St Luke’s Church 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;
- St Luke’s Church policy on the recruitment of ex-offenders, will be made available to all DBS applicants at the start of the recruitment process;
- St Luke’s Church 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 Luke’s Church selects all candidates for interview based on their skills, qualifications and experience;
- 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;
- St Luke’s Church ensures that all those in St Luke’s Church who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences;
- St Luke’s Church 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;
- At interview, or in a separate discussion, St Luke’s Church ensures that an open and measured discussion takes place about 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;

- St Luke's Church makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request;
- St Luke's Church undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.