

Pioneering Care Partnership (PCP) Recruitment of Ex-offenders Policy



Aim

PCP are a registered body for processing DBS applications. 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.

This policy sets out how PCP ensures that applicants are not treated unfairly or discriminated against based on a conviction.

Background

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. 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.

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), PCP complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

PCP will:

- Not discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- Only ask an individual to provide details of convictions and cautions that PCP 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)
- Only ask an individual about convictions and cautions that are not protected
- Commit 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

- Have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
- 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
- Select all candidates for interview based on their skills, qualifications and experience
- Only submit an application for a criminal record check 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
- Ensure that all those in HR who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences
- 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
- At interview, or in a separate discussion, 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
- Make 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
- Discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Scope

This Policy applies to all new staff and those staff who work for PCP whether full-time or part-time, employed through an agency and placement students where the role requires a DBS check to be carried out. This Policy also applies to PCP volunteers, including PCP Trustees.

This policy is to be applied consistently and in line with PCP core values.

Exclusions

This Policy is non-contractual.

Responsibilities

Senior Managers are responsible for ensuring that the policy is reviewed, disseminated and implemented.

Human Resources are responsible for ensuring that this policy and associated procedures remain compliant with legislation.

Line Managers are responsible for applying the policy and procedures, communicating the Policy to staff and supporting the request process.

Employees/Applicants are responsible for reading and operating within PCP policies and procedures whilst adhering to PCP core values.

Related Policies and Procedures

This Policy should be read in conjunction with the following PCP policies, procedures or guidance:

- Confidentiality Policy
- DBS Code of Practice
- Equality and Diversity Policy

Relevant Legislation

This Policy is in line with the following relevant legislation:

- Section 122 of the Police Act 1997
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Police Act Regulations

Policy Communication

PCP will ensure that:

- All employees receive a copy of this policy during the induction process
- Generic policy training will include examples or reference to this policy
- This policy is easily accessible by all members of the organisation both electronically and hardcopy
- Employees are informed when a particular activity aligns with this policy
- Employees are empowered to actively contribute and provide feedback to the policy and;
- Employees are notified of all changes to this policy in a timely manner

Monitoring and Review

This Policy will be reviewed by Business Excellence on a regular basis to ensure that it remains compliant. A full formal review will also take place every 3 years by Senior Management Team as part of the Policy Review Cycle, and where applicable approved by the Board of Trustees.

The Policy Impact Assessment will be monitored and reviewed every 3 years by HR as part of the Policy Review cycle.

Policy Document Tracking

Action	Date(s)
Issue Number:	1
Draft to SMT:	23 January 2020
Approved Policy circulated to SMT:	
Approved Policy uploaded to shared:	
Approved Policy circulated to staff:	
Interim Review Date:	
Main Review Date:	
SMT Lead for Review	Lindsay Sheridan