

Policy Title	Recruitment of ex-offenders policy
Issue date (m/y)	08/2013
Author	Amy Deignan, Care Coordinator
Approved by	Donna Welburn, Operations Manager
Review date (m/y)	07/2016

Context and or Aims

To ensure The Learning Support Centre Ltd and fully complies with the provisions of the Rehabilitation of Offenders Act and best practice in its recruitment of staff with a criminal record.

Policy Statement

The Rehabilitation of Offenders Act 1974 was introduced to ensure that ex- offenders, who have not re-offended for a specified period of time since their date of conviction, are not discriminated against when applying for a job. This policy sets out the basis on which The Learning Support Centre Ltd will seek information from prospective employees about spent and unspent convictions and how this information will be used. The policy will be made available upon request to all applicants at the outset of the recruitment process. This policy also sets out the commitment from The Learning Support Centre Ltd that all applicants will be treated fairly.

Principles

- As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Learning Support Centre Ltd complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- The Learning Support Centre Ltd 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.
- This policy is made available, upon request, to all applicants at the outset of the recruitment process.
- The Learning Support Centre Ltd 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. We select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job descriptions will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

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- We ensure that all those in The Learning Support Centre Ltd who are involved in the recruitment process can identify and assess the relevance and circumstances of offences. We also 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.
- We make every subject of a DBS check aware of the existence of the recruitment procedure and make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

Obtaining information from applicants

- Unless the nature of the position allows The Learning Support Centre Ltd to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- For jobs which are exempt from the provisions of the Rehabilitation of Offenders Act, an applicant will need to disclose both unspent and spent convictions (For further information please refer to the Exemptions order of the ROA). The Learning Support Centre Ltd are legally entitled to ask applicants of the details of any spent and unspent convictions.
- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within The Learning Support Centre Ltd and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Declaring previous convictions

- Where an individual has disclosed a conviction, or a conviction is revealed through a DBS check, a discussion will take place with the applicant regarding the offence and its relevance to the position to assess the suitability of the applicant for the job. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- When considering the matter, the following examples may be taken into account:
 1. The seriousness of the offence and its relevance to the safety of other employees, students, service users, the public etc.
 2. The length of time since the offence occurred.

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3. Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
 4. The nature of the job and any opportunities that may present the applicant to reoffend.
 5. The country in which the offence was committed- for example, some activities are offences in Scotland and not in England and Wales and vice versa.
 6. Whether the offence has since been decriminalised by Parliament.
- Having carefully considered these matters, a decision should be taken as to whether the individual should be appointed. If the decision is not to proceed with the appointment then the applicant will be written to formally withdrawing the offer of employment. The Learning Support Centre Ltd will undertake a discussion regarding the content of the disclosure with the applicant before withdrawing any offer of employment.
 - It is the responsibility of the applicant and employee to clarify whether a conviction is spent or unspent. The length of time required for an ex- offender to become rehabilitated depends on the sentence received and the age when convicted. To note, custodial sentences of more than two and half years can never become spent.

Existing staff with a criminal record

- If a member of staff is convicted of a criminal offence whilst in employment they must report this to their manager immediately. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with The Learning Support Centre Ltd disciplinary procedures.
- Managers will be expected to carry out a risk assessment, comparing the skills, experience and the circumstances of the conviction against the criteria identified for the job. Managers should take an objective approach and advice should be sought from the Director.
- If a member of staff is concerned about a conviction, they should speak directly with their line manager. For roles requiring a DBS check, staff will be required to pay an annual DBS renewal fee to the disclosure and barring service and is it expected that individuals will disclose any new convictions.

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Review

- The policy will be reviewed either in light of new information or annually

Related Documents

[The Rehabilitation of Offenders Act 1974](#)

DBS Procedure

Confidentiality and Sharing Information Policy and Procedure