

Policy on the Recruitment of Ex-Offenders

Version 2 – December 2015

1. ESPA is committed to equal opportunities, best practice in recruitment and safer recruitment. We will ensure that applicants are treated fairly.

This policy applies to all staff.

2. PRINCIPLES

ESPA is registered with the Disclosure and Barring Service (DBS) and has a nominated Lead Signatory and Counter Signatories who are the only staff within ESPA who have access to the Disclosure information.

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), ESPA complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. ESPA undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

ESPA supports children and vulnerable adults with an autistic spectrum disorder and therefore a Disclosure is required for all positions. The HR Department will make a decision about the level of disclosure required, based upon the role and responsibilities of the particular position applied for.

ESPA can only ask an individual to provide details of convictions and cautions that ESPA 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), ESPA can only ask an individual about convictions and cautions that are not protected.

ESPA is committed to the fair treatment of all its staff, potential staff and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

ESPA has a written policy on the recruitment of ex offenders, which is made available to all DBS applicants at the outset of the recruitment process.

We recognise that the Disclosure Service is integral and complimentary to existing recruitment practices.

ESPA actively promotes equality of opportunity for all with the right mix of talent, skills, and potential to fulfil the role they have applied for. We welcome applications from a wide range of candidates, including those with criminal records, and shortlisting for interview will primarily be based upon their skills, attitude, experience and qualifications.

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 shortlisted for a position within the organisation.

ESPA will ensure that all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We will 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.

At interview, or in a separate discussion, ESPA ensures that an open and measured discussion takes place on the subject of any offences of 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.

ESPA 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.

ESPA undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

If an applicant reveals a serious criminal record or the interviewers are uncertain about the relevance of a conviction then they must consult with the *Chief Executive*.

For all successful candidates, evidence of Basic Disclosure information, e.g., date, type, unique reference number and the recruitment decision are retained on the personnel files in the service. This does not include the nature of any cautions or convictions.

If there remains any uncertainty about an existing or potential employee's suitability for a position this will be decided jointly by the Lead and Counter Signatories and in full consultation with ESPA's *Chief Executive*. The outcome of the decision will be recorded and management of potential risks agreed.

Having a criminal record will not necessarily bar you from a position within the organisation. It will depend on the position being applied for and the circumstances and background to the offences.

The process for dealing with Disclosures is summarised in the flowchart overleaf.

Signed:  Chief Executive

FLOWCHART FOR DEALING WITH DISCLOSURES

