

## Recruitment of Ex-Offenders Policy

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Policy Owner:	People Strategy and Projects Team
Distribution:	Internal and External - Non Confidential

### Purpose

This policy outlines Barnardo's use of criminal record checks and the recruitment of staff and volunteers with criminal convictions.

Barnardo's has developed this policy:

- a) To ensure that Barnardo's complies with the spirit and requirements of the Rehabilitation of Offenders legislation.
- b) To ensure consistent and fair practice regarding the recruitment of staff and volunteers who have a criminal record to paid positions or voluntary, unpaid positions.

### Scope

This policy applies to all staff and volunteers, including prospective staff/volunteers applying for roles at Barnardo's, and is made available to applicants at the outset of the recruitment process.

### Roles & Responsibilities

**Shortlisted job applicants** are responsible for disclosing criminal record information that would not be filtered according to whether the role is exempt/not exempt from the Rehabilitation of Offenders legislation and the relevant filtering rules. As part of the application process job applicants will be informed when and how to provide this information. Failure to reveal information that would not be filtered could lead to withdrawal of a conditional offer of employment/volunteering. Shortlisted job applicants who are unsure if they need to disclose criminal record information may wish to contact [Nacro](#) or [Unlock](#) for impartial advice.

**Line Managers/Recruiting Managers** are responsible for complying with this policy, identifying whether the role falls within the scope of the Rehabilitation of Offenders legislation and if criminal record information is revealed, ensuring that a measured discussion on the subject of any offences or related concerns that might be relevant to the position takes place with the applicant.

**Local People Teams** are responsible for providing advice to managers in pursuant of this policy and supporting managers in the application of this policy, as required.

**People Strategy & Projects Team** are responsible ensuring compliance with legal and regulatory obligations and Codes of Practice (for example, Disclosure and Barring Service (DBS), Disclosure Scotland and Access NI), as appropriate and updating this policy.

## Definitions/Abbreviations

**AccessNI** – is a branch within the Department of Justice in the Northern Ireland Executive responsible for processing criminal record disclosure checks for potential employers in Northern Ireland.

**Criminal Record** for the purposes of this policy may include 'spent' and 'unspent' criminal convictions and cautions except those which, under the relevant filtering rules should no longer be disclosed. For guidance on the filtering rules, please refer to the Nacro Website and/or the Disclosure and Barring Service website, Disclosure Scotland or the Department of Justice Northern Ireland website, as appropriate.

**DBS** - The Disclosure and Barring Service. Responsible for criminal record disclosure checks in England and Wales.

**Disclosure Scotland** - is an Executive Agency of the Scottish Government. Their core function is to carry out criminal record checks in Scotland and provide criminal history information to organisations and potential employers.

## Policy Statement

Barnardo's is committed to creating equal access to opportunities for paid work and voluntary involvement, while continuing to base selection and promotion solely on ability to meet the requirements of the post. This is irrespective of age, disability, gender reassignment, marriage, and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation, irrelevant offending background, responsibility for dependents, economic status or political values.

Barnardo's will not discriminate unfairly against any applicant on the basis of a conviction or other information revealed.

## General Principles

- As an organisation using the Disclosure and Barring Service (DBS), Disclosure Scotland and Access NI to assess applicants' suitability for positions of trust, Barnardo's complies fully with their Codes of Practice and undertakes to treat all applicants fairly. A copy of the relevant Code of Practice (DBS, Disclosure Scotland or Access NI) is available upon request from the Recruitment Team.
- Shortlisted job applicants will be asked to complete an online Safeguarding Self-Declaration according to whether the role is covered/not covered by the Rehabilitation of Offenders legislation in order to provide details of their criminal record. We guarantee that this information will only be seen by those who need to see it as part of the recruitment and selection process and checked only for the prospective successful applicant against the Disclosure Certificate result. The information will be held in accordance with our [Privacy notice](#).

- For relevant roles covered by the Rehabilitation of Offenders legislation, shortlisted job applicants will be asked to disclose any unspent convictions or cautions that would not be filtered out under the filtering rules. Additionally, for roles within our retail stores, the prospective successful applicant will be asked to apply for a basic criminal records Disclosure.
- Certain convictions and cautions may become 'spent' after a rehabilitation period during which time there have been no further convictions. The way in which a conviction can become 'spent' under the legislation will depend upon the sentence received for the offence, and the applicable rehabilitation period. There are however certain convictions which can never become spent and will always be disclosed on Disclosure certificate.
- For roles not covered by the Rehabilitation of Offenders legislation, such as those working with children and/or vulnerable adults, shortlisted job applicants will be asked to disclose 'spent' and 'unspent' criminal convictions and cautions that would not be 'protected' or filtered, under the relevant filtering rules. The prospective successful candidate will be required to undertake an enhanced criminal records disclosure check, including where eligible a check against the relevant barred list from working with children and or/vulnerable adults. (Where the individual is a member of the Disclosure & Barring Update Service (England & Wales) in the relevant workforce and at the required level, Barnardo's will, with the individual's permission, carry out a status check on any current certificate).
- A criminal records Disclosure check is only requested for those positions where it is deemed both proportionate and relevant to the position concerned, following consideration of the role requirements.
- With some exceptions (e.g., conviction of a Schedule Four offence, inclusion on the Children's or Adults' Barred List), having a criminal record will not necessarily bar a person from working with us in either a paid or unpaid capacity. This will depend on the nature of the disclosed conviction(s) and the position sought, the circumstances and background of the offence and their relevance to the post in question.
- Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place about any offences or other related concerns that might be relevant to the position.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before deciding whether the conditional offer of employment or volunteering placement will be confirmed or withdrawn.
- A failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or volunteering placement.
- Once in post staff members, in accordance with Barnardo's Safeguarding Code of Conduct, must inform their line manager of any changes to their circumstances which affects their criminal record status, so that any impact upon their suitability to undertake the role may be reviewed. This requirement also applies to voluntary involvement and volunteers informing their supervisor.

## Associated guidance and documents

- Criminal Records Disclosure Policies (England & Wales, Northern Ireland and Scotland)
- Filtering rules
- Equality, Diversity and Inclusion Policy
- Recruitment and Selection Policy
- Recruitment and Selection Procedures
- Safeguarding Code of Conduct
- Volunteer Procedures

## References

- Police Act 1997
- Protection of Vulnerable Groups (Scotland) Act 2007
- Rehabilitation of Offenders Act (ROA) 1974 – Exceptions Order 1975 as amended in 2013 and 2020
- Rehabilitation of Offenders (Northern Ireland) Order 1978
- Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979
- The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012 and 2019
- Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 and 2020

## Compliance

- Local People Teams, Recruitment Centre and Volunteering and Community Engagement Teams monitoring of general adherence to policy.
- Feedback from UNISON and Barnardo's Equality, Diversity and Inclusion Networks.
- Audits

## Document history

Version	Date	Author	Status	Comment
2.0	01.04.17	Policy & Advice Team	Approved	Updated policy into new format.
2.1	1.10.18	Policy & Advice Team	Approved	Updated to reflect basic Disclosures
2.2	01.07.21	People Strategy & Projects Team	Approved	Updated to reflect change in filtering rules.