



Recruiting ex offenders policy

Last Reviewed: Jo Lake, February 2019

Next review Date: February 2021

Overview

Application of this policy will be on the basis of equal opportunities regardless of race, colour, nationality, or ethnic origins, age, marital status, gender, sexual orientation, disability, religion or other personal circumstances or disadvantages.

As part of the Company's overall commitment to equality of opportunity this policy outlines the Company's approach to the recruitment of ex-offenders.

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Legislative Framework

Rehabilitation of Offenders Act 1974

Protection of Freedoms Act 2012

The Rehabilitation of Offenders Act (Exceptions) Order 1975

(Amendment) (England and Wales) Order 2013

Data Protection Act 1998 (including 2018 GDPR requirements)

Other Relevant Policies/ Procedures/ Guidelines

Recruitment policy

Scope of Policy

This policy applies to all candidates applying for roles within OASIS who are potential employees and volunteers as well as OASIS management, employees, volunteers, recovery champions. The term 'staff' will cover all of these categories for the purposes of this policy.

Policy statement

OASIS will not consider the existence of criminal convictions to be immediate grounds for refusal of employment. Candidates will be considered for employment based on their skills, experience and qualification for the role.

Candidates will be asked to disclose 'unspent' convictions during the application and/or interview process. Where the nature of the offence has a relevance to the role applied for, the suitability of the candidate will be considered in this context. OASIS does, in these circumstances, reserve the right to refuse to offer employment.

Candidates will not be asked to disclose information relating to 'spent' convictions, unless the role being recruited for is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Criminal records checks

OASIS will establish the appropriate level of disclosure that is required for each role, and will only undertake criminal record checks when required to do so by law. A criminal records check will be requested only after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

OASIS will ensure that if a DBS check is to be requested this is because the position is eligible for the disclosure check under current legal provisions. For example, it is appropriate to undertake a DBS check where the role's duties involve work (not just incidental contact) with children and vulnerable groups.

OASIS will comply fully with the Disclosure and Barring Service code of practice and treat all candidates fairly.

OASIS will not discriminate unlawfully against any candidate who is required to provide information through this process.

OASIS will ensure that all individuals involved in the recruitment process receive appropriate guidance and training in these policies, including the legislation relating to the employment of ex-offenders, in particular, the Rehabilitation of Offenders Act 1974.

Common law police disclosure

As at October 2015 the Home Office have issued new guidance on police disclosing details of convictions, criminal investigations and proceedings. The common law police disclosure replaces the previous 'notifiable occupations scheme'. The police will now use their professional judgement to decide whether to pass on information prior to any conviction, if they feel there is a perceived public protection risk. OASIS will consider each case on an individual basis whilst ensuring that the interests of other employees and service users are protected as well as managing the employment of the person facing a possible prosecution. This will include OASIS finding out about any allegations and the steps the police are taking.

Recruitment process

For those positions where a criminal records check is required, all application forms, job advertisements and recruitment briefs should contain a statement that a check will be requested in the event of the candidate being offered the position.

Where a criminal records check is part of the recruitment process, all candidates called for interview should be encouraged to provide details of any criminal record, ideally at an early stage in the process. Steps should be taken to ensure that only those who need to see it as part of the recruitment process will see this information.

Where the criminal record information reveals details of an offence OASIS will undertake a risk assessment to assess the nature of the offence and the relevance of this to the job in question. The details and outcome of the risk assessment will be passed to a member of the Board of Trustees for them to approve or disapprove the decision to approve the offer of employment or not.

Should it be felt that the offer of employment should be withdrawn the matter of the offence and its relevance to the job in question will be fully discussed with the candidate.

A candidate's failure to reveal information directly relevant to the job could result in the withdrawal of an offer of employment.

Advice should be sought from HR before an offer is withdrawn.

Data protection

All information received should be dealt with in accordance with the provisions of the GDPR (which come into effect in May 2018)