



RECRUITMENT POLICY FOR PEOPLE WITH CRIMINAL RECORDS

STATEMENT

People and Work makes every effort to prevent discrimination and unfair treatment against any of its staff, potential staff, or volunteers. This extends, in addition to those groups identified in the Equal Opportunities Policy, to people with a criminal record.

People and Work actively promotes 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

People and Work assesses 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). People and Work complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

People and Work will ensure that any criminal record information given by an individual is kept confidential and according to the requirements of the Data Protection Act and, where appropriate, the Disclosure and Barring Service Code of Practice.

RECRUITMENT

All recruitment follows People and Work's procedures and practices.

ADVERTISEMENTS and APPLICATION FORMS

- for positions where a DBS check is required, all adverts and application forms and supporting documentation will contain a statement that a DBS check will be requested in the event of a person being conditionally offered a position;
- all application forms contain the following or similar statement: *having a criminal record will not necessarily bar you from working with People and*

Work. This will depend on the nature of the position and the circumstances and background of your offences;

- People and Work's Equal Opportunities Policy and Recruitment Policy for People with Criminal Records will be made available, on request, to all applicants at the start of the recruitment process.

SELECTION, INTERVIEWS and JOB OFFERS

- all candidates are selected for interview based solely on their skills, qualifications and experience;
- all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and 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;
- applicants will only be asked to provide details of convictions and cautions that the company is legally entitled to know about. It will not request information about an applicant's spent convictions and minor cautions (i.e. "protected" information);
- all applicants will have ample opportunity, through open and measured discussion, to disclose details of previous "unprotected" convictions, offences or any other matter which may be relevant to the position. Failure to reveal information which is directly relevant to the position could lead to a withdrawal of any conditional offer;
- an application for a criminal record check is submitted to DBS only after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned;
- where a DBS check forms part of the recruitment process (because the post involves working with children and/or vulnerable adults) People and Work encourages all applicants called for interview to provide details of their criminal record at an early stage and before the DBS check is undertaken. This information will be treated in strictest confidence;
- People and Work will not refuse a candidate a conditional job offer, unless it is because a DBS check shows that they are unsuitable for that particular job. In this event, the matters revealed on the DBS certificate will be discussed with the candidate before the conditional offer of employment is withdrawn.
- if it is discovered, after an employee is in post, that he or she has failed to disclose a criminal record throughout the recruitment and appointment process, this will result in dismissal.

SPENT CONVICTIONS

Convictions with a sentence of 4 years or less will become spent after a certain period of time. This is known as a “rehabilitation period”. Its length depends on how severe the penalty was.

Rehabilitation periods for England and Wales

Custodial sentence Rehabilitation period (from end of sentence)

0 - 6 months 2 years

6 - 30 months 4 years

30 months - 4 years 7 years

more than 4 years never

Non-custodial sentence Rehabilitation period (from end of sentence)

community order 1 year

fine 1 year (from date of conviction)

absolute discharge none

The rehabilitation period is halved if the offender was under 18 when convicted (except for sentences of up to 6 months where it is the sentence period plus 18 months).

Cautions

Simple cautions become spent immediately. Conditional cautions become spent after 3 months.

(This policy should be read in conjunction with People and Work’s Equal Opportunities Policy and Data Protection and Security Policy.)