

### **Policy statement on the recruitment of ex-offenders**

- As an organisation using the Disclosure and Barring Service (DBS) to assess applicants suitability for positions of trust, Lincolnshire Action Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The Trust undertakes not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- Lincolnshire Action Trust is committed to the fair and equal treatment of its staff, potential staff and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical or mental disability or offending background.
- We have a written policy on the recruitment of ex-offenders, which is available on request to all Disclosure applicants at the outset of the recruitment process.
- We 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 Disclosure 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 disclosure is required, job adverts, and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position.
- Where a disclosure 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 Lincolnshire Action Trust and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
- Some posts in Lincolnshire Action Trust are exempt from the requirements of the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Lincolnshire Action Trust who are involved in the recruitment process have been suitably trained to 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.
- At interview, or in separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or 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.

- We make every subject of a DBS disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

### **Employment of ex-offenders**

- 1) The decision to employ someone with previous convictions is a matter of judgement for the employer, and will depend on the duties of the post and nature and circumstances of the offences. Some 35% of males and 8% of females born in 1953 had acquired a conviction for a standard list offence by the age of forty; to refuse to employ any ex-offender would seriously constrain the potential labour pool, as well as undermine the principle of equality of opportunity and the rehabilitation of offenders. However, to achieve the purposes of staff vetting, as set out at the beginning of this protocol, we advised that:
- 2) It is an offence for any organisation to offer employment that involves regular contact with young people under the age of 18 years to anyone who has been convicted of those offences listed in Schedule 4 of the Criminal Justice and Court Services Act 2000, or is included on lists of people considered unsuitable for such work held by the Department of Education and Skills, and the Department of Health. (Protection of Children Act 1999, Criminal Justice and Court Services Act 2000).
- 3) Any decision to employ an ex-offender for whom our partners (HM Prison Service, National Probation Service and Lincolnshire Youth Offending Service) holds current or archived records of contact as a service user (under supervision, or the subject of a report to court) will need to consider how the following issues will be managed:
  - a) the position whereby sensitive information about staff includes archived offender supervision records (including any "header" details retained on the electronic case management system) that are available to other employees for reference.
  - b) the possible access by the ex-offender to records of her/his supervision that might contain information about third parties that would not have been released as part of a subject access request under the Data Protection Act 1998.

Offenders for whom our partners have records of contact should not be treated differently from those who have received other sentences merely as an answer to these data protection issues.

N.B. Data Protection Policy's of our partners require the destruction of offender records after six years from the date of last contact with the offender (excluding offenders sentenced to life imprisonment, and any other category of offender for whom the statutory agency may be required by legislation or regulation to archive records for a longer period.

Job title of Lead Manager: CEO Date implemented: Jul 2003 Last updated: May 2016 Review due: n/a
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