

# Recruitment of Ex Offenders Policy



## Policy & Procedure

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Lead Author (and role):	Helen Alexander, HR & Development Director
Reviewed and Approved by:	Policy Review Group
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Equality Impact Assessment completed:	Yes

### Applicable Legislation/Regulations:

Rehabilitation of Offenders Act 1974  
 Police Act 1997  
 Safeguarding Vulnerable Groups Act 2006  
 Health and Social Care Act 2008  
 Protection of Freedoms Act 2012  
 Data Protection Act 2018

### Codes of Practice:

DBS Code of Practice

### Purpose:

To ensure that ex-offenders are not unfairly discriminated against within the Company's Recruitment and Selection procedure, and that the Company complies with its responsibilities and duty of care in accordance with all relevant legislation.

Applies to staff group:	Level of familiarity required:
Managers	High
Medical staff	Medium
Clinical Specialities	Medium
Nursing staff	Medium
Support workers	Medium
Bank / Agency Workers	Medium
Administration Staff	Medium
Housekeeping Staff	Medium
Catering Staff	Medium
Maintenance Staff	Medium
Volunteers	Medium
Visitors	Low

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Local Variations to this Policy & Procedure		Refer to:
Jigsaw	No Variations	N/A
Moston Grange	No Variations	N/A
Oakland House	No Variations	N/A
Fallowfield	No Variations	N/A
The Peele	No Variations	N/A

Version Control Table		
Date Ratified	Version Number	Status
March 2021	8	Live
March 2019	7	Archived
March 2017	6	Archived
November 2016	5	Archived
March 2015	4	Archived
January 2013	3	Archived
February 2011	2	Archived
November 2005	1	Archived

Table of Revisions			
Date	Section	Revision	Author
27/02/19	-/-	Format change. No other changes required	HA
29/03/21	-/-	No changes required	HA

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# Recruitment of Ex Offenders Policy



## 1.0 The Policy

- a) 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, Equilibrium Healthcare (EHC) complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- b) Disclosures are an important tool in facilitating safer recruitment practices and service user safety. Key roles employed within EHC fall under the category of a regulated activity (see point 1.2a). As such, the Company undertakes DBS and (Adult) Barred List Checks on any employee, volunteer, or other individual who, within the scope of their role, carries out a regulated activity.
- c) All new employees and workers, employed in such roles, must undertake a DBS and Adult Barred List Check prior to being unconditionally offered employment. Previous DBS disclosures gained through other Registered Bodies will not be accepted by the Company, unless the individual is registered with the DBS update service.
- d) EHC will only ask an individual to provide details of convictions and cautions that the Company is legally entitled to know about. Where a DBS certificate at either standard or 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 the Police Act Regulations (as amended)), EHC will only ask an individual about convictions and cautions that are not protected.
- e) Although a criminal conviction does not necessarily prevent anyone from working for Equilibrium Healthcare, some offences, for example involving violence or sexual abuse, may indicate that an applicant is unsuitable to have access to service users and should not be employed.
- f) Individuals who appear on the Disclosure and Barring Service (DBS) barred list are not legally able to undertake a regulated activity. Equilibrium Healthcare therefore has an obligation to ensure all employees undertaking a regulated activity are checked against this list.
- g) EHC actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. Unless on the DBS barred list, a criminal conviction should not necessarily debar a person from working for EHC, as the weight given to the conviction will depend on the nature of the offence, the age at which it was committed and its relevance to the post.

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- h) The DBS check forms only part of EHC's pre-employment and post-employment checks, alongside references, a thorough interview process and any other appropriate procedures to ensure, as far as practicable, that all individuals are 'fit' to undertake the work for which they are employed or contracted.
- i) Therefore the Company will not discriminate against any individual and will make the decision of whether to appoint an ex-offender in the context of all the relevant information (in accordance with the Rehabilitation of Offenders Act 1974), including discussion with the individual, in order to balance the need to prevent unsuitable people from working in sensitive posts against the threat of discrimination against offenders who are rehabilitated. See also *Equality Policy (HR14)*.
- j) This Policy should be read in conjunction with:
  - HR04 Disclosure and Barring Service Policy
  - HR10 Recruitment and Selection Policy
  - HR14 Equality Policy

# Recruitment of Ex Offenders Policy



## 2.0 The Procedure

- a) All recruitment within EHC will be undertaken in accordance with the Company's Recruitment and Selection Policy (HR10).
- b) All applicants for positions with EHC will be selected for interview based on their skills, qualifications and experience.
- c) All application forms contain a statement that a DBS Disclosure may be requested in the event of the individual being offered the position.
- d) The Company encourages all applicants called for interview for specified roles 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 EHC and we guarantee that this information is only to be seen by those who need to see it as part of the recruitment process.
- e) Unless the nature of the position allows the Company to ask questions about an individual's entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
- f) The Company ensures that all individuals involved in the recruitment process have been trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- g) At interview, or in a separate discussion, EHC ensures that an open and measured discussion takes place on the subject of any offences or other matters 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.
- h) Equilibrium Healthcare makes every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and makes a copy available on request.
- i) The Company undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

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## Appendix 1

### Equality Impact Assessment for this policy

<b>Protected Characteristic (domain)</b>	<b>Area of conflict</b>	<b>Resolution</b>
Age	Nil	N/A
Disability	Nil	N/A
Gender reassignment	Nil	N/A
Pregnancy & Maternity	Nil	N/A
Race	Nil	N/A
Religion or Belief	Nil	N/A
Sex	Nil	N/A
Sexual orientation	Nil	N/A
Marriage and Civil Partnership	Nil	N/A