

RECRUITMENT OF EX-OFFENDERS

INTRODUCTION

Page 1 of the [Parish Safeguarding Handbook](#) states that the incumbent and PCC will have a policy statement on the recruitment of ex-offenders.

Section 2.3 of the Church of England's *Practice Guidance: Safer Recruitment* also states that:

"Applicants for paid and volunteer positions must be clear about how they will be treated if they are ex-offenders. The Disclosure and Barring Service (DBS) has published a [sample policy statement on the recruitment of ex-offenders](#)."

The PCC should approve and review this policy every three years.

The Rochester Diocesan policy below is based on the DBS sample policy.

As it is a sample policy, amendments can be made as required, if amendments are made please ensure you are satisfied that the policy covers all the points required, any amendments would need to be approved by the PCC.

Please amend the word 'Diocese' below with the name of your PCC when adopting this policy.

OBJECTIVE OF THE POLICY

The objective of this policy is to state the Diocese of Rochester's approach towards employing people (including paid and voluntary roles) who have criminal convictions.

GENERAL PRINCIPLES

- 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 (DBS), the Diocese complies fully with the DBS [Code of Practice](#) and undertakes to treat all applicants for positions fairly.
- The Diocese undertakes not to discriminate unfairly against any person who is subject to a criminal record check on the basis of a conviction or other information revealed.

- The Diocese can only ask an individual to provide details of convictions and cautions that the Diocese are legally entitled to know about. Any such request will be in accordance with the current law and guidance in regard to the rehabilitation and the employment of individuals who have been convicted or cautioned for offences.
- The Diocese will only ask an individual about convictions and cautions that are not protected.
- The Diocese is committed to the fair treatment of its staff, potential staff or users of its services, regardless of their offending background.
- The Diocese 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.
- The Diocese select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to the DBS for relevant roles in accordance with the guidance from central government and the Church of England and it is proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- The Diocese ensures that all those in the Diocese who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- The Diocese also ensures 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 during a separate discussion, the Diocese ensures that an open and measured conversation 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.
- The Diocese makes every individual who is subject of a criminal record check submitted to the DBS aware of the existence of the DBS [Code of Practice](#) and makes a copy available on request.

- All volunteers and applicants for employment in regulated roles will be required to complete a Confidential Declaration Form as part of their pre-employment checks.
- The Diocese undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- In the event of a DBS check revealing any information; the details will be discussed at the Safeguarding Executive Committee who will recommend if the person should be appointed, in some cases the appointment can be made subject to safeguards being put into place.
- This policy on the recruitment of ex-offenders is available to all applicants at the start of the recruitment process, where the applicant will be subject to a DBS check.

RESPONSIBILITIES

As an employer the Diocese has a legal obligation under The Rehabilitation of Offenders Act (ROA) 1974 not to discriminate against ex-offenders, who have not re-offended for a period of time since the date of their conviction, when applying for jobs. This means that, unless the post they are applying for is exempt, they are not legally required to disclose to organisations convictions that have become spent.

However, employers of occupational groups and professions which involve access to children and young people (under the age of 18) and "vulnerable adults" have a legal obligation to ask applicants for details of convictions, irrespective of whether they are spent or unspent, under the Exemptions Order of the ROA.