**Sample**

**Recruiting Ex-Offenders Policy Statement**

# Introduction

[Organisation Name] is committed to offering fair recruitment and equal opportunities for all staff, volunteers and trustees regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

[Organisation Name] 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. Candidates are selected for interview based on their skills, qualifications and experience.

[Organisation Name] understands that people are often ashamed and embarrassed about their cautions and convictions and/or fear they will not be treated fairly because of them. Please rest assured that if we do ask about criminal records we will handle the information you provide in confidence.

This policy will be made available to all DBS applicants at the start of the recruitment process to reassure that [Organisation Name] does not discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

As an organisation assessing applicants’ suitability for paid and voluntary 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), [Organisation Name] complies fully with the DBS [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) and undertakes to treat all applicants fairly.

A DBS check is only requested when it is both proportionate and relevant to the (paid or voluntary) position concerned. For those positions where a DBS check is required, the recruitment information will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

[Organisation Name] can only ask an individual to provide details of convictions and cautions that [Organisation Name] are legally entitled to know about and that are not protected.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

# Recruitment Procedures

[Organisation Name] ensures that all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences (including spent and unspent convictions – see table below).

[Organisation Name] also ensures that all those involved in the recruitment process 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 (including the Exceptions Order)

At interview, or in a separate discussion, [Organisation Name] ensures 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 a paid or voluntary position.

Having a criminal record will not bar you from working or volunteering with [Organisation Name]. This will depend on the offence and the relevance of the offence in relation to the position applied for.   
  
The factors taken into account will include the responsibilities of the position, the vulnerability of the client group, the nature of the offence(s), the number and pattern of the offences (if there is more than one), how long ago the offence(s) occurred and the age of the offender when the offence(s) occurred.

# Rehabilitation Periods

|  |  |  |
| --- | --- | --- |
| **Sentence/disposal** | **Rehabilitation period if aged 18 or over when convicted/disposal administered** | **Rehabilitation period if aged under 18 when convicted/disposal administered** |
| A custodial sentence of over 48 months | Never spent | Never spent |
| A custodial sentence of over 30 months but not exceeding 48 months | 7 years from the date on which the sentence (including any licence period) is completed | 42 months from the date on which the sentence (including any licence period) is completed |
| A custodial sentence of over 6 months but not exceeding 30 months | 48 months from the date on which the sentence (including any licence period) is completed | 24 months from the date on which the sentence (including any licence period) is completed |
| A custodial sentence of up to 6 months | 24 months from the date on which the sentence (including any licence period) is completed | 18 months from the date on which the sentence (including any licence period) is completed |
| Fine | 12 months from the date of the conviction in respect of which the fine was imposed | 6 months from the date of the conviction in respect of which the fine was imposed |
| Community order | 12 months from the last day on which the order has effect | 6 months from the last day on which the order has effect |
| Simple, caution, youth caution | Spent immediately | Spent immediately |
| Compensation order | On discharge of the order (i.e. when it is paid in full) | On discharge of the order (i.e. when it is paid in full) |

Follow this link for guidance and criteria which explains the [filtering of old and minor cautions and convictions](https://www.gov.uk/government/collections/dbs-filtering-guidance) which are now ‘protected’ so not subject to disclosure to employers

**POLICY DATED**: (*insert date when approved by trustees/board)*

**REVIEW DATE**: *2 years after date of policy*