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## BEHIND CLOSED DOORS (BCD)

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### Recruitment of Ex-Offenders Policy

Date Approved	
Signed on behalf of board of Trustees	
Date for review	

# Recruitment of Ex-offenders Policy

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), Behind Closed Doors complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Behind Closed Doors undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

## Policy statement

Behind Closed Doors promotes equality of opportunity for all and welcomes applications from all candidates, including those with criminal records.

Candidates are selected for interview based on skills, qualifications and relevant experience. Behind Closed Doors is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

Having a criminal record will not necessarily bar you from working with Behind Closed Doors service users. Appointment to any role will depend on the nature of the position, the nature of the offence(s) and the circumstances and context of the offending behaviour.

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

When 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), Behind Closed Doors will comply fully with the DBS [code of practice](#).

Behind Closed Doors undertakes to treat all applicants for positions fairly and not discriminate unfairly against the applicant on the basis of a conviction or other information revealed.

\*information about the Rehabilitation of Offenders Act 1974 is provided later in this document.

**Behind Closed Doors undertakes to fulfil the following responsibilities in the recruitment and appointment of individuals to paid or voluntary roles:**

- A DBS Disclosure will only be requested when it has been assessed that the role being recruited to is eligible for a Disclosure (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended);
- At the outset of the recruitment process, this policy statement on the recruitment of ex-offenders will be made known and made available to all applicants for whom a criminal record Disclosure (DBS Disclosure ) will be required;
- Where a DBS Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS Disclosure will be submitted in the event of the individual being offered the position. A statement will also be made about the requirement for criminal records to be disclosed at interview stage;
- Subjects of DBS Disclosures will be made aware of the existence of the DBS Code of Practice and a copy will be made available on request;
- At interview, or in a separate discussion, an open and measured discussion will take place on the subject of any offences or other matter that might be relevant to the position. (Unless the nature of the role allows questions to

be asked about your entire criminal record, only "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974 must be disclosed.);

- Suitable training to identify and assess the relevance and circumstances of offences will be provided for all those who are involved in the recruitment process. Appropriate guidance about the relevant legislation relating to the appointment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974, will also be provided;
- Any matter revealed on a DBS Certificate will be discussed with the individual seeking the position before withdrawing a conditional offer of employment.

### **The Rehabilitation of Offenders Act 1974**

This Act primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law. Under the 1974 Act, following a specified period of time which varies according to the disposal administered or sentence passed, cautions and convictions (except those resulting in prison sentences of over four years and all public protection sentences\*) may become spent. As a result the offender is regarded as rehabilitated.

\*A public protection sentence, the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces Act 2006, means a sentence of imprisonment or detention imposed for specified sexual and violent offences.

For most purposes the 1974 Act treats a rehabilitated person as if he or she had never committed, or been charged with charged or prosecuted for or convicted of or sentenced for the offence.

Once a caution or conviction has become spent under the 1974 Act, a person does not have to reveal it or admit its existence in most circumstances. Unless an exception applies then spent cautions and convictions need not be disclosed when filling in a form, or at a job interview. An employer cannot refuse to employ someone (or dismiss someone) because he or she has a spent caution or conviction unless an exception applies. The exceptions where you may have to declare spent cautions and convictions are listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

The following link takes you to an annex that describes the most commonly submitted positions and duties that are known as the exceptions to the Rehabilitation of Offenders Act 1974. This is not an exhaustive list however.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/519060/Guide\\_to\\_eligibility\\_v8.1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/519060/Guide_to_eligibility_v8.1.pdf)

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to Disclosure. For further guidance and criteria, see: [filtering of old and minor cautions and convictions](#).

For more information see

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299916/rehabilitation-of-offenders-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf)