

Policy No:	83	Title:	Employment of Ex-Offenders
Review Frequency:	3 Yearly	Approved by:	Chief Executive
Review Date:	Feb 2012	By Whom:	Human Resources Manager
NCSC Standard No:	C9	Regulation No:	Schedule 2

Rationale

St Andrew's Hospice aims to promote equality of opportunity for all with the right mix of talent, skills and potential.

From 1 April 2002, organisations registered with the Criminal Records Bureau (CRB) a government agency, established in 2001, will undertake criminal record disclosures for people seeking work with children and vulnerable adults. This is a statutory requirement for all organisations that work with vulnerable individuals.

St Andrew's Hospice undertakes a number of stringent pre-employment checks, Disclosures where appropriate will be used as one element in determining the overall appointment of staff

Aim

St Andrew's Hospice will utilise the CRB service to access information to help protect children and vulnerable people who access our services. This will enable informed recruitment decisions to be made to protect our patients, their families, customers and staff.

St Andrew's Hospice will observe the guidelines issued and supported by the Criminal Records Bureau (CRB) on the use of Disclosure information.

Candidates will not be unfairly discriminated against on the basis of convictions or other details revealed and are selected for interview based on their skills, qualifications and experience.

All staff who are involved in the recruitment process are responsible for ensuring that the requirements of this policy are adhered to.

Compliance with Statutory Requirements

This policy is designed to ensure compliance with the relevant provisions of:

- Rehabilitation of Offenders Act 1974 and the Exemptions Order thereto
- Police Act 1997
- Data Protection Act 1998
- Human Rights Act 1998
- Criminal Justice and Court Services Act 2000
- CRB Code of Practice (CRB05-12/2001)

Process

The following process will be adhered to, to ensure transparency and reassure those individuals who are the subject of disclosure that the process applied is consistent, fair and without discrimination.

Job Adverts/Applications

Job advertisements and application forms for all posts which have been deemed to require Disclosure, state the level of Disclosure which will be requested from the CRB in respect of the provisionally selected applicant.

Where Disclosure is required, all applicants are asked to declare any spent and unspent convictions providing details and dates of any convictions which they might have or are currently subject to. If the post for which they have applied is exempt from the Rehabilitation of Offenders Act 1974, they are required to disclose details of all convictions, even if these would otherwise be regarded as “spent” under that Act, together with details of any cautions, bindovers, reprimands, final warnings or pending prosecutions.

All disclosed information will be treated in the strictest confidence and will be made available only to those who need access as part of the recruitment process.

In order to reassure applicants that Disclosure information will not be used unfairly, the application form includes a statement to the effect that a criminal record will not necessarily be a bar to obtaining employment. In addition, applicants are provided with a copy of the Hospice’s Policy on Employment of Ex-Offenders and advised that a copy of the CRB Code of Practice is available on request.

Should a positive disclosure be received, a meeting will be arranged with the provisionally selected applicant to discuss the information revealed in their Disclosure. This discussion will be recorded and following a review of the information a decision will be made with regard the conditional offer of employment. Should St Andrew’s Hospice deem it necessary then the conditional offer of employment will be withdrawn.

Relevance of Criminal Records

The disclosure of a criminal record or other offences will not necessarily bar an applicant from employment. However applicants who fail to disclose any relevant details may disqualify themselves from employment or result in summary dismissal/disciplinary action if the discrepancy comes to light subsequently. Existing employees who are found to have a criminal record will not be dismissed as a matter of course. In all such cases, the relevance of the criminal record will be weighed against the potential risks to the Hospice. In particular, an assessment will be made on the possible risks to the vulnerable people for whom the Hospice provides care, visitors to the Hospice, members of the public, and the Hospice staff, volunteers, assets, good name and reputation.

Factors which will be taken into account when deciding on the relevance of offences to particular posts include:

Job factors

- Does the job involve one-to-one contact with children or other vulnerable groups?
- What level of supervision will the post holder receive?
- Does the post involve any direct responsibility for finance or items of value?
- Does the post involve direct contact with the public or patients' representatives?
- Will the nature of the job present any opportunities for the post holder to re-offend in the place of work?

Individual factors

- The seriousness of the offence and its relevance to the safety of persons or property.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of financial or domestic difficulties.
- Whether the offence was a one-off, or part of a history of offending.
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely.
- The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice-versa.
- Whether the offence has since been decriminalised by Parliament.
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change.

Renewal of CRB disclosures

As good practise St Andrew's Hospice renews CRB disclosures for all relevant staff/volunteers on a regular 3 year basis.

Handling and Safekeeping of Disclosure Information

In accordance with the CRB's Code of practice, a written procedure for Obtaining, Handling, retention, Storage and Disposal of Disclosure Information is available.

Standards

The Chief Executive has overall responsibility for the implementation of the Hospice's recruitment policies and procedures.

Ensure all staff that are involved in the pre and post recruitment process are aware of and understand this policy.

In the instance of a positive disclosure, The Chief Executive and HR Manager will ensure that all factors are considered before an offer of employment is withdrawn.

Audit

The HR Department will ensure CRB disclosures are only sought for positions deemed necessary.

The HR Department will periodically audit all relevant recruitment material ensuring it clearly states when at what level disclosure will be sought

References

Sample Policy statement on the Recruitment of Ex Offenders – CRB September 08.

Employing Ex-offenders. A practical Guide – CRB July 2004.

Criminal Records Bureau Checks. Guidance for Volunteering – Cabinet Office June 2008.

Nacro Disclosure service - www.nacro.org.uk

Other related Hospice policies/procedures

Obtaining, Handling, Retention, Storage and Disposal of Disclosure Information Procedure.

Procedural Guidelines for CRB Disclosure Application

Staff - Pre and Post Recruitment Policy.

Employment Control Checklist.