

## 15.11

# Recruitment of people with a criminal conviction

Date of issue:	9 <sup>th</sup> March 2011
Date of latest review/revision	22 <sup>nd</sup> July 2024
This replaces any previous issue of a Recruitment of Ex-offenders Policy	

**South West Community Chaplaincy Limited (SWCC)** undertakes not to discriminate unfairly against any applicant, whether for paid or voluntary positions, on the basis of a criminal record or other information revealed. Criminal records and other information will be taken into account for recruitment purposes only insofar as they are relevant. We actively promote equity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates.

### Summary

As an organisation that actively seeks to recruit volunteers, staff and trustees with convictions, we have considered the relevance of criminal records in relation to the various roles within the charity. The relevance varies depending on the role.

For our current operations, this includes where the role is defined as a ‘peer delivered’ role, and where it is a regulatory requirement. This policy sets out more detail on how we do this.

### Peer delivered roles

Some of our roles may be defined as ‘peer delivered’. This means that we have determined that having a criminal record, that is ‘lived experience of the criminal justice system, may be of advantage in the role. In this context, we are looking for individuals who have received a conviction or caution for a criminal offence. Where this applies, it will be made clear in the vacancy details, and applicants will be expected to discuss this in more detail at interview as it forms part of the ‘experience’ we are looking for as part of the particular role.

We do not have any blanket bans on offence types; the purpose of the disclosure is to support applicants to show they have the relevant experience to be able to deliver the role.

### Trustee and Senior Manager roles

The Charity Commission has rules on who can and cannot be a trustee, or be employed in certain senior management roles in charities. These rules are known as the ‘automatic disqualification’ rules. Where the automatic disqualification rules apply they have the effect of ‘disqualifying’ that individual from being a trustee or working in certain senior management roles in charities. However, it is possible to apply for clearance from the Charity Commission. This is known as applying for a waiver.

To ensure a fair and open recruitment process, we will only ask applicants about eligibility to become a trustee or senior manager after we have offered the role.

At that stage, we ask them to disclose whether they are disqualified, and if so the reason/s why. Disqualified people can apply to the Charity Commission for a waiver and, following our own assessment, we will support applicants through this process if we believe they are the right candidate for the role. Disqualified applicants are encouraged to disclose as soon as possible after offer, and we will aim to have a face-to-face

discussion (where practical). The applicant will then be asked to provide a written disclosure if a waiver application is to be submitted.

### **Other**

For any other roles, we will ask about criminal records but only insofar as it is relevant. For each vacancy, we will consider whether there are any specific kinds of criminal records or legal restrictions which may make it difficult for someone to hold or conduct the role. There is a summary of roles and the approach to criminal records on the next page (the list is not exhaustive).

When asking about criminal records, the job description will explain what information will be required, why it is necessary, and what the process is. This will include considering any adjustments that can be made to the role or whether the person is unsuitable for the role at that time.

In the event of a disclosure not being required for the role, applicants can make a voluntary disclosure if they wish, either to demonstrate their ability to do the role or to seek support for any ongoing restrictions. This can take place at interview or offer stage. These could include exclusion zones, conditions around internet use or contact with the Public Protection Unit, for example.

### **Application form**

To ensure that we encourage applications from people with criminal records and shortlist applications purely on merit, we will not ask for criminal record details at application stage. This is part of our commitment to the 'Ban the Box' campaign. However, if in view of the nature of the role disclosure is required, shortlisted candidates will be requested to complete a declaration. See Appendix 1.

### **Disclosure**

We select all candidates for interview based on their skills, qualifications and experience.

We ensure that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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 in separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before making any final decision as to whether to make an offer of employment.

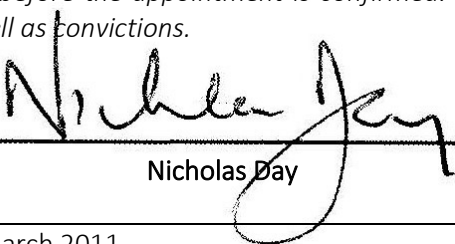
Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of any offences. However, we should make it clear that the nature of the organisation's work routinely brings its workers into contact with children, young\* and/or vulnerable adults. Therefore, for some positions, a criminal record or other information which makes the application unacceptable for a position of trust will render the applicant unsuitable.

As an organisation using the Disclosure and Barring Service [DBS] \*\* to assess applicants' suitability for positions of trust, this policy complies with the DBS Code of Practice.

*\*young people are those under 18 years of age*

*\*\*Applicants for certain positions who are made a conditional offer of employment will be subject to a criminal record check from the Disclosure and Barring Service before the appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions.*

Signed on behalf of the Board of Trustees:

  
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Nicholas Day

Date of approval by the Board of Trustees:	9 March 2011
Date of 1 <sup>st</sup> Review	5 February 2013
Date of 2 <sup>nd</sup> Review	11 June 2014
Date of 3 <sup>rd</sup> Review	18 November 2015
Date of 4 <sup>th</sup> Review	22 July 2017
Date of 5 <sup>th</sup> Review	16 July 2019
Date of 6 <sup>th</sup> Review	22 September 2020
Date of 7 <sup>th</sup> Review	May 2022
Date of 8 <sup>th</sup> Review	22 January 2024
Date of 9 <sup>th</sup> Review	22 July 2024 (major redraft)

## Appendix 1

### Criminal Record Declaration Form (for roles exempt from the ROA)

You have been asked to complete this form because the role you have applied for is exempt from the Rehabilitation of Offenders Act 1974.

#### Policy statement on recruiting applicants with criminal records

This role is exempt from the Rehabilitation of Offenders Act 1974 and therefore applicants are required to declare:

- All unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974
- All spent adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

We recognise the contribution that people with criminal records can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this role. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and will take number of factors into consideration, including the following:

- Whether the conviction is relevant to the position applied for.
- The nature of any offence revealed
- The circumstances surrounding the offence(s), and the explanation(s) provided
- Whether your circumstances have changed since the offending behaviour

It is important that applicants understand that failure to disclose all cautions, convictions, reprimands or final warnings that are not protected could result in disciplinary proceedings or dismissal.

**Criminal record declaration form (exempt positions)**

If you are unsure about how to answer the questions on this form, please contact NACRO's Criminal Record Support Service on 0300 123 1999 or [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

All enquiries to this service are confidential. You will not be asked for any personal details, unless you want information or advice sent to you.

<b>Surname</b>	
<b>First Name</b>	
<b>Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Do you have any spent adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If you have answered yes to either question, you now have two options for disclosing your criminal record.	
<b>Option 1:</b> You can disclose your criminal record on a separate sheet provided that you mark a cross in the box below and attach the details in an envelope stapled to this form. The envelope should be marked CONFIDENTIAL and state your name.	
<i>I have attached details of my conviction separately</i> <input type="checkbox"/> (please mark with an X if appropriate)	
<b>Option 2:</b> Please provide details here:	
Please return this form to:	

## Summary of current roles and approach to criminal records

Role	Ask?	What	DBS?	Lawful basis	Purpose
Volunteer Mentor role (including peer mentor)	Yes	Declaration	Yes (enhanced)	Legitimate interest	Inclusionary
Frontline Staff (Community Chaplains)	Yes	Declaration	Yes (enhanced)	Legitimate interest	Inclusionary
<b>Administration</b>	Yes	Declaration	Yes (basic)	<b>Legitimate interest</b>	Assess and consider suitability
Finance/funding roles	Yes	Declaration in relation to relevant financial related offences	Yes – but only in relation to confirming relevant unspent financial-related offences	Legitimate interest	Assess and consider suitability
Senior Manager role (covered by Charity Commission rules)	Individuals to disclose in line with the rules	Declaration in line with CC rules	Yes enhanced	Legal obligation	Compliance
Trustees (covered by Charity Commission rules)	Individuals to disclose in line with the rules	Declaration in line with CC rules	Yes basic	Legal obligation	Compliance