

RECRUITMENT POLICY - APPENDIX A

Regarding Recruitment of Ex-Offenders

This section applies to those seeking voluntary or paid work with the organisation whose role fulfils the criteria as laid out in The Rehabilitation of Offenders Act 1974 and those prescribed in the Police Act 1997 (Criminal Records).

Information related to convictions and cautions:

Unless the nature of the position allows Time & Talents to ask questions about an entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) state that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected' and would be filtered out of a DBS disclosure certificate. These convictions and cautions do not need to be disclosed during or after the recruitment process. Even if they are disclosed, Time & Talents cannot take them into account.

DBS checks and disclosures:

A DBS check is only requested after a thorough risk assessment has indicated that it is both proportionate and relevant to the position concerned. Time & Talents follows government guidelines regarding what level of disclosure to request (Basic, Standard, Enhanced), as provided by the agency who provides DBS checks on behalf of the organisation (currently Mayflower Disclosure Services Ltd.). We are legally entitled to check only to the level that is appropriate for each role.

For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position. Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process.

Our standard information request for this is as follows:

Do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance?

Details attached:

I declare that to the best of my knowledge the information given in this form or attached is true and correct and can be treated as part of my subsequent contract of employment

Name (please print/type)

Signature..... Date.....

Applicants will be made aware that where taken, enhanced disclosures might include non-conviction information from local police records or the Disclosure and Barring Service if it is 'reasonably believed' that the information is relevant to the post in question. We make every subject of a DBS check aware of the existence of the [DBS Code of Practice](#) and make a copy available on request.

An existing, satisfactory DBS certificate less than 3 months old will be accepted for positions in non-Regulated services.

Restrictions on employment:

We will not employ someone to work in Regulated Activity with vulnerable groups if they are barred through the DBS Adult and/or Children Barred List(s). A person who is barred from working with children or adults is breaking the law if they work/volunteer or seek to work/volunteer with these groups, and we have a duty to report them to the relevant authorities.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

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

Existing staff and volunteers:

DBS disclosures will be renewed every three years for existing staff, upon review that their job description has not changed and Time & Talents is still legally entitled to request the check. The organisation will pay for this disclosure.

Similarly, if a staff members role changes from one where we are not legally entitled to request a DBS check to one where it is, a declaration will be requested. Where disclosures for existing staff and volunteers reveal previously undisclosed convictions, the procedure above will be followed.

Data Protection:

Under UK GDPR, to process personal data about criminal convictions, Time & Talents must have a lawful basis under Article 6 ('Legitimate Interest') as with all personal data, but in addition must comply with Article 10. Time & Talents processes personal data about convictions and cautions in its official capacity as employer, which is in compliance with Articles 6 and 10.

Time & Talents will ensure that sensitive personal information is held securely, and only seen by those entitled to see it in the course of their duties.