Policy for Recruitment of ex-offenders

The nature of The Voluntary Networks work means that some staff and volunteers will have regular and ongoing contact with children and vulnerable adults. For this reason it is necessary to carry out DBS checks through the Disclosure and Barring service as part of the recruitment process for many positions within The Voluntary Network and it is necessary to have a policy to ensure safe and fair recruitment procedures.

The following model policy has been developed for use in The Voluntary Network

Policy Statement
The Voluntary Network is committed to equality of opportunity, to follow practices and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of sex, gender reassignment, marital status, race, nationality, ethnic or national origins, age, sexual orientation, religion or belief, responsibilities for dependants, physical or mental disability or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance. Such commitment is subject to the overriding consideration of safeguarding and promoting the welfare of children and protecting families supported by or referred to Home-Start and adherence to the objectives of the organisation.

Procedures:

1. All advertisements for positions within The Voluntary Network which involve regulated activity, either paid or unpaid, will inform the applicant that s/he will need to apply for a DBS check at the level stated and that the result of the check will have a bearing on their acceptance into The Voluntary Network. A Standard or Enhanced check will only be requested where it is proportionate and relevant to the position in line with Home-Start's policy on Disclosure and Barring Service (DBS) checks.

2. All applicants will be advised of the existence of the Code of Practice of the Disclosure and Barring Service and provided with a copy upon request.

3. The Criminal Justice and Court Services Act 2000 makes it an offence to apply for, offer to do, accept or do any work with children (paid or unpaid) if disqualified from working with children. Disqualification can arise from inclusion in either the list of those considered unsuitable to work with children held by the Department of Health or the Department for Education and Skills. In addition, the courts can disqualify those convicted of serious offences from working with children.

The Charities Acts disqualifies individuals who have unspent convictions for offences involving deception or dishonesty from acting as charity trustees. It is an offence to knowingly employ (paid or unpaid) anyone with a conviction for crimes against children including murder, manslaughter, rape, GBH and a number of sexual offences to work in a regulated position with children or vulnerable adults. In this instance, the results of a disclosure automatically determine that a candidate for work with The Voluntary Network (paid or unpaid) is unsuitable.

4. Subject to paragraph 3 above, The Voluntary Network will consider applications for recruitment from individuals who have a criminal record to a paid or unpaid position within The Voluntary Network on their merits but the safety of children, vulnerable adults and families will be a paramount and overriding consideration in determining their suitability.

5. A criminal conviction may not necessarily be a bar to being an employee or volunteer for The Voluntary Network. Certain offences are however so serious that in the light of the nature of The Voluntary Networks work, the existence of a conviction for such an offence will normally preclude the applicant from involvement in The Voluntary Network on an unpaid or paid basis:

- offences against a person or children
- sex offences
- benefit fraud
- theft when in a position of trust
- offences when weapons were used
- supplying drugs
- offences involving violence
- serious motoring offences involving imprisonment
- burglary
- arson with intent to endanger life.

This is not a comprehensive list of serious offences but is illustrative of the type of offence which would be considered so serious that normally the applicant would not be able to undertake unpaid or paid work within The Voluntary Network.

6. Certain less serious convictions will not necessarily rule out an application. Such offences might be:

- minor motoring offences
- spent drink offences if there have been no breaches since
- isolated public order offences
- driving disqualification convictions
- any offence committed as a minor if not listed in paragraph 5
- minor theft.

7. If an applicant for a position has a criminal conviction, the Manager shall be asked to determine whether or not the application can proceed. The Manager shall assess the risk to children and vulnerable adults, and The Voluntary Network represented by the criminal convictions recorded against the applicant. The Manager will consider if steps can be taken to minimise the risk and whether such steps would reduce the risk to an acceptable level to enable the application to proceed. It is acknowledged that if a risk cannot be sensibly and effectively managed, the ex-offender cannot be involved with The Voluntary Network.

The Manager will take into account the following:

- the seriousness of the offence
- a report given by the organiser/co-ordinator or person who conducted an interview with the candidate and any mitigating or extenuating circumstances surrounding the commission of the offence as outlined by the applicant
- The length of time that has elapsed since the last offence and the applicant's experiences/jobs held since the last offence. These should be carefully explored especially where there has been any contact with children or vulnerable people
- whether the conviction is relevant to the position in question
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters.

The decision of the Manager will be fully explained to the applicant. The applicant will be entitled, if dissatisfied, to apply to the board of trustees for further consideration. In this event, the board of trustees will consider the representations of the applicant at a specially convened trustees' meeting. The applicant will be entitled to address the meeting but will be asked to withdraw to enable the trustees to reach its decision. There is no further right of appeal on the decision of the board of trustees.

8. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or a decision not to accept the person as a volunteer.

9. The points above relate to the recruitment within The Voluntary Network of ex-offenders. If relevant 'information' is disclosed following an DBS application in respect of an existing trustee, employee or volunteer, the trustees will consider whether it is appropriate for the individual to continue in her/his position within The Voluntary Network. To assist with this a risk assessment will be undertaken, taking into account the above factors as appropriate. The overriding criteria being to safeguard and promote the welfare of vulnerable persons supported by The Voluntary Network.

The safety and welfare of children, vulnerable adults and families will be a paramount overriding consideration in determining the suitability of applicants to volunteer for or work for The Voluntary Network.

Dated August 26 to be reviewed August 28