



## **Policy on Employment of Ex-Offenders** **FNF Both Parents Matter Cymru**

last update 21/11/22

### **1. Purpose**

The charity's Policies on Safeguarding require all new staff, Trustees and volunteers to have a Basic DBS check carried out as a condition of employment. The Policies on Safeguarding have argued that the charity is not eligible for higher levels of DBS check.

The [code of practice](#) published under section 122 of the [Police Act 1997](#) advises that DBS applicants who have a criminal record must be treated fairly. Discrimination against such candidates should not be automatic because of a conviction or other information revealed. This Policy provides guidance to implement that advice within the charity.

A copy of this Policy should be provided to any person who is asked to have a DBS check by the charity and who requests to see the Policy.

### **2. Adverts / Application Forms**

The suggested form of words to use in the recruitment process is,

“Do you have any unspent convictions or conditional cautions under the Rehabilitation of Offenders Act 1974? (Y/N)?”

If asked, guidance on when a conviction/caution is spent can be obtained from [Rehabilitation Periods - GOV.UK \(www.gov.uk\)](#).

### **3. Protected Offences**

“Protected” offences are, roughly speaking, old/minor offences.

A DBS check will only report offences which are not “protected”. The rules regarding what offences a DBS check will report can be found in the [Filtering Rules](#). Convictions and adult cautions for certain [specified offences](#) (essentially the more serious offences, e.g., serious violence or sexual offences) will always be reported, but other offences may not be reported depending upon the time that has elapsed. In addition, a Basic DBS check has more limited reporting requirements than higher levels of DBS check (namely restricted to unspent convictions or conditional cautions only).

The charity cannot take protected offences into account in making a decision on employment (and, indeed, has no right to know of protected offences).

### **4. 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), FNF Both Parents Matter Cymru (hereafter “the charity”) complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.
- The charity undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

- The charity shall only ask an individual to provide details of convictions and cautions that the charity is legally entitled to know. The charity is entitled only to ask an individual about convictions and cautions that are not protected. The charity is eligible only for Basic DBS checks.
- The charity is committed to the fair treatment of its staff, potential staff and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- This Policy on the recruitment of ex-offenders shall be made available to all DBS applicants at the start of the recruitment process.
- The charity actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.
- The charity shall select all candidates for interview based on their skills, qualifications and experience.
- The charity's decision to apply for Basic DBS checks for all staff, Trustees and volunteers has been justified in its Safeguarding Policies.
- All application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position and will be a condition of employment (for paid staff and unpaid Trustees and volunteers).
- The charity will ensure that all those in the charity who are involved in the recruitment process will be suitably trained to identify and assess the relevance and circumstances of offences.
- At interview, or otherwise, the charity will engage in open discussion about any offences that might be relevant to the position.
- The charity undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position in the case that it leads to the withdrawal of a conditional offer of employment.
- Candidates will be warned that failure to reveal information (unprotected offences) could lead to withdrawal of an offer of employment or dismissal thereafter.
- The charity makes every subject of a criminal record check submitted to DBS aware of the existence of this Policy and will supply a copy on request.

**This Policy was last reviewed and approved by the charity on 9 December 2022.**