

# NORTH WESTMORLAND BENEFICE

## Parochial Church Council of [ ] (“the PCC”)

### Policy on the Recruitment of Ex-Offenders

#### Introduction

The Code of Practice published under section 122 of the Police Act 1997 (“the Code of Practice”) advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. See further information below for recent changes to the disclosure of criminal information on DBS certificates. The Code also obliges registered bodies to have a written policy on the recruitment of ex-offenders, a copy of which can be given to DBS applicants at the outset of the recruitment process.

**This policy document is provided by the North Westmorland Benefice Safeguarding Team to all PCCs within the Benefice. It is adopted by each parish as part of their annual review of Safeguarding policy.**

#### PCC Policy

1. This Policy is applicable to both employed/paid and volunteer roles.
2. As an organisation which assesses 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), the PCC complies fully with the DBS Code of Practice (<https://www.gov.uk/government/publications/dbs-code-of-practice>) and undertakes to treat all applicants for positions fairly.
3. The PCC undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
4. The PCC can only ask an individual to provide details of convictions and cautions that the PCC is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended).
5. The PCC can only ask an individual about convictions and cautions that are not protected.
6. The PCC is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background (subject to paragraphs 4, 5 and 12).
7. The PCC will make this written policy on the recruitment of ex-offenders, which must be made available to all DBS applicants at the outset of the recruitment process.
8. The PCC actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.
9. The PCC selects all candidates for interview based on their skills, qualifications and experience (except where there is an ‘occupational requirement’ as laid out under the terms of the Equality Act 2010).

10. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, 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.
11. The PCC ensures that all those who are involved in the recruitment process on its behalf have been suitably trained to identify and assess the relevance and circumstances of offences and 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.
12. Any disclosure of a caution or conviction for a serious violent and/or sexual offence, or conviction resulting in a custodial sentence (whether or not suspended), or intelligence information disclosed pertaining to such offences, will be referred to the Diocesan Safeguarding Adviser for advice as to whether the disclosure may affect suitability for the role.
13. At interview, or in a separate discussion, the PCC will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or a voluntary role.
14. The PCC will make every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and make a copy available on request.
15. The PCC undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment or voluntary work.

## **Further information regarding conviction information**

On the 29 May 2013, legislation came into force<sup>1</sup> that allows certain old and minor cautions and convictions to no longer be subject to disclosure. Employers are no longer able to take an individual's old and minor cautions and convictions into account when making decisions.

Cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

Applicants can refer to the guidance and criteria on the Disclosure and Barring Service website, which explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers: <https://www.gov.uk/government/collections/dbs-filtering-guidance>

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<sup>1</sup> Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.

