



The Advocacy Project

DBS Employment and Engagement of Ex-Offenders Policy

Policy name	DBS Employment and Engagement of Ex-Offenders Policy			
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Approval authority	Judith Davey			
Responsible office	Ali Wright			

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1. Introduction

The Advocacy Project is committed to safeguarding the welfare of the people we work with. We also actively promote equality of opportunity for all with the right mix of talent, skills, qualifications and potential. We welcome applications from a wide range of prospective employees and participants.

The Advocacy Project considers all applicants based on their skills, qualifications, and experience (see Recruitment and Selection Policy).

This policy sets out our recruitment processes to make sure no-one is employed in a role which they are barred from. This policy makes sure applicants, and people subject to a criminal record check, are treated fairly and that we do not unfairly discriminate against them on the basis of conviction or other information we receive.

2. Scope

This policy applies to recruitment of all employees and volunteers (including trustees).

A copy of this written policy is available to employees. All applicants required to undertake a DBS check are given a copy of this policy at the start of the recruitment process.

3. Disclosure of convictions and cautions

The Advocacy Project complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We assess 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).

We will only ask someone to give details of convictions and cautions that we are legally entitled to know about. Where we can legally ask for a DBS certificate at either standard or enhanced level, we will only ask someone about convictions and cautions that are not protected from disclosure.

We will only submit an application for a criminal record check to the DBS after a thorough risk assessment has indicated this is both proportionate and relevant to the position concerned. For most positions at The Advocacy Project, a criminal record check is necessary. For these positions, we will include a statement in the recruitment information that we will apply for a DBS certificate for the person if they are offered the position.

4. Offers and vetting procedures

When we make an offer of employment or volunteering opportunity, it is conditional on satisfactory completion of DBS checks (depending on the role's eligibility). We won't allow anyone to begin their role or training until all specified conditions are satisfied.

Once we have made a conditional offer, the applicant is required to attend a meeting with HR to provide the necessary supporting documents and complete the DBS process. The Advocacy Project will cover the cost of the disclosure check.

When someone is subject to a criminal record check submitted to DBS, The Advocacy Project will make them aware of the Code of Practice and give them a copy if they ask.

The Advocacy Project is committed to going through the proper DBS channels to establish whether or not someone has a criminal record. We will not require applicants or existing employees to use their subject access rights under data protection provisions to provide criminal record details, unless this is required by law.

5. Recruitment of ex-offenders

The Advocacy Project is committed to the fair treatment of employees and potential employees or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Not all criminal convictions will be a bar to employment. The Advocacy Project will consider the results of a DBS check on an individual basis. We will meet with the person so they can give details of the offence. We will carry out a risk assessment taking into account the following:

- › seriousness of the offence and its relevance to other employees, service users and volunteers
- › length of time since the offence occurred
- › whether the offence was a one-off or part of a history of offending
- › circumstances which lead to the offence being committed
- › whether the applicant's personal circumstances have since changed
- › the country in which the offence occurred
- › decriminalisation and remorse

The Advocacy Project will act in a proportionate manner when deciding whether or not to proceed with the appointment to the post in question.

The Advocacy Project will not knowingly employ anyone in a regulated activity with a group they are barred from working with.

If an applicant refuses to agree to an application to the DBS, they will be treated as not having satisfactorily completed the DBS check.

The Advocacy Project supports employees to register with the update service and carries out annual DBS status checks, taking any required actions.

The above process will also be applied in situations where new information becomes known for existing employees. The Advocacy Project will follow the DBS guidance on making referrals to the DBS if relevant information comes to light.

6. Data handling

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, we comply fully with the Disclosure and Barring Service Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. We also comply fully with our obligations under the Data Protection Act 2018.

Disclosure information is never kept in an applicant's personnel file. It is always kept separately and securely in lockable, non-portable storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties in accordance with Section 124 of the Police Act 1997.

We keep a record of all those to whom disclosures and disclosure information has been revealed and we recognise it is a criminal offence to pass the information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it was requested.

Once a recruitment or other relevant decision has been made, we do not keep disclosure information for any longer than is absolutely necessary in order to allow for any disputes or complaints to be considered and resolved. Where appropriate, we will consult the Disclosure and Barring Service and give full consideration to the data protection and human rights of the individual.

Once the retention period has elapsed, we will make sure any disclosure information is immediately destroyed by secure means, ie. by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle, such as a waste bin or confidential waste sack. We will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of the disclosure. However, we may keep a record of the date of issue of the disclosure, the name of the subject, the type of disclosure requested, the post the disclosure was requested for, the unique reference number of the disclosure and the details of the recruitment or other relevant decision taken.

