



## Recruitment of Ex-Offenders Policy

### Quality Assurance and Legal

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Date	Issue no.	Section no.	Modification	Authorised by
21/05/2014	1			Leah Seltzer
21/01/2015	2	Title page	New logo	Cathy Jones
04/08/2021	3	All	Updated legislation. Purpose & scope added. Ownership moved from HR to QA.	Leah Espley
17/06/2022	4	All	General review – logo update, no changes to content	Frances Harflett
30.01.2023	5	Procedure and Purpose	Corrected legislation year in procedure paragraph and corrected DBS code of practice title in purpose section	Katie Love
17.07.2023	6	Procedure and Further information	Updated to new version of legislation: The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023	Katie Love
31/12/2024	6	Review	No changes	Sophie Panagopoulos
02/04/2026	6	Review	No changes	Leah Espley

## **Purpose**

The DBS Code of Practice published under section 122 of the Police Act 1997 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.

The Code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which should be given to DBS applicants at the outset of the recruitment process.

## **Scope**

This policy applies to the ND Group of Companies.

## **Responsible Personnel**

All personnel responsible for processing criminal records checks for staff, recruitment candidates and Checks Direct applicants.

## **Human Resources**

This policy is owned by the Head of Quality Assurance and who are responsible for its effective implementation and regular review.

## **Procedure**

As an organisation assessing applicants' suitability for positions which are included in The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023 using criminal record checks processed through the Disclosure and Barring Service (DBS), New Directions complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. New Directions undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

New Directions can only ask an individual to provide details of convictions and cautions that New Directions are 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) (Amendment) (England and Wales) Order 2023) and where appropriate Police Act Regulations (as amended), New Directions can only ask an individual about convictions and cautions that are not protected.

New Directions is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion or belief, marital status, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

New Directions has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.

## **Recruitment of ex-offenders**

New Directions 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. New Directions selects all candidates for interview based on their aptitude, skills, qualifications and experience in relation to the requirements of the post.

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.

New Directions ensures that all those in New Directions who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. New Directions also ensures that they 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.

At interview, or in a separate discussion, New Directions ensures 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.

New Directions makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.

New Directions undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **Further information regarding conviction information**

On the 29 May 2013 and 2020, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure (See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and 2020; further updated on 6<sup>th</sup> July 2023 to The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023 and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.)

In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

All 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.

### **References**

DBS Code of Practice - <https://www.gov.uk/government/publications/dbs-code-of-practice>

Filtering Guidance - <https://www.gov.uk/government/collections/dbs-filtering-guidance>

### **Appendices**

None