

# Recruiting Applicants with Criminal Record Policy

## Equippers Church

Company Registration Number: 04395378

Charity Registration Number: 1091642

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Equippers Church recognises the contribution that ex-offenders can make as employees and volunteers and welcomes applications from them. A person's criminal record will not, in itself, debar that person from being appointed to a post. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

### What is the Rehabilitation of Offenders Act?

The **Rehabilitation of Offenders Act 1974** (ROA) supports the reintegration of people with convictions into society by giving them legal protection from having to disclose their record after a certain period of time of not re-offending. In short, the ROA is the law that:

- Determines when criminal records become 'spent'
- Gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs.

After a certain period of time criminal records can be considered spent. Once spent, the person is considered 'rehabilitated' and they don't need to disclose it when applying for most paid or voluntary jobs. The effect of this is to make it illegal for employers to discriminate against an ex-offender on the grounds of a spent conviction, for roles where the law applies.

The **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975** lists the positions, professions, offices and licences that are not covered by (known as 'exempt' from) the ROA. If something is 'exempt' from the ROA, it means that the Rehabilitation of Offenders Act 1974 doesn't apply. It also means that, depending on the situation, a standard or enhanced check can be carried out.

## Recruitment Process

When advertising a role, Equippers Church will indicate what level of DBS check will be required so that applicants are aware. Different roles allow for different levels of check and Equippers Church will use [this tool](#) to identify what level of check is appropriate.

Applicants will be requested to complete a Criminal Record Self Disclosure Form:

Type 1 - for roles covered by the ROA

Type 2 - for roles exempt from the ROA

Equippers will only ask for 'unspent' convictions unless the role is exempt under the ROA, in which case Equippers will ask for both 'spent' and 'unspent convictions'.

Neither the DBS check nor the Criminal Record Self Disclosure will be requested until the later stages of the recruitment process to prevent unnecessary processing and disclosure of sensitive information, and to ensure applicants are treated fairly.

## Where there are unspent convictions

All cases will be examined on an individual basis and will take the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s) and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

An assessment of the applicant's skills, qualifications, experience and conviction circumstances should be weighed up against the risk assessment criteria for the job. The following will be considered:

- Does the post involve one-to-one contact with children or other vulnerable groups as employees, customers or clients?
- What level of supervision will the post-holder receive? Is it unsupervised? Does it involve working in isolation?

- Does the post involve any direct responsibility for finance or items of value?
- Does the post involve direct regular contact with the public?
- Will the nature of the job present any opportunities for the post-holder to reoffend in the course of work?
- Are there any safeguards which can be put in place to minimise any potential risks?

The only circumstances in which Equippers Church may not legally recruit a person with a certain type of offending history, is where it has led to the individual being barred from regulated activity with either children, adults or both.

## **The Decision to Employ Someone with an Unspent Conviction**

The final decision will rest with the board of trustees. If recruited, the situation should be disclosed to the insurers (failure to disclose material facts can invalidate the cover).

When recruiting a new trustee or senior manager the automatic disqualification form must be completed.