

Swaythling Parish Policy Statement on the Recruitment of Ex-Offenders

- 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), Swaythling Parish complies fully with the [DBS code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) <https://www.gov.uk/government/publications/dbs-code-of-practice> and undertakes to treat all applicants for positions fairly.
- Swaythling Parish undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Swaythling Parish can only ask an individual to provide details of convictions and cautions that Swaythling Parish are legally entitled to know about. A DBS certificate at 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 in the appropriate Police Act Regulations as amended.
- Swaythling Parish can only ask an individual about convictions and cautions that are not protected.
- Swaythling Parish is committed to the fair treatment of its staff and volunteers, potential staff and volunteers, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
- This policy statement on the recruitment of ex-offenders is made available to all DBS applicants at the start of the recruitment process.
- Swaythling Parish 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.
- Swaythling Parish select all candidates for interview based on their skills, qualifications and experience.
- 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.
- Swaythling Parish ensures that all those in Swaythling Parish who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Swaythling Parish 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, Swaythling Parish 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 or voluntary position.

- Swaythling Parish makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) <https://www.gov.uk/government/publications/dbs-code-of-practice> and makes a copy available on request.
- Swaythling Parish 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 position.

Date and Review:

This policy comes into effect on 8 May 2024. It will be reviewed annually to ensure compliance with the latest legislation and best practice.

Signed by the Parish Safeguarding Officer:

Name: Helen Parker

Date: 8 May 2024

Signed on behalf of Swaythling PCC

Name: Peter Dockree

Date: 8 May 2024

Notes

- The DBS [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) <https://www.gov.uk/government/publications/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 automatically 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 can be given to DBS applicants at the outset of the recruitment process.

Further information about conviction information

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- 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
- you can direct applicants to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](https://www.gov.uk/government/collections/dbs-filtering-guidance) <https://www.gov.uk/government/collections/dbs-filtering-guidance> which are now 'protected' so not subject to disclosure to employers: <https://www.gov.uk/government/collections/dbs-filtering-guidance>

It is the policy of the Winchester Diocesan Board of Finance (WDBF) that anyone who has been convicted or has accepted a caution for offences against a child and / or vulnerable adult, will not be permitted to work in a paid or voluntary position, which brings them into direct contact with children or vulnerable adults.

A person for whom there are unresolved allegations outstanding will be referred to the Diocesan Safeguarding Casework Panel and only allowed to work with children / vulnerable adults following a recommendation from the Panel and with the express permission of the Bishop.