



Recruitment of Ex-Offenders & Disclosure and Barring Service (DBS) Checking Policy

This is a non-contractual policy

Reviewed: January 2024

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Approved by CEO & Board of Trustees

The Rehabilitation of Offenders Act 1974 (the “Act”) was introduced to ensure that ex-offenders who have not re-offended for a specified period since their date of conviction, are not disadvantaged when applying for a job. Due to the nature of The Matthew Project’s (“TMP’s”) service provision, it is exempt in the case of many of its roles from the provisions of the Act that allows convictions to be ‘spent’. Therefore, this allows TMP to ask questions in many cases about an employee’s / volunteer’s or potential employee’s / volunteer’s entire criminal record, where this is applicable to a role.

The Disclosure and Barring Service (“DBS”) enables organisations in the public, private, and voluntary sectors to make safer recruitment decisions by identifying applicants who may be unsuitable for certain work, especially that involving children or vulnerable adults, and provides access to criminal record information through its disclosure service for England and Wales.

TMP believes that people with criminal records should not be excluded from employment or voluntary positions per se. However, it has a responsibility to minimise the risks to service users who are deemed vulnerable.

Policy Aim

The aim of The Recruitment of Ex-Offenders & DBS Checking Policy (the “Policy”) is to set out:

- TMP’s intention to fully comply with the provisions of the Act, the Disclosure & Barring Service Code of Practice and best practice in its recruitment of employees/ volunteers with a criminal record.
- The requirement for all employees and volunteers, where it is applicable to their role, to disclose relevant previous criminal convictions and be checked by the DBS.
- TMP’s commitment that all applicants will be treated fairly. Having a criminal record will not necessarily bar a person from working for the organisation but that this will depend on the nature of the role and the circumstances and background of the offences.
- The basis on which TMP will seek information from prospective employees / volunteers and the DBS about spent and unspent (current) convictions and how this information will be used.

Policy Contents:

- Enhanced/Basic DBS Check
- Procedure for Recruitment
- Procedure for Handling Disclosure of Criminal Records
- Procedure for Risk Assessment
- Existing Employees with Criminal Records
- Rehabilitation Periods

Enhanced/Basic DBS Check

TMP is legally entitled to ask applicants the details of any spent and unspent convictions if they apply for certain roles. The nature of our service provision is such that most of our employees and volunteers will be in service user facing roles.

- In these cases, where the provisions of the Act do not apply, TMP will seek full disclosure about spent and unspent convictions through an Enhanced DBS check.
- For roles which are not service user facing, where they will be subject to the normal provisions of the Act, TMP will generally seek a Basic DBS check.

Procedure for Recruitment

TMP will ensure that relevant wording is included on its recruitment website “Work for Us” and its job vacancy advert advising that the successful applicant will need to satisfy DBS requirements and undertake a DBS check.

This Policy will be included on TMP’s “Work for Us” website so that all potential applicants are able to refer to it at the outset of the recruitment process.

TMP is dedicated to equality, diversity and inclusivity and actively promotes equality of opportunity for all.

Applicants are selected for interview based solely on their work experience and qualifications which correspond with the job description and person specification attached to the job vacancy advert.

Selection for interview process is carried out by the hiring manager without knowledge of any personally identifiable information (e.g., name, address).

TMP makes every applicant, who is subject to a DBS check, aware of the existence of the DBS Code of Practice by including a link to it on its “Work for Us” website.

Applicants will not start employment / volunteering until the DBS Disclosure has been received and no concerns have been identified.

Procedure for Handling Disclosure of Criminal Records

The Information that applicants provide regarding their criminal records is handled sensitively and appropriately and by the hiring manager and HR only.

Information obtained from the DBS will only be used to assess an applicant's suitability for employment or volunteering where relevant and will not be used to discriminate in any way.

This information is checked to assess if anything disclosed would prevent a conditional offer of employment being confirmed.

TMP will limit employment opportunities for service user facing roles, where appropriate, as per the legislation and all offences will be considered in line with the government's published rehabilitation periods (see section below).

Examples of when an applicant may not be considered for employment include (but not limited to) a conviction for:

- substance misuse that was spent less than 2 years from the date of the application.
- an offence against a child or a vulnerable adult (where the exceptions apply under the Act).
- a Schedule 18 offence that was spent less than 5 years before the time of their application.

The link below provides details.

<https://www.legislation.gov.uk/ukpga/2020/17/schedule/18/enacted>

When the DBS check is returned, it will be checked against what has been disclosed by the applicant to ensure that there is no conflict. If there is a material difference between what was disclosed by the applicant and what is contained in the DBS check then the conditional offer of employment may be withdrawn, or further discussions will be held.

Procedure for Risk Assessment

Where an applicant has disclosed a conviction or previous substance misuse, or a conviction is revealed through a DBS check, a discussion (risk assessment) will take place with the applicant and the relevant hiring manager, in conjunction with HR, regarding the offence and its relevance to the role to assess the suitability of the applicant for that role.

During discussions, the following may be considered:

- The seriousness of the offence and its relevance to the safety of other employees, TMP's reputation, service users, suppliers, the public etc.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
- The nature of the role and any opportunities that may present the applicant to re-offend.
- The country in which the offence was committed (e.g., some activities are offences in Scotland and not in England and Wales, and vice versa).
- Whether the offence has since been decriminalised by Parliament.

Having carefully considered these matters and providing the responses are satisfactory, and it is deemed the applicant does not present a risk to TMP's service, themselves, or service users, the offer of employment or voluntary position can proceed as normal.

If the decision is not to proceed with the appointment, then the applicant will be written to, formally withdrawing the offer of employment / volunteering. TMP will discuss the contents of the DBS disclosure with the applicant before withdrawing any offer of employment / volunteering.

Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the Act) could lead to the withdrawal of an offer of employment / voluntary work.

It is the responsibility of the applicant to clarify whether a conviction is spent or unspent. The length of time required for an ex-offender to become rehabilitated depends on the sentence received and their age when convicted. The link below in Rehabilitation Periods, provides details.

Existing Employees with Criminal Records

If an employee is convicted of a criminal offence whilst in TMP's employment they must report this to their manager and the CEO immediately. If an employee is concerned about a conviction, they should speak with their manager.

The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with the Disciplinary Policy.

The CEO will objectively consider the skills, experience, and the circumstances of the conviction in conjunction with the employee's role.

For specific roles, regular DBS disclosure renewals will be required, and it is expected that employees would have disclosed any new convictions as and when they occur.

Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the Act) could lead to disciplinary action, including the termination of employment.

Rehabilitation Periods

The Act enables certain convictions to become spent (or legally ignored) after a rehabilitation period. After this period, a person with a spent conviction is not required to declare it when applying for most roles, unless the role is exempt from the Act.

For custodial and community sentences the rehabilitation period includes an additional buffer period that runs from the end of the sentence. This buffer period is determined by the total length of the sentence imposed.

The link below provides details of the rehabilitation periods of the more common sentences.

[Rehabilitation Periods - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/rehabilitation-periods)