



Sample policy statement on the recruitment of ex-offenders

The 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.

To help you meet this requirement the DBS has produced the following sample policy statement at annexe A which can be used or adapted for this purpose.

This policy statement can also be included within your company's Equal Opportunities policy.

Further information regarding conviction information

On the 29 May 2013, legislation¹ 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 also direct applicants to the guidance and criteria on our website which explains the [filtering of old and minor cautions and convictions](#) which are now 'protected' so not subject to disclosure to employers.

¹ See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.

- 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), [Organisation Name] complies fully with the [Code of Practice](#) and undertakes to treat all applicants for positions fairly. [Organisation Name] undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- [Organisation Name] can only ask an individual to provide details of convictions and cautions that [Organisation Name] 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) Order 1975 as amended, and where appropriate Police Act Regulations as amended), [Organisation Name] can only ask an individual about convictions and cautions that are not protected.
- [Organisation Name] is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- [Organisation Name] 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.
- [Organisation Name] 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. [Organisation Name] 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.
- [Organisation Name] ensures that all those in [Organisation Name] who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. [Organisation Name] 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, [Organisation Name] 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.
- [Organisation Name] 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.

- [Organisation Name] undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

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