



Company Name	Highgrade Recruitment LTD
Document	Rehabilitation of Offenders Act Statement
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Version	1

1 Introduction

The purpose of this policy is to ensure that Highgrade Recruitment Ltd complies fully with the provisions of the Rehabilitation of Offenders Act and best practice, in its recruitment of applicants with a criminal record.

It aims to ensure that it treats all applicants for jobs who have a criminal record fairly and does not discriminate unfairly against candidates with either a spent or an unspent conviction, whilst safeguarding our clients and staff.

The policy sets out the basis on which it will seek information from prospective workers about past spent and unspent convictions, and the way in which it will deal with information relating to offences.

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.

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.

When Highgrade assess 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), Highgrade complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. HIGHGRADE undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. Highgrade is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, Highgrade responsibilities for dependents, age, physical/mental disability or offending background.

For the full Rehabilitation of Offenders Act policy please refer to our Equal Opportunities Policy.

2 Scope

This policy is applicable to all staff and workers

3 Roles and Responsibilities

It is the responsibility of manager Claire James and appointed administration staff to identify the need for a request for a check and make the necessary request, managing the process and relevant documentation.

It is the responsibility of the workers to comply with the process and provide all relevant information.

4 General Principles

The Rehabilitation of Offenders Act was introduced to ensure that ex-offenders who have not reoffended for a specified period of time since their date of conviction are not discriminated against when applying for jobs.

The Act enables ex-offenders to 'wipe the slate clean' insofar that, unless the job they are applying for is exempted, they are no longer required to disclose to organisations convictions that are spent. In other words it is unlawful for an organisation to discriminate against an ex-offender on the basis of a spent conviction unless they are applying for an exempted job. Unspent convictions must still be disclosed.

The length of time required for a conviction to become spent depends on the sentence received and the age when convicted (see Guidance notes for Rehabilitation of Offenders/Criminal Records Declaration Form).

There are, however, a number of jobs that are exempt from the Act in order to protect vulnerable groups within society. Such posts might involve unsupervised access to children, young people, the elderly, disabled people, alcohol and drug users and the chronically sick.

All workers that are registered with Highgrade Recruitment Ltd are subject to the enhanced DBS checks, List 99 (Bard list) and require registration with Education Workforce Council (EWC).

5 Disclosure and Barring Service (DBS) – levels of Disclosures

Basic Disclosure - is the lowest level of disclosure and provides information from the Police National Computer for details of all current criminal convictions (convictions considered unspent under the Rehabilitation of Offenders Act 1974). It discloses all such convictions, or states that there are none. A Basic Disclosure is available for any position and can be obtained for any purpose, for example for pre-employment/recruitment vetting or work as a volunteer.

Standard Disclosure – provides details of both spent and unspent convictions, and cautions, formal reprimands and final warnings held on the Police National computer. It also states if there is nothing on record. If the applicant is applying for a post working with either children or vulnerable adults, the disclosure will also show whether a person is banned from working with either group.

Enhanced Disclosure – contains the same details as the Standard Disclosure, but may also contain non-conviction information from local police records, which the police may think is relevant to the position being sought. It also states if there is nothing on record. The Enhanced Disclosure is available for positions involving regular caring for, or training, supervising or being in sole charge of children or vulnerable adults. This level of disclosure is also available for certain statutory licensing purposes.

6 All job applicants – declaration of unspent convictions

All job applicants will be informed that if they are offered employment through Highgrade Recruitment Ltd, relevant unspent criminal convictions and associated information will need to be submitted by the completion of the Self Declaration Form, which can also be found on the registration form. (Both included in this Policy)

In addition, Highgrade Recruitment Ltd reserves the right to request a job applicant's permission to undertake an Enhanced Disclosure to support pre-employment vetting processes

The suitability of a person with a criminal record will vary depending on the nature of the job and the circumstances of the conviction. An assessment of

the applicant's skills, experience and the nature of the convictions should be weighed against the potential risks associated with the job.

During the registration process to supply people to schools, i.e. interviews, completion of formal paperwork and submission of documents; the process allows for Highgrade to answer the sorts of questions required to determine the suitability of an applicant. For employment within other roles, e.g. Office worker, the following issues will be considered:

- the seriousness of the offence and its relevance to the safety of Highgrade's Hirer's, staff and premises;
- the length of time since the offence occurred;
- whether the offence was a one-off or part of a repeated pattern;
- whether the offence has since been decriminalised;

When a decision is made not to appoint an individual after unspent criminal offences have been considered, Highgrade will inform the individual.

7 Exempted jobs - requirement for disclosure of spent convictions

It will be made clear in the further particulars for the vacancy if the post is exempted from the Rehabilitation of Offenders Act and therefore subject to disclosure of spent convictions, i.e. a criminal record check by the Government Disclosure and Barring Service (DBS) which will reveal information regarding cautions, reprimands, final warnings and convictions .

In addition to the completion of the Rehabilitation of Offenders/Criminal Records Declaration Form, a disclosure application will be made to the DBS under one of the levels of disclosure.

(All jobs through Highgrade Recruitment that are school based are deemed to be exempt, the level of disclosure will be Enhanced).

If the candidate is deemed unsuitable for appointment, the candidate will be informed of the reasons for this and the offer of the post will be withdrawn.

Only convictions that are relevant to the person's suitability to perform the job in question will be considered.

8 Data Storage

Highgrade Recruitment Ltd complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

It also complies fully with its obligations under relevant data protection legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

9 Training of staff

Highgrade staff involved in leading the recruitment and selection of workers are made aware of this policy and its provisions.

10 Further information

Further information can be found at: <https://www.gov.uk/disclosure-barring-service-check>