

## Policy Statement on the Recruitment of Ex-Offenders

It is a requirement of the DBS's Code of Practice that all Registered Bodies must treat Disclosure applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges Registered Bodies to have a written policy on the recruitment of ex-offenders.

As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, Bradford Teaching Hospitals NHS Foundation Trust (The Trust) complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion/belief, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

The Trust 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. We select all candidates for interview based on their skills, qualifications and experience.

This policy statement on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process via the NHS Jobs website.

A Disclosure is only requested after a risk assessment has indicated that one is both proportionate and relevant to the position concerned. Job Descriptions contain a statement that a Disclosure may be requested in the event of an individual being offered a position with the Trust.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. Candidates who are called to interview are asked to complete a Declaration Form which is presented to the Chair of the Panel at Interview. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process. Declaration forms will be handled and destroyed in the same way as any other DBS Disclosure information (see Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information). A DBS Disclosure will only be carried out once a conditional offer of employment has been made.

Unless the nature of the position allows the organisation to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 (and the amendments made by the Legal Aid and Sentencing and Punishment Act 2012 Section 139) and will not ask for a declaration on convictions/ cautions that are "filtered" according to the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(2013 Amendment\)](#). Specified serious violent and sexual offences, and specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure and should be declared ([see Government Guidance](#)). 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.

We ensure that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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, we ensure 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.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on the NHS Jobs Website (or on request to the HR Department).

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

**Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

### **Assessing the Relevance of Criminal Records**

Recruiting Managers will be expected to take the following issues into account when assessing the level of risk involved in employing someone with a Criminal Conviction;

- Any legal or statutory requirements.
- The nature of the offence.
- The seriousness of the offence and its relevance to the safety of other employees, patients or property. Does the offence create an unacceptable risk?
- The length of time since the offence occurred
- Any relevant information offered around the circumstances which led to the offence being committed e.g. domestic/financial difficulties
- Whether the offence was a one-off, or part of a history of offending
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- Whether the offence has been decriminalised by Parliament
- The country in which the offence was committed (and whether it is an offence in the UK).
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change.
- Will the nature of the job present any realistic opportunities for the applicant to re-offend at work