

Policy	Recruitment of ex-offenders policy
Date of last Board review	January 2025
Next review date	January 2027
Approved and authorised by	Jenni Anderson, CEO

1. Policy statement

This policy is made available to all DBS and Disclosure Scotland applicants at the start of the recruitment process.

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) in England and Disclosure Scotland in Scotland, The Talent Foundry (TTF) complies fully with the code of practice and undertakes to treat all applicants for positions fairly.

TTF undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

TTF can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about.

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

TTF 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. Its selection process considers candidates on the basis of their skills, qualifications and experience.

An application for a criminal record check is only submitted to DBS or Disclosure Scotland when it is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms will contain a statement that an application for a DBS or Disclosure Scotland PVG certificate will be submitted in the event of the individual being offered the position.

TTF ensures that there will be a member of staff involved in each recruitment process who has been suitably trained to identify and assess the relevance and circumstances of offences, and who has received appropriate guidance and training in relevant legislation relating to the employment of ex-offenders.

TTF ensures that an open and measured discussion with the applicant 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.

TTF makes every subject of a criminal record check submitted to DBS or Disclosure Scotland aware of the existence of the code of practice (<https://www.gov.uk/government/publications/dbs-code-of-practice>).

TTF undertakes to discuss any matter revealed on a DBS or Disclosure Scotland PVG certificate with the individual seeking the position before withdrawing a conditional offer of employment.

2. Safer recruitment procedures

a. Jobs Covered by the Rehabilitation of Offenders Act 1974

TTF will not automatically refuse to employ an individual on account of a previous criminal conviction.

During job interviews, interviewees will be asked to disclose any unspent convictions, but interviewers will not ask about spent convictions or expect interviewees to disclose any spent convictions.

Interviewees should be aware that if they have a conviction that is not spent, and the nature of the offence is relevant to the job for which they have applied, TTF will review the individual circumstances of the case and may not select the individual for employment.

b. Jobs that are Exempt from the Rehabilitation of Offenders Act 1974

If the job for which TTF is recruiting is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, TTF will require the candidate to declare all convictions, both spent and unspent.

Interviewees should expect to be asked about any information they have declared, and it is important that they are honest with the interviewer in this regard. However, our charity will not refuse to employ an individual unless the nature of the conviction is relevant to the job for which the individual has applied.

When TTF has made an offer of employment to an individual, it will seek documentary evidence about that person's criminal convictions and seek the candidate's agreement to make a joint application to the Disclosure and Barring Service (DBS). If the individual is a member of the DBS update service, TTF will carry out a status check on any current certificate but will also need to see the original DBS check to confirm the details.

As per our commitment to safer recruitment, all applicants who apply for roles to work with children (regulated activity) and are shortlisted for interview will be asked to complete a NSPCC self-disclosure form (below).

Self-disclosure form for roles involving regulated work/activity or requiring standard or enhanced disclosure checks

Example Self-Disclosure Form

You are being asked to complete this form because the role you are applying for is exempt from the Rehabilitation of Offenders Act 1974 in England, Scotland and Wales, or the Rehabilitation of Offenders (Northern Ireland) Order 1978 and involves contact with children or young people.

As the role you have applied for involves work with children, you will also be required to undergo the relevant vetting and barring checks.

All information you provide will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. You have a legal right to access any information held about you.

Personal details	
Name:	
Previous name(s):	

Address with postcode:	
Telephone/mobile number:	
Date of birth:	
<p>Criminal record declaration The role is exempt from the Rehabilitation of Offenders Act 1974 in England, Scotland and Wales or the Rehabilitation of Offenders (Northern Ireland) Order 1978. You are therefore required to declare all unspent convictions and conditional cautions and all spent convictions and adult cautions that are not protected (i.e. eligible to be filtered).</p>	

Do you have any unspent conditional cautions or convictions in the UK or overseas?	YES	NO
<p>Find out more about unspent convictions from the criminal justice charity Nacro</p>		

If yes, please provide further information:		

Do you have any spent adult cautions (simple or conditional) or convictions in the UK or overseas that are not protected (i.e. eligible to be filtered) as defined by the Rehabilitation of Offenders Act 1974 in England, Scotland and Wales or the Rehabilitation of Offenders (Northern Ireland) Order 1978?	YES	NO
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If yes, please provide further information:		

Barred list declaration

If this role has been defined as regulated activity or work it will also be subject to an enhanced with barred list check in England, Northern Ireland and Wales or checks under the Protecting Vulnerable Groups scheme in Scotland.

It is a criminal offence to apply for or accept a position working with children if you have been barred from/listed as unsuitable to engage in regulated activity/work with children.

Are you included on the list of people barred from/listed as unsuitable to engage in regulated activity/work with children?	YES	NO
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If yes, please provide further information:		

If you are not currently barred from working with children, have you been referred to the Disclosure and Baring Service (DBS) or Disclosure Scotland for consideration to be added to one of the lists?	YES	NO
If yes, please provide further information:	<input type="checkbox"/>	<input type="checkbox"/>
Conduct declaration		

Have you ever been known to any children's services department or police as being a risk or potential risk to children?	YES	NO	
If yes, please provide further information:			
Have you ever been dismissed for misconduct from any paid or voluntary position previously held by you?	YES	NO	
If yes, please provide further information:			
Have you ever been under investigation for or subject to any disciplinary sanctions in relation to your conduct at the time of your employment?	YES	NO	
If yes, please provide further information:			
Have you ever been subject to any sanctions being placed on your professional registration, by a regulatory or licencing body in any country? (as applicable) Sanctions may include: Warnings, conditions, limitations, suspensions removal or any other restrictions that may have applied to your professional registration.	YES	NO	N/A

If yes, please provide further information:	
Confirmation of declaration (tick box below)	
<input type="checkbox"/>	I agree that the information provided here may be processed in connection with recruitment purposes and I understand that an offer of employment may be withdrawn or disciplinary action may be taken if information is not disclosed by me and subsequently come to the organisation's attention.
<input type="checkbox"/>	In accordance with the organisation's procedures if required I agree to provide a valid criminal record certificate and consent to the organisation clarifying any information provided on the disclosure with the agencies providing it.

<input type="checkbox"/>	I agree to inform the organisation within 24 hours if I am subsequently investigated by any agency or organisation in relation to concerns about my behaviour towards children or young people.
<input type="checkbox"/>	I understand that the information contained on this form, the results of the criminal record check and information supplied by third parties may be supplied by the organisation to other persons or organisations in circumstances where this is considered necessary to safeguard children.

By signing below, I confirm that the information I have provided on this form (or attached) is accurate. I understand that this information will not necessarily prevent me from being employed or appointed in the role above, and that I will be given an opportunity to discuss any concerns you might have before you make a final decision on my suitability for the role.

Signature of candidate:	
Print name:	
Date:	