



Information for Applicants – DBS Checks and Employment of Ex-Offenders

- 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), Norton Housing and Support (NH&S) complies fully with the DBS Code of Practice and eligibility guidance for DBS checks – copies of both are available on request.
- In line with its Equality, Diversity and Inclusion Policy NH&S is committed to the fair treatment of applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background, and undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- NH&S 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
- NH&S will only ask an individual to provide details of convictions and cautions that it is 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) NH&S will only ask an individual about convictions and cautions that are not protected. Protected convictions and cautions are filtered from the DBS certificate – for more information about protected convictions and cautions see appendix 1.
- At interview, or in a separate discussion, an open and measured discussion will take place on the subject of any offences or other matter that might be relevant to the position.
- Where a preferred Applicant discloses a convictions or caution that is not protected, or other relevant information, their suitability will be assessed depending on the nature and relevance of the conviction or information. The circumstances surrounding any convictions or cautions will be carefully considered by the Board of Trustees, taking into account factors such as:

- Honesty of individuals in declaring convictions.
- Length of time elapsed since offending behaviour took place.
- Any mitigating circumstances leading up to the offending behaviour.
- Motivation of individual.
- Likelihood of offending behaviour re-occurring.
- Requirements of the post / role

A Risk Assessment will also be completed.

- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- An application for a criminal record check is only submitted after a thorough 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, recruitment information will explain that a DBS check will be required in the event of the individual being offered the position – it will also state the level of check that will be carried out.
- NH&S ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders.
- NH&S undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- If the role applied for involves regulated activity the DBS barred list will be checked for the relevant workforce (child or adult). Note that **seeking to work in regulated activity with a group from which you are barred is an offence** and conditional offers of employment to those barred from regulated activity with the client group will be immediately withdrawn.
- Anyone who would like further guidance on disclosing their criminal record should consult the relevant Government website <https://www.gov.uk/tell-employer-or-college-about-criminal-record>

Appendix 1 – Protected Convictions and Cautions

Cautions

- Reprimands, final warnings and youth cautions (including conditional cautions) received when under the age of 18 will be removed from standard and enhanced checks immediately, regardless of the offence. This means that even if your caution was for a specified offence it would still be removed.

- Adult cautions will be removed from standard and enhanced checks if 6 years have passed since the date of issue, providing it is not for a specified offence

The process applies no matter how many cautions you have. Cautions will be removed even if you have others which are not (for example where others are for a specified offence, or they are too recent).

Convictions

Convictions received when 18 or over will be removed from standard and enhanced checks if:

- 11 years have passed since the date of conviction.
- they did not result in a prison sentence (or suspended sentence).
- they were not for a specified offence.

The process applies no matter how many convictions you have. They will be removed even if you have others which are not (for example where others are for specified offences or they are too recent).

For a conviction received when under 18, the same rules apply as for adult convictions, except that the elapsed time is 5.5 years.