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**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.

* The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered ‘protected’. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. NH&S will only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. More information about what should be disclosed can be found in appendix 1, and further guidance can be found on the Ministry of Justice website.
* 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.
* At interview, or shortly afterwards, candidates will be asked to disclose any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974, or any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.
* 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.
* If the role applied for involves regulated activity the DBS barred list will be checked for the relevant workforce (child or adult).
* 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.
* Following the receipt of a DBS certificate that shows relevant convictions or other information, a Risk Assessment is completed to assess the candidate is suitable for the role. The assessment will consider the nature and relevance of the conviction or information and the circumstances surrounding it, including:
* Candidates honestly in declaring any relevant conviction or information.
* 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
* 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. However, **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 – Information that Should be Disclosed and Will Appear on DBS Check**

The rules regarding the automatic disclosure of cautions and convictions on a DBS check are set out in legislation.

Standard and Enhanced DBS checks always include the following records no matter when they were received:

* All convictions for specified offences (a full list of specified offences can be found on the government’s website -<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>
* Adult cautions for specified offences
* All convictions that resulted in a custodial sentence

Other records are included depending on when the caution or conviction was received:

* Any adult caution for a non-specified offence received within the last 6 years
* Any adult conviction for a non-specified offence received within the last 11 years
* Any youth conviction for a non-specified offence received within the last 5 and a half years

An ‘adult’ is any individual aged 18 or above at the time of the caution or conviction. A ‘youth’ is any individual aged under 18 at the time of the caution or conviction.

Any unspent convictions or cautions will also appear on a Standard or Enhanced check.

A ‘specified offence’ is one which is on the  [list of specified offences](https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS check where it resulted in a conviction or an adult caution. Youth cautions for specified offences are not be automatically disclosed.

Any cautions (including reprimands and warnings) and convictions not covered by the rules above are ‘protected’ and will not appear on a DBS check automatically.

Cautions, reprimands and warnings received when an individual was under 18 will not appear on a Standard or Enhanced check automatically.

Enhanced certificates may include information relating to a protected caution or conviction if the police consider that it is relevant to the workforce that the individual intends to work in. Decisions to include information in this way are subject to statutory guidance.

*Updated November 2023.*