



MODEL POLICY ON EMPLOYING EX-OFFENDERS

This policy is produced in accordance with the Code of Practice on Disclosure, issued under section 122 of the Police Act 1997. This Code requires Cambridgeshire Mencap to have a written policy on the recruitment of ex-offenders. It also requires Cambridgeshire Mencap not to discriminate unfairly against a subject of a Disclosure, on the basis of conviction or other information received.

This policy applies to all Cambridgeshire Mencap services and offices in England.

The policy applies equally to:

- Employees and applicants for employment
- Relief workers and applicants for relief work
- Volunteers and applicants for volunteering

THE LAW ON EX-OFFENDERS

The Rehabilitation of Offenders Act (ROA) 1974 was introduced to ensure that ex-offenders who have not re-offended for a period of time since the date of their conviction are not discriminated against when applying for jobs. A conviction of no more than 2½ years in prison is considered to be 'spent' if the person is not convicted again during a specified 'rehabilitation' period. In general terms, the more severe a penalty is, the longer the rehabilitation period.

Once a conviction has been spent, the convicted person does not have to reveal it or admit its existence in most circumstances. However, if the person is applying to work in an exempted post, such as with children or vulnerable adults, in accountancy or the law, then Cambridgeshire Mencap is entitled to ask for details of all convictions, whether spent or not.

CAMBRIDGESHIRE MENCAP'S POLICY STATEMENT

Cambridgeshire Mencap recognises that a large proportion of the population has been convicted of a criminal offence at some time in their lives *.

Cambridgeshire Mencap aims to promote equality of opportunity for all with the right mix of talent, skills and potential. Cambridgeshire Mencap welcomes applications from candidates with a variety of backgrounds. Criminal records will be reviewed and only taken into account for recruitment purposes where the conviction is considered to be relevant.

A criminal record will not necessarily be a bar to obtaining a position with Cambridgeshire Mencap.

EXCEPTION TO THE POLICY

Under the Criminal Justice and Court Service Act 2000 (in England and Wales), **it is an offence for any organisation to knowingly offer employment, that involves regular contact with children (under the age of 18) to certain people.** These people are anyone who has been convicted of certain specified offences, or who is included on lists of people considered unsuitable for such work held by the Department for Education and Employment and the Department of Health. It is also an offence for these people to apply for a post with children in the first place.

Cambridgeshire Mencap must also stop employing someone in a childcare position if we discover or we are notified that the individual is barred from such work.

A criminal record on its own, however, does not necessarily preclude an individual from being employed in a childcare position.

EXISTING EMPLOYEES AND VOLUNTEERS WITH A CRIMINAL RECORD

Where an employee or volunteer is discovered to have failed to disclose an 'unspent' conviction, this is potentially gross misconduct, in that the individual will have given false information when applying for a role with Cambridgeshire Mencap.

CAMBRIDGESHIRE MENCAP'S RECRUITMENT PROCEDURES AND DOCUMENTATION

In accordance with Government guidelines, Cambridgeshire Mencap's recruitment processes encourage applicants to tell managers about relevant convictions at an early stage and before a Disclosure (England and Wales) or PECS check (Northern Ireland) has been requested.

Cambridgeshire Mencap's recruitment documentation (application forms and letters) will, where relevant, contain a statement that a Disclosure will be requested if the individual is offered the position.

All subjects of CRB Disclosure will be informed, via our standard recruitment documentation, of the existence of the CRB Code of Practice and we will provide them with a copy on request.

RESPONSIBILITIES OF RECRUITING MANAGERS

- To handle criminal record information sensibly and responsibly, taking into account legal obligations and good practice.
- To encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process.
- To ensure that Disclosure information will only be seen by those who need to see it as part of the recruitment process.
- To only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974, unless the nature of the position allows Cambridgeshire Mencap to ask questions about the individual's entire criminal record.
- To initiate an open and measured discussion on the subject of any offences or pending prosecutions etc. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- To discuss any matter revealed in a Disclosure with the person seeking the position, before withdrawing a conditional offer of employment.
- To only seek a Disclosure when it is both proportionate and relevant to the position concerned.
- To adhere to the requirements on Disclosure, outlined in Cambridgeshire Mencap's Recruitment Policy.

CAMBRIDGESHIRE MENCAP'S CRB SERVICE'S RESPONSIBILITIES

- To provide guidance on the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.
- To provide a copy of the Code of Practice to individual applicants on request.

*Research published by the Home Office in 1987 found that one in three men born in 1953 had been convicted of an offence (excluding motoring offences) before the age of 31.