

WORKING WITH PEOPLE WITH CONVICTIONS POLICY AND PROCEDURE

1. SCOPE

This policy and procedure apply to all employees and workers within Safehands Recruitment whether internal staff and management, or supplied to a labour user, or supplied by a recruitment intermediary.

2. POLICY STATEMENT

Safehands Recruitment is committed to equality of opportunity and to follow practices and provide a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of their offending background. We handle applications from a wide range of candidates, including those with criminal records and ensure that the selection of candidates for interview will be based on skills, qualifications and experience but considered according to the possible risk.

3. POLICY COMMITMENTS

- Our policy on working with people with convictions has been clearly communicated to all relevant stakeholders including job applicants.
- All relevant new and existing staff have been trained and/or have the knowledge and skills necessary to ensure that people with convictions are treated fairly.
- We comply with both the letter and the spirit of the Rehabilitation of Offenders Act.
- For each job we recruit for, we consider whether we need to ask about criminal records.
- We only ask applicants to disclose their criminal records where the vacancy requires that we do so and only after a conditional job offer has been made.
- A criminal record assessment is completed for any applicant who has disclosed a relevant offence, after a conditional job offer has been made.
- DBS checks are only used where legally necessary.
- We never make enforced Subject Access Requests.
- We never undertake informal criminal record checks.
- We deal fairly with the convictions of existing staff.
- Our supply chain understands and supports our policy on working with people with convictions.
- Our processes for employing people with convictions are compliant with both the GDPR and the Data Protection Act 2018.
- We ensure that all workers, jobseekers and staff understand how to, and can raise grievances, complaints, concerns, suggestions or ideas related to working with people with convictions and access.
- We treat breaches of the policy and procedure as retraining or misconduct matters as appropriate and deal with such cases according to our disciplinary/conduct and capability policy and procedure.
- We monitor, review and improve the policy and procedure regularly and whenever any issues related to its implementation are identified.

4. PROCEDURE

The following activities and decisions are required to implement the policy commitments:

Communication

This policy and related laws and labour standards are communicated to all workers, applicants and staff at application, and customers and recruitment intermediaries prior to initial supply. Communication will be repeated annually or whenever there is a change or update.

Document Ref No: CP004	Revision Number: V1.0	Created by: Compliance Manager
Authorised: Katie Armstrong	Location: SharePoint\Docs Management\RE	
Controlled by: Compliance Department	Date Issued: 30.11.2020	

Key points in our communications include:

- We will only take offending history into account when legally obliged to do so.
- Any decisions related to recruitment, promotion, placement, termination and pay and employment conditions shall be based on ability to do the job and not on offending history.
- DBS checks will only be sought when we are legally obliged to do so.
- Managers, workers and staff have a duty to report any suspected breaches of this policy and Safehands Recruitment commits that those that do so will not suffer any detriment for doing so.
- Breaches of the policy will be treated as misconduct and dealt with according to the disciplinary/conduct and capability policy and procedure.
- All job advertisements carry a statement making clear whether or not information on criminal records will be sought, and if so, at what stage in the process.

The policy can be found on People HR system. Furthermore, Safehands Recruitment will explain the contents verbally where required.

Training

All staff with policy responsibilities receive detailed training on how to meet the commitments within, including:

- Relevant laws, social compliance standards and client requirements.
- What the policy means in practice, including in relation to recruitment and other employment decisions.
- The roles and responsibilities of staff in making the policy work.
- Conducting Criminal Records Assessments.
- When and how to escalate potential issues.
- How to identify, report and respond to reported breaches of the policy.
- How to refuse client requests or instructions which amount to breaches of the policy.
- How to work with recruitment intermediaries to ensure compliance with the policy.

Staff with management or supervisory responsibilities under the policy receive additional training including:

- Working collaboratively with external organisations such as HMPPS, customers, community organisations and charities.
- Understand the procedure for remediating cases where there has been a failure in the business' policy or procedures.
- Investigate and identify remedy for such cases in a timely, unbiased and professional manner.
- Continuously improve the way our business works with prisoners and people with convictions.

Training is delivered by the Compliance Department. Records of training content, date undertaken, and trainees' names are stored securely.

Criminal Records Checks

Each vacancy is assessed to determine whether there is any need to ask for details of criminal records.

If the vacancy requires a criminal disclosure, that fact is stated on the job description and any job advertisements, including the type of disclosure required (self-disclosure or DBS check), and the fact that the disclosure will not be required until a conditional offer has been made.

If the position requires a self-disclosure, the applicant is asked to disclose their criminal record by completing a form which ensures consistency in the information requested.

Should the applicant disclose convictions that are of concern, they are given an opportunity to discuss those concerns, as part of a Criminal Records Assessment, before a decision is made on their suitability for the role.

Standard or Enhanced DBS checks are carried out for duties, positions and licenses included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Where an applicants' offending history means they are not legally able to take up the job offer, they will be informed immediately.

Criminal Risk Assessment

Any applicant who discloses a criminal record which is relevant to the job role, is invited to an assessment meeting in order to gather further details on their disclosure. The assessment meeting will be conducted by a Recruitment Consultant/Account Manager, using our Criminal Risk Assessment document, and the purpose of the interview is to assess whether employment of the applicant poses a risk to the business, our stakeholders or the applicant, and if so whether that risk can be mitigated to an acceptable level.

As part of the assessment, and with the applicants' permission, we may contact third parties such as support workers, probation officers, or any referees that the applicant may offer.

The Criminal Risk Assessment document is retained in a secure location and is only accessible by relevant staff members.

Convictions of Existing Staff

There is a provision within our contracts and Criminal Records Application process which requires our staff to disclose any criminal convictions they may gain whilst in our employment.

Should an employee/worker fail to disclose a relevant conviction, they will be subject to our Disciplinary Process or contract termination.

Where an employee/worker discloses a relevant conviction, a Criminal Risk Assessment meeting is held to determine potential risk.

If the assessment process suggests that there is a risk to the business, our stakeholders or the individual concerned, we may consider a range of options including the introduction of safeguards, adjusting the responsibilities of the job, movement to another job or other action in line with our disciplinary procedure.

Data Protection

Our Privacy Notice and policies related to Data Protection law clearly identifies:

- Our purpose in collecting criminal records data;
- The lawful basis for collecting the data;
- How long data is retained for;
- Who data will be shared with; and
- The applicants legal right in relation to the data

Records of criminal convictions may only be accessed by relevant staff members with assistance of Safeguarding Officer.