

Policy Title	Policy Statement on the Recruitment / Appointment of Ex-Offenders	Version	2	
Policy Area	Human Resources Volunteers	Issue Date	16/08/2023	
Author	Name	Stephanie Smith-Crawshaw	Review Period	2 year
	Job Title	People and Culture Manager	Expiry Date	16/08/2025
Policy Approval	Name / Role	Rebekah Smith Deputy CEO		

Introduction

The [code of practice](#) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS / Access NI applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment

Further information about conviction information

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- in addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded

Policy Statement for Employees and Volunteers

- as an organisation assessing applicants' suitability for paid positions and volunteering which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS) or Access NI, Epilepsy Action complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly
- Epilepsy Action undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- Epilepsy Action can only ask an individual to provide details of convictions and cautions that Epilepsy Action are legally entitled to know about. Where a DBS or Access NI 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

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(Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)

- Epilepsy Action can only ask an individual about convictions and cautions that are not protected
- Epilepsy Action is committed to the fair treatment of its staff, potential staff, volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background
- Epilepsy Action has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
- Epilepsy Action 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
- Epilepsy Action select all candidates for interview based on their skills, qualifications, and experience
- an application for a criminal record check is only submitted to DBS / Access NI after a thorough risk 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, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS / Access NI certificate will be submitted in the event of the individual being offered the role
- Epilepsy Action ensures that all those in Epilepsy Action who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences
- Epilepsy Action also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- at interview, or in a separate discussion, Epilepsy Action ensures that an open and measured discussion 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 or opportunity for volunteering
- Epilepsy Action makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request
- Epilepsy Action undertakes to discuss any matter revealed on a DBS certificate with

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the individual seeking the position before withdrawing a conditional offer of employment or ceasing the volunteer application.

Please refer to the Policy on Checking for Criminal Convictions for more details.

Review

All policies will be reviewed on a regular basis, in line with legislation changes or at the discretion of the management team, to ensure good practise and compliance with relevant legislation.

Version	Review Date	Author	Comments
1			
2	16/08/2023	Sarah Barker	Reviewed content.
3			