

## **Policy Statement on the Recruitment of ex-offenders**

1. 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), Sussex Partnership NHS Foundation Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Sussex Partnership NHS Foundation Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
2. Sussex Partnership NHS Foundation Trust can only ask an individual to provide details of convictions and cautions that Sussex Partnership NHS Foundation Trust are 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), Sussex Partnership NHS Foundation Trust can only ask an individual about convictions and cautions that are not protected.
3. Sussex Partnership NHS Foundation Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment, responsibilities for dependants, pregnancy/maternity, or offending background.
4. Sussex Partnership NHS Foundation Trust has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
5. Sussex Partnership NHS Foundation Trust 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. Sussex Partnership NHS Foundation Trust selects all candidates for interview based on their skills, qualifications and experience.
6. An application for a criminal record check is only submitted to DBS 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 certificate will be submitted in the event of the individual being offered the position.
7. Sussex Partnership NHS Foundation Trust ensures that all those in Sussex Partnership NHS Foundation Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Sussex Partnership NHS Foundation Trust 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.

8. At interview, or in a separate discussion, Sussex Partnership NHS Foundation Trust ensure 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.
9. Sussex Partnership NHS Foundation Trust 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.
10. Having a criminal record will not necessarily bar individuals from working with the Trust. This will depend on the nature of the position and the circumstances and background of your offences.
11. Sussex Partnership NHS Foundation Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
12. Where posts are exempt for from the Rehabilitation of Offenders Act 1974 the Trust will have access to entire police record of convictions, cautions, reprimands and final warnings, both juvenile and adult, including those considered 'spent' as defined by the Act.

#### **Further information**

- 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.
- NOTE: The guidance and criteria on the Disclosure & Barring Website explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers. <https://www.gov.uk/government/collections/dbs-filtering-guidance>.

**Recruitment Department**  
**June 2020**