

## **APPENDIX 9 - BARTS HEALTH POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS**

### **1. Introduction**

- 1.1. The aim of this statement is to confirm the Trust's approach towards employing people who have criminal convictions.
- 1.2. The Trust is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, and knowledge, where appropriate, qualifications and training.
- 1.3. The Trust will therefore consider ex-offenders for employment on their individual merits. The Trust's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

### **2. Jobs covered by the Rehabilitation of Offenders Act 1974**

- 2.1. The Trust will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.
- 2.2. During the application process the Trust will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.
- 2.3. If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the Trust will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment. In these circumstances, advice must be sought from Site HR Team – Assistant Director of Workforce Development (HRAD) by the line manager before a decision is made

### **3. Jobs that are exempt from the Rehabilitation of Offenders Act 1974**

- 3.1. If the job into which the Trust is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, the Trust will require the applicant to disclose all convictions, whether spent or unspent. Even in these circumstances, however, the Trust will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.
- 3.2. Furthermore, if the job is exempt, the Trust will, once it has selected the person to whom it wishes to offer employment make a joint application to the Disclosure and Barring Service for a standard or enhanced disclosure (as appropriate). Should the preferred candidate refuse to complete the application any offer of employment will be withdrawn.



#### 4. Recruitment of Ex-Offenders

4.1 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), Barts Health NHS Trust complies fully with the code of practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

4.2 The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background

4.3 We actively promote 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. Candidates will be selected for interview based on their skills, qualifications and experience.

4.4 We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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.

4.5 We will only ask an individual to provide details of convictions and cautions that we 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), we will only ask an individual about convictions and cautions that are not protected, unless the nature of the position allows the Trust to ask questions about your entire criminal record.

4.6 An application for a criminal record check is only submitted to the 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.

4.7 At interview, or in a separate discussion, we 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.

4.8 We make every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and make a copy available on request.

4.9 We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

