

St James Carlisle Policy Statement

- 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), St James Carlisle complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- St James Carlisle undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- St James Carlisle 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), St James Carlisle will only ask an individual about convictions and cautions that are not protected.
- St James Carlisle 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.
- St James Carlisle 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. St James Carlisle selects all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to the DBS after a 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, the application pack will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- All volunteers and applicants, who are provided with a conditional offer of employment, will be required to complete a Confidential Declaration Form as part of their pre-employment checks. The Confidential Declaration Form, in broad summary, asks if there is any reason why he/she should not be working with children and adults experiencing, or at risk of abuse or neglect. Should a volunteer or applicant not wish to complete the Confidential Declaration, which is entirely his/her choice, the application will not proceed further and will be terminated.
- Having a criminal record may not necessarily be a bar to working with children or adults experiencing, or at risk of abuse or neglect. Any information provided on either a Confidential Declaration Form or a DBS certificate will be assessed by the Diocesan Safeguarding Adviser ² to assess whether an appointment can be made.

¹ See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.

² The DSA will become a Diocesan Safeguarding Officer from July 2024

- St James Carlisle ensures that those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences or are aware of whom to seek guidance from which will normally be the Diocesan Safeguarding Adviser. St James Carlisle 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, St James Carlisle 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.
- St James undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. Where a DBS check reveals convictions that may be relevant, the St James reserves the right to employ an individual subject to a risk assessment and a risk management plan being put in place. Failure to accept the outcomes of the risk assessment or abide by the risk management plan could result in employment not being offered or the employment being terminated.

March 2024

Notes:

Principles:

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 applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. A copy of the Code of Practice can be found at: <https://www.gov.uk/government/publications/dbs-code-of-practice>

Information regarding conviction information

On the 29 May 2013, legislation¹ 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.*

Further guidance is available from the Disclosure & Barring Service regarding the filtering of old and minor cautions and convictions which are now 'protected' and therefore not subject to disclosure to employers

¹ See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.

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