

**Brandon**

**Live free**

the learning disability charity

# **Recruitment and Employment of People with a Criminal or Disciplinary History Policy**

**March 2014**

[www.brandontrust.org](http://www.brandontrust.org)

## 1. INTRODUCTION

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, we comply fully with the Code of Practice and undertake 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.

We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We ensure this written policy is made available to all applicants at the outset of the recruitment process.

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. We select all candidates for interview based on their skills, qualifications and experience.

## 2. USE OF DBS CHECKS IN RECRUITMENT

A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

**Where a DBS check is to form part of the recruitment process, we require** all applicants to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Brandon Trust and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows us to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

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.

We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

### **3. VETTING**

Any applicants with a positive disclosure of criminal or disciplinary matters will be vetted by a senior manager nominated by either the Director of Operations (currently the Area Directors) or the Chief Executive for suitability to work with Brandon in the role applied for. Any person nominated will be a member of the Executive Management Team.

In vetting applicants with criminal histories the manager will apply consistent criteria which are in line with the DBS code of conduct.

Only applications which pass the vetting stage will be put forward for shortlisting.

### **4. INTERVIEWING – DISCUSSING DISCIPLINARY HISTORY**

At the end of the interview, we will ensure that an open and measured discussion takes place with the applicant on the subject of any complaint, grievance, disciplinary proceedings or dismissal or terminations of employment to assess if this affects the applicant's suitability for this particular post.

### **5. POTENTIAL WITHDRAWAL OF OFFERS OF EMPLOYMENT**

We will endeavour to discuss any matter revealed in a DBS disclosure with the applicant before withdrawing any conditional offer of employment.

### **6. TRAINING**

We ensure that all those in Brandon 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.

### **7. EMPLOYEES' RESPONSIBILITIES FOR DISCLOSURES IN EMPLOYMENT**

All employees, casual workers and volunteers are required to inform their line manager formally if

- they receive a caution, reprimand or final warning or if they are convicted of a criminal offence (including motoring offences) or have any pending while employed by us.
- they are subject to any form of complaint, grievance, disciplinary proceedings or dismissal or termination from any other employment while employed by us.

This is explicit in the Brandon Trust Statement of Main Terms of Employment and the Bank Worker Agreement.

## 8. MANAGERS' RESPONSIBILITIES FOR DISCLOSURES IN EMPLOYMENT

The line manager will record the information they provide and ensure this is placed on their personal file.

The manager will report this information immediately to the relevant Area Director or EMT member who will decide whether the conduct warrants a disciplinary investigation.

**Because of the risk to the people we support and reputational risk to the organisation, any individual being charged with an offence involving sexual behaviour, physical violence, fraud and theft will ordinarily (following the conduct procedure – see handbook) be suspended from work (or required to abstain from their duties in the case of bank workers or volunteers) until the matter has been concluded in the judicial system and/or appropriate disciplinary action is complete.**

Criminal or disciplinary matters that occur while working with Brandon are not in themselves reason for disciplinary action (in the case of casual workers or volunteers, removal from register and/or termination of agreement). Consideration needs to be given to the effect of the criminal or disciplinary matter on their ability or suitability to do their job.

**Rob Rowe**  
**Director of People and Resources**  
**March 2014**