



## **Vision Action's policy on the Recruitment of Ex-offenders**

### **Introduction**

The purpose of this policy is to set out our approach to recruitment and selection of all staff, trustees and volunteers who may have a criminal record. 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)<sup>1</sup>, Vision Action, formally known as Vision Aid Overseas, complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly. All staff, Trustees and volunteers who meet the criteria specified in the [DBS eligibility guidance](#) for basic, standard or enhanced checks will be required to apply for a DBS check (or equivalent if outside of England or Wales<sup>2</sup>) prior to being formally offered a position.

### **Aims of Policy**

The aim of the policy is to:

- Select the right person for the specified role
- Safeguard all vulnerable adults, staff, volunteers' and members of the public, including children, that the volunteer may come into contact with.

The following needs to be considered when deciding whether to recruit someone with a criminal record:

- The potential candidate's suitability for the role
- The relevance of the offence
- The level of risk they pose, to the organisation and those that come into contact with it
- The setting in which the work or volunteering activity will take place

### **Suitability for the role**

It is important to establish at first the candidate's suitability for the role they are applying for in the following ways:

- Can the person undertake the task that is required of them?
- Do they have the essential skills or experience needed for the role?
- If not, do they have the ability to develop them?
- If the answer is yes, only then should criminal convictions be taken into account when weighing up someone's suitability for the role.

### **The relevance of the offence**

In some cases, it may be necessary to hold a second meeting with the applicant to find out more about the circumstances in which the offence occurred.

Factors to consider when making a recruitment decision will include:

- Whether or not the conviction is relevant to the volunteering or work opportunity
- The nature and seriousness of the offence
- The circumstances surrounding the offence and the explanation offered by the applicant

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<sup>1</sup> For Ireland, checks are done through Data Protection disclosure, for Northern Ireland, through Access Northern Ireland (ANI), for Scotland, through Disclosure Scotland.

<sup>2</sup> All staff, trustees and volunteers will need to apply via whatever system is available in their country of residence.

- How old the applicant was when the offence was committed
- The length of time since the offence occurred
- Whether the behaviour that constituted the offence is still a cause for concern
- Whether the context behind that behaviour is still a cause for concern
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed
- The applicant's attitude to the offence. Is it one of remorse? Does the applicant take responsibility for it and recognise the harm they caused?
- Whether the offence has since been decriminalised
- If the answers to most of these questions are reassuring, then the presumption may be that the applicant does not pose a risk.
- References can be then taken and referees can be questioned where necessary to aid in the decision-making process.

### **Managing risk**

We will manage risks by:

- Requiring an offender or ex-offender to be 'clean' of offending for a period of at least 5 years before they are able to work or volunteer with the charity, dependent on severity of offence.
- Adapting the role to reduce levels of risk
- Providing additional levels of supervision for the volunteer, staff or trustee in question
- Identifying if staff or other volunteers need to be aware of any health and safety or personal security issues when working alongside a particular volunteer, staff or Trustee, or a particular type of offender
- Adapting existing risk management policies and procedures to accommodate ex-offender volunteers, staff members or Trustees.

### **Discrepancies**

There may be occasions when there is a serious discrepancy between what the applicant states and the disclosure certificate shows. If this happens then a decision should be delayed on recruitment until the situation is clarified by the Disclosure and barring service. A new disclosure certificate should be issued.

### **Automatic barring**

Any applicant who has committed serious crimes against a child or adult, including murder, rape, GBH and sexual offences shall be prohibited from working or volunteering with any vulnerable adult or child.

### **Complaints**

Any candidate who considers that they have been unfairly treated or discriminated against should contact the chairperson. Complaints received will be taken seriously and investigated promptly and sensitively, and we will advise of the outcome.

### **Confidentiality**

Only the person hiring, and the CEO will have access to information around criminal record disclosure and will discuss with the candidate their offences. All notes, DBS's and files on applicants will be kept confidential and in accordance with current data protection legislation.

## Guidelines for frequency of background checks

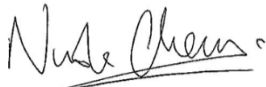
Person	Frequency of check
UK-based Staff, volunteers and Trustees	On appointment, and every 3 years thereafter for duration of employment.
UK volunteers, staff and Trustees <b>who have patient contact</b> overseas	On appointment, and every year for those that travel <i>at least</i> once per year, <b>or</b> every time they go on an overseas assignment for those that travel <i>less than</i> once per year.
Overseas staff	On appointment, and every 3 years, or as per system/guidance in country if less than 3 years.

## Commitments and principles:

- Vision Action undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Vision Action can only ask an individual to provide details of convictions and cautions that Vision Action 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).
- Vision Action can only ask an individual about convictions and cautions that are not protected.
- Vision Action is committed to the fair treatment of its current or potential staff, Trustees volunteers and beneficiaries of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Vision Action has a written policy on the recruitment of ex-offenders, which is made available to all applicants at the start of the recruitment process.
- Vision 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.
- Vision Action select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted 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.
- Vision Action ensures that all those in the charity who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

- Vision 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 during the recruitment process, Vision 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.
- Vision Action makes every subject of a criminal record check aware of the existence of the [code of practice](#) and makes a copy available on request.
- Vision Action undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Signed:



Nicola Chevis  
CEO

Dated: Revised September 2022

**ANNEX B TO**  
**POLICY ON RECRUITMENT OF EX-OFFENDERS**  
**SEPTEMBER 2022**  
**POLICY COMPLIANCE**

I have received and been briefed on the Vision Action Policy on Recruitment of Ex-Offenders and fully understand my responsibilities to comply with and promote the Policy.

Signed	
Name	
Position within Vision Action	
Date	