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

CEOs Foreword

Vision Action is committed to creating a workplace and volunteer environment that reflects our values of dignity, inclusion, accountability and respect.

We recognise that people can make mistakes, change their circumstances and make positive contributions to society. As a responsible employer and charity, we believe recruitment decisions should be based on skills, experience, suitability for the role and the ability to uphold our values and standards.

At the same time, we are committed to maintaining robust safeguarding practices and protecting the people we serve, our staff, volunteers, trustees and partners. This requires recruitment processes that are fair, transparent and proportionate, whilst ensuring that potential risks are properly assessed and managed.

This policy provides a framework for making consistent and informed recruitment decisions that support both inclusion and safeguarding. We expect everyone involved in recruitment to apply it with professionalism, sound judgement and respect for confidentiality.

Tiwonge Mwase-Vuma
Co-CEO

Jale Canlibalik
Co-CEO

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Vision Action – Registered Charity No. 1081695 (England & Wales)
Companies House registration No. 4027804 (England & Wales)

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

Introduction

The purpose of this policy is to set out Vision Action's approach to the recruitment and selection of staff, trustees and volunteers who may have a criminal record.

As an organisation assessing applicants' suitability for positions that are eligible for criminal record checks through the Disclosure and Barring Service (DBS) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order, Vision Action complies with the DBS Code of Practice, has regard to the DBS Recruitment of Ex-Offenders Guidance, and undertakes to treat all applicants fairly.

A criminal record does not automatically prevent an individual from working or volunteering with Vision Action. Each case will be considered on its own merits, taking account of the nature of the role, safeguarding responsibilities, the circumstances of any offences, and evidence of rehabilitation.

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 where appropriate outside England and Wales) following a conditional offer and before appointment.
This policy is applied in accordance with the Equality Act 2010. Decisions relating to criminal records will be based on objective, proportionate and role-specific considerations and will not be applied as blanket exclusions.

Vision Action complies with current Rehabilitation of Offenders Act 1974 rehabilitation periods and DBS filtering requirements and will only seek criminal record information that it is legally entitled to obtain. Applicants will not be required to disclose convictions or cautions that are protected by law.

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 staff and volunteers 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 they come in contact with
- The setting in which the work or volunteering activity will take place

Commitments and principles:

- Vision Action can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. Where appropriate, this may include positions eligible for a Standard or Enhanced DBS check under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and associated legislation.
- Vision Action will only seek criminal record information that it is legally entitled to obtain. The organisation will not require applicants to disclose convictions or cautions that are protected under the Rehabilitation of Offenders Act 1974 and current DBS filtering rules.
- 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 will make this policy 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 undertaken following a conditional offer and before appointment.
- 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.

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
- 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 may then be obtained, and referees contacted where necessary, to inform the decision-making process.

Managing risk

We will manage risks by:

- Considering the length of time since the offence and evidence of rehabilitation as part of a holistic, role-specific risk assessment.
- 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.
- Recruitment decisions involving criminal records will be supported by internal recruitment guidance to ensure consistent, proportionate and role-specific assessments.

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.

Safeguarding and Barred Lists

Vision Action will comply with all legal restrictions relating to regulated activity and barred persons and will undertake appropriate safeguarding risk assessments when considering criminal record information. Our policy aligns with the Safeguarding Vulnerable Groups Act 2006.

Where recruitment is undertaken in the UK, individuals who are barred by the Disclosure and Barring Service (DBS) from regulated activity will not be eligible for roles involving such activity.

For recruitment outside the UK, where DBS barred list checks are not available, criminal history information obtained through local police or equivalent checks will be assessed on a case-by-case basis, using a proportionate, role-specific risk assessment and safeguarding judgement.

Where criminal record information is not available, incomplete, or considered unreliable, additional safeguarding measures may be used, including enhanced reference checks, qualification verification, supervision arrangements, probationary monitoring, and other proportionate risk mitigation measures. Where formal barring lists do not exist, recruiting managers must give particular weight to the nature of the role, level of contact with vulnerable people, and the availability of supervision and mitigations.

Complaints

Applicants who believe they have been treated unfairly should raise their concern through the Vision Action Complaints procedure or by contacting the Chair of Trustees. Complaints received will be taken seriously and investigated promptly and sensitively, and we will communicate the outcome.

Confidentiality

Only those involved in the recruitment decision and others with a legitimate business need to know will have access to information around criminal record disclosure and only the recruiting manager and CEO (or delegated senior manager) will discuss criminal record information with the applicant. All notes, DBS's and files on applicants will be kept confidential and in accordance with the Data Protection Act 2018 and UK GDPR legislation.

Criminal record information will only be processed where necessary and proportionate for recruitment purposes and will be retained only for as long as required under Vision Action's retention schedule.

Guidelines for frequency of background checks

DBS re-check frequencies are organisational requirements based on risk assessment and may be varied where safeguarding considerations require.
Equivalent checks will be obtained only where lawful and available within the relevant jurisdiction

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 **who have patient contact** overseas	On appointment, and every year for those that travel *at least* once per year, ***or*** every time they go on an overseas assignment for those that travel *less than* once per year.
Overseas staff	On appointment, and every 3 years, or as per system/guidance in country if less than 3 years.

ANNEX A: GUIDANCE FOR RECRUITING MANAGERS - CRIMINAL RECORDS ASSESSMENT

Managers and others involved in recruitment will be made aware of this policy and provided with appropriate guidance and training where required
When assessing the relevance of criminal convictions, recruiting managers should consider the length of time since the offence occurred alongside evidence of rehabilitation, role-specific risk and safeguarding factors.

As general guidance (not fixed rules), convictions that occurred:

- many years ago, with no pattern of reoffending and clear evidence of rehabilitation, will normally carry less weight; whereas
- more recent convictions, or repeated similar offences, may indicate higher risk depending on the nature of the role.

Recruitment decisions must not be based solely on the passage of time and must always be justified with reference to the specific duties of the role and the safeguarding context.

Criminal Records Assessment Framework

The framework is intended to support structured decision-making and should not be used as a mathematical pass/fail test. The relevance of individual factors will vary according to the role.

	1 (Low concern)	2 (Moderate concern)	3 (Higher concern)
Time since offence	Long time ago; no re-offending	Some time passed; limited evidence	Recent or ongoing
Nature of offence	Unrelated to role	Potentially relevant	Directly relevant
Pattern	Isolated incident	Limited repetitions	Pattern of behaviour
Evidence of rehabilitation	Strong, documented	Some evidence	Little/no evidence
Role exposure	No contact with vulnerable groups	Supervised / limited contact	Significant contact
Supervision available	High / structured	Some	Limited or none

Summary assessment *(Explain which factors were most relevant and why.)*

- Nature and relevance of the offence to the role.
- Time elapsed since the offence.
- Evidence of rehabilitation or changed circumstances.
- Safeguarding considerations and level of contact with vulnerable people.
- Any other factors that influenced the assessment.

Mitigating controls considered *(e.g. supervision, role adjustment, training, references.)*

- Additional supervision or monitoring.
- Restrictions on duties or responsibilities.
- Enhanced reference or background checks.
- Additional safeguarding training.
- Probationary arrangements or review periods.
- Other controls implemented.

Final decision, rationale and approval *(The decision must be justified independently of the overall score.)*

- Appoint.
- Appoint subject to specified controls.
- Do not appoint.
- Reasons for the decision.
- Name and role of decision-maker.
- Date of decision.