

Criminal Records Policy

This document is relevant to:	
Staff	✓

Purpose

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Dorset Mind complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Dorset Mind is committed to the fair treatment of its staff, potential staff, volunteers, board members or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Policy

Dorset Mind recognises that it has a duty to protect vulnerable people using its services from abuse. It also recognises its obligations under the Code of Practice for Registered Persons and Other Recipients of Disclosure Information (Revised April 2009); under the Rehabilitation of Offenders Act 1974 and Amendment Order 2013; and its obligations to its insurers and funders.

Dorset Mind recognises its obligations under the Safeguarding Vulnerable Groups Act 2006 which includes a duty to not knowingly employ or take on someone who is barred from working with children or vulnerable adults and also its duty to inform the DBS if a worker is cautioned or convicted for a relevant offence; or engaged in relevant conduct in relation to children and/or vulnerable adults [i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm]; or satisfied the Harm Test in relation to children and/or vulnerable adults. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists.

Dorset Mind believes that it provides services which are "specifically for adults because of their age, any disability, physical or mental illness" (para 9 Police Act 1997 (Criminal Records) (Amendment) Regulations 2013 ST 2013/1194).

Dorset Mind actively promotes equality of opportunity for all with the right mix of talent, skills and potential and we 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.

A Disclosure is only requested after a risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all

application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview 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 Dorset Mind and we guarantee that this information is only to be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows Dorset Mind to ask questions about a person's entire criminal record we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in Dorset Mind who are involved in the recruitment process are able to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in 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 undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

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

Should the post in question be one which has been assessed as requiring checking of criminal records then this requirement will be reviewed at periods of not more than three years. Where it is determined that a check is still required for the post then checks of criminal records will be repeated at the cost of Dorset Mind.

Dorset Mind will ensure that all information relating to disclosures of criminal records is kept securely and confidentially in accordance with Dorset Mind's Data Protection Policy and Archive and Data Retention Procedure. Access is strictly controlled and limited to only those who are entitled to see it as part of their duties.

Dorset Mind will ask applicants for a role which has been assessed as requiring checking of criminal records whether they have spent more than 6 months outside of the UK during their adult life in order to ensure that a complete record of any offending behaviour can be obtained.

All Dorset Mind staff, Trustees, volunteers have an ongoing duty to disclose to Dorset Mind if they are arrested, charged, cautioned or convicted for any criminal offence whilst employed or volunteering for Dorset Mind.

Where an employee or volunteer receives a criminal conviction after taking up a post with Dorset Mind then the relevance of this to their role will be considered by the Chief Executive before a decision is taken about disciplinary action. However, immediate suspension on full pay may be required to ensure that the individual concerned does not pose an ongoing threat to a child or vulnerable person or to the organisation. (See Disciplinary Procedure for further details).

Dorset Mind also complies fully with its obligations relating to the Independent Safeguarding Authority (ISA) and the Vetting and Barring Scheme (VBS). This will include referring to the ISA,

information about individuals working with children or vulnerable adults where Dorset Mind considers them to have caused harm or to pose a risk of harm and checking applicants to relevant posts against the ISA lists once this service becomes available.

Having a criminal record will not necessarily bar you from working or volunteering with us. This will depend on the nature of the position and the circumstances and background of your offences.

Any member of staff who is unsure about their obligations under this policy should refer to the Chief Executive for further guidance.

Responsibilities

The Chief Executive is responsible for managing this policy and overseeing its implementation. Managers are responsible for implementing the policy within their areas of work, and for overseeing adherence by staff. Every member of staff should take personal responsibility for conforming to it.

Associated Policies and Procedures

- Criminal Records Procedure
- Data Protection Policy
- Archive and Data Retention Procedure
- Recruitment and Selection Policy
- Recruitment and Selection Procedure

The equality impact of this policy has been considered and Dorset Mind believes that it complies with its commitment to equality as stated in its Equality Policy

Policy Ownership

Policy Name	Version	Doc ref
Criminal Records Policy	1.0	Criminal Records Policy

Policy Owner	Chair of Trustees
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Approval Status

Date adopted by Trustees	January 2016		
Date published	January 2016	Date for next review	January 2018

Consult the Dorset Mind website for the latest version of this policy.

Document Control

Reviewers

Name	Position
Chris Price	Chair of Trustees
Ian Prankerd	Trustee
Carmel Davies-McCluskie	Staff

Change History

Issue	Date	Author	Reason
1.0	Jan 16	Chris Price	New policy