



The
Happy Mums
Foundation

POLICY

Recruitment of Ex-Offenders

Introduction

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), The Happy Mums Foundation CIC complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

Scope

This policy applies to all Directors, paid staff and unpaid volunteers associated with The Happy Mums Foundation CIC.

The Happy Mums Foundation CIC can 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).

We can only ask an individual about convictions and cautions that are not protected.

If the applicant has lived outside the UK for a period of 6 consecutive months or more within the last 5 years, they may be responsible for obtaining a criminal records check from that country to cover that period. This can also be known as a 'Certificate of Good Conduct'. Further information about this is available via the DBS section of the gov.uk website.

Principles

1. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed;
2. We are committed to the fair treatment of our Directors, staff, volunteers, recruitment candidates or users of our services, regardless of race, gender,

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Date approved: Jan 2024

Next review due: Jan 2026

religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background;

3. 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.

Roles which require DBS checks, associated levels and rationale:

We have conducted a risk assessment on the roles undertaken as part of The Happy Mums Foundation CIC.

Eligibility for DBS checks is set out in the following legislation:

- Standard checks – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.8
- Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.9
- Enhanced checks with children’s and/or adults’ barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

Old and minor cautions and convictions are no longer subject to disclosure. In addition, we do not take an individual’s old and minor cautions and convictions into account when making decisions. However:

- 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,
- Also, all convictions where an individual has more than one conviction recorded.

The following table indicates why a DBS check (and it’s level) is both proportionate and relevant to the position concerned.

Role	Type	Check level	Reason
Non-Executive Director	Volunteer	Standard	Incidental contact with vulnerable groups (Will attend Happy Mums’ events where vulnerable adults and children are present; will have limited access to sensitive information about service users)
Executive Director	Paid	Enhanced & Barred Lists	Has direct contact, often on a 1:1 basis with vulnerable service users and children. We assess that this is considered ‘regulatory activity’ in

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			relation to children, and in relation to adults under the 'provision of healthcare'.
Operations Coordinator	Paid	Enhanced & Barred Lists	Has direct contact, occasionally on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to adults under the 'provision of healthcare'.
Volunteers Coordinator	Paid	Enhanced & Barred Lists	Has direct contact, often on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to adults under the 'provision of healthcare'.
Support Group Coordinator	Paid	Enhanced & Barred Lists	Has direct contact, often on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to adults under the 'provision of healthcare'.
Community Engagement Officers	Paid	Enhanced & Barred Lists	Has direct contact, often on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to adults under the 'provision of healthcare'.
Support Group Facilitator	Volunteer	Enhanced & Barred Lists	Has direct contact, often on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to adults under the 'provision of healthcare'.
Support Group Helper	Volunteer	Enhanced & Barred Lists	Has direct contact, occasionally on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to adults under the 'provision of healthcare'.
Support Group Welcomer	Volunteer	Enhanced & Barred Lists	Has direct contact, often on a 1:1 basis with vulnerable service users and children. We assess that this is considered 'regulatory activity' in relation to children, and in relation to

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			adults under the 'provision of healthcare'.
Inclusion Champion	Volunteer	Enhanced & Barred Lists	Incidental contact with vulnerable groups (Will attend Happy Mums' events where vulnerable adults and children are present)
Ambassador	Volunteer	Standard	Incidental contact with vulnerable groups (Will attend Happy Mums' events where vulnerable adults and children are present)

Undertaking a DBS check as part of the recruitment process:

1. Advertising:
 - 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, and whether that will be an enhanced or standard check;
 - It will be made clear in job adverts that any information relating to previous offences subsequently identified as part of the DBS check process will not necessarily exclude the applicant from being employed; decisions on appointment will be made on a case-by-case basis after discussion with the applicant and a risk assessment process.
2. Application:
 - This written policy on the recruitment of ex-offenders will be made available to all DBS applicants at the start of the recruitment process;
 - We encourage 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, addressed to the Managing Director and we guarantee that this information will only be shared with the recruiting panel.
3. Selection for interview:
 - We select all candidates for interview based on their skills, qualifications and experience;
4. Conditional offer of employment:
 - 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;
 - Once interviews are concluded and the successful candidate is identified by the interview panel, it is made clear to that individual that the offer of employment is conditional upon a DBS check being undertaken;
5. Conducting the DBS check:

- We make every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and make a copy available on request;
- See also 'Policy: DBS Data Handling'

Receiving the results of the DBS check where disclosures are made:

Where it becomes necessary, we will ensure that all those in who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences;

We will 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;

We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. This discussion will form part of a risk assessment, conducted by the recruiting manager, which will be recorded on the applicant's file.

The recruiting manager, in consultation with a member of the Board of Directors, will consider if a person's convictions (either before they have become spent, or, in the case of activities listed on the Exceptions Order, when they are spent) make them unsuitable for the particular role. In doing so we will form a balanced judgement, having regard to such factors as:

- the person's age at the time of the offence;
- how long ago the offence took place;
- whether it was an isolated offence or part of a pattern of offending;
- the nature of the offence;
- its relevance to the post or position in question;
- what else is known about the person's conduct before and since the offence
- what protective measures (if any) could be put in place.

Data Protection

The information declared or disclosed by the DBS or an individual will be treated in compliance with data protection regulations. For more information please see our policy on DBS: Data Handling.

Related information

- Recruitment and Induction Policy
- DBS data handling Policy
- UK Government DBS Code of Practice
- Legislation/ guidance on Rehabilitation of Offenders Act 1974
- Regulations/ guidance on Police Act 1997 (Criminal Records)

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Review

This policy is reviewed and approved by the Board of Directors every three years, or more frequently where updates are required due to changes in legislation, guidance or good practice.