



The Coroners' Courts
Support Service
Here for you

RECRUITMENT OF EX-OFFENDERS POLICY

A guide on the recruitment of ex-offenders



The Coroners' Courts Support Service (CCSS) Recruitment of Ex-offenders Policy

As a charity we have a duty of care to our staff, volunteers, service users and stakeholders. For certain roles, an applicant or an employee/volunteer will be asked to undertake a Disclosure and Barring Service (DBS) check.

In compliance with the [DBS Code of Practice](#), the CCSS treats all applicants for employment or volunteering roles who have a criminal record fairly and does not discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

This policy exists to:

- ensure that the CCSS's recruitment processes consider the suitability of an applicant for a role on the basis of their criminal record where appropriate
- ensure that no one is in a role from which they are barred
- ensure that all applicants and subjects of a criminal record check are treated fairly and not unfairly discriminated against on the basis of conviction or other information revealed.

Scope

This policy applies to the recruitment of all employees, volunteers (including trustees), contractors and the those involved in the delivery of the CCSS National Helpline.

A copy of this written policy is available to employees and volunteers.

All applicants required to undertake a DBS check are given a copy of this policy at the start of the recruitment process.

Legislation

The Rehabilitation of Offenders Act 1974 is the main piece of legislation regulating the disclosure of criminal records (ROA 1974).

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the Exceptions Order) lists roles under which employers can require disclosure of spent convictions.

The Exceptions Order was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 from 29 May 2013 (the Exceptions Order 2013).

The Police Act 1997

The Police Act 1997 (Criminal Records) Regulations 2002

The Data Protection Act 2018

The General Data Protection Regulation

Safeguarding Vulnerable Groups Act (SVGA) 2006

Protection of Freedom Act 2012

Revised Code of Practice for DBS Registered Persons 2015

Procedures

The CCSS will only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested, the CCSS will only ask an individual about convictions and cautions that are not protected from disclosure.

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 or on the completion of the volunteer training.

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

The CCSS ensures that staff involved in the recruitment process and in assessing the relevance and circumstances of the offences, act in accordance with the relevant legislation relating to the employment of ex-offenders.

The CCSS makes every subject of a criminal record check submitted to DBS, aware of the existence of the [DBS Code of Practice](#) and makes a copy available on request.

The CCSS undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment or a volunteering role.

Data Handling

The CCSS complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. The CCSS maintains a record of all those to whom disclosures or disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Once a recruitment (or other relevant) decision has been made, the CCSS does not keep certificate information for any longer than is necessary. Necessary retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

DBS details are kept on file along with other volunteer and HR records. They are securely destroyed in line with other record retention periods eg 2 years after leaving for fully trained volunteers, one year for other potential applicants.

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

DBS certificates are stored on our CRM system a secure cloud and access is restricted to the director and staff who have a genuine need to know.

DBS details of trained volunteers will also be on uCheck our registered DBS processing partner which is accessible to staff who have a genuine need to know and the director.

Once the retention period has elapsed, the CCSS will ensure that any DBS certificate information is immediately destroyed/erased by secure means.

A privacy notice for job and volunteer applicants can also be provided to individuals during the recruitment process to communicate the CCSS's compliance when carrying out these checks, and explain how data will be used.

Carrying Out Criminal Record Checks

The CCSS recognises Section 184 of the Data Protection Act 2018 prohibits organisations from requiring individuals to disclose their criminal record through a subject access request as a condition of their employment or volunteer offer, that is, from making an enforced subject access request.

The CCSS asks you about any unspent convictions as part of our duty of care. A criminal conviction will not necessarily prevent you from becoming a volunteer or employee; the decision will depend on the type of offence and its relevance to the volunteering role. If you do have any unspent convictions, we ask you to discuss this with the CCSS member of staff at the interview stage.

At interview, or in a separate discussion, the CCSS 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 or volunteer role.

DBS Update Service - DBS certificates only contain correct information as at the date of issue; for example, if a conviction is imposed one week after the DBS certificate is issued, this will not be disclosed to the organisation.

The CCSS requests all volunteers and staff to subscribe to the DBS Update Service. The online service allows the CCSS to carry out a free online check on the employee/volunteer, with their consent, to determine whether there is any updated information to take into account since your previous DBS certificate was issued.

The DBS Update Service avoids the risk of the CCSS relying on information contained in a previous DBS check by allowing criminal record and barring information in relation to that individual to be frequently updated against the Police National Computer.

The CCSS will actively promote 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. All candidates will be selected for interview based on their skills, qualifications, experience and suitability, and appointments will be made on merit.