

St. Mary the Virgin, Bathwick, Bath

Policy Statement on the Recruitment of Ex-Offenders

Introduction

This policy statement applies to all recruitment and selection processes where the PCC is the employer or recruiter.

It applies to all roles where the Church of England's Safer Recruitment Policy indicates that a DBS check is required.

Principles

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. A copy of the Code of Practice can be found at:

<https://www.gov.uk/government/publications/dbs-code-of-practice>

Information regarding conviction information

Within current legislation certain old and minor cautions and convictions are no longer subject to disclosure.

In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

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, as will all convictions where an individual has more than one conviction recorded.

Further guidance is available from the Disclosure and Barring Service regarding the filtering of old and minor cautions and convictions which are now 'protected' and therefore not subject to disclosure to employers.

<https://www.gov.uk/government/publications/dbs-filtering-guidance>

Statement for the Parish of St Mary the Virgin, Bathwick

- 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 Parish of St Mary the Virgin, Bathwick complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- We, the Parish of St Mary the Virgin undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- We will 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 will only ask an individual about convictions and cautions that are not protected.
- We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

- 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. We select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to the DBS after a 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, the application pack will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- All volunteers and applicants, who are provided with a conditional offer of employment, will be required to complete a Confidential Declaration Form as part of their pre-employment checks. The Confidential Declaration Form, in broad summary, asks if there is any reason why he/she should not be working with children and adults experiencing, or at risk of abuse or neglect. Should a volunteer or applicant not wish to complete the Confidential Declaration, which is entirely his/her choice, the application will not proceed further and will be terminated.
- Having a criminal record may not necessarily be a bar to working with children or adults experiencing, or at risk of abuse or neglect. Any information provided on either a Confidential Declaration Form or a DBS certificate will be assessed by the Diocesan Safeguarding Adviser to assess whether an appointment can be made.
- We, the Parish of St Mary the Virgin, ensure that those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences or are aware of whom to seek guidance from, which will normally be the Diocesan Safeguarding Adviser. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, eg the Rehabilitation of Offenders Act 1974
- 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.
- We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. Where a DBS check reveals convictions that may be relevant, we reserve the right to employ an individual subject to a risk assessment and a risk management plan being put in place. Failure to accept the outcomes of the risk assessment or abide by the risk management plan could result in employment not being offered or the employment being terminated.

This policy was agreed at the Parochial Church Council meeting held on27.05.2025.....