Adopted in Oct 22

The policy is to be reviewed in Jan 25

The person responsible for reviewing the policy is: NR

**Policy on the Recruitment of ex offenders**

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants’ suitability for positions of trust, SkyWay Charity complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

SkyWay undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed. SkyWay is committed to the fair treatment of its staff and volunteers, potential staff and volunteers or users of its services, regardless of age, race, colour, nationality or ethnicity, physical appearance, gender, faith or religious belief, political opinions, background, sexual orientation, relationship or marital status, pregnancy or maternity situation, 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 an interview based on their skills, qualifications and experience. This policy on the recruitment of ex-offenders is made available to all potential DBS applicants at the outset of the recruitment process. A DBS check is only requested when, as a result of internal examination by trained staff, one has been indicated as being both proportionate and relevant to the position concerned. For those positions where a DBS check is required job adverts and person specifications will contain a statement that a DBS check will be requested in the event of the individual being offered the position. If you have lived outside the UK for a period of 6 consecutive months or more within the last 5 years, you 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 website.

Where a DBS check is to form part of the recruitment process, we encourage all applicants to provide details of their criminal record at the interview stage of the recruitment process.

We request that this information is brought to the interview in a sealed envelope, we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

SkyWay will only ask for information about offences that we are entitled to know about. After May 2013, the DBS removed certain specified old and minor offences from criminal record certificates issued from that date. This process is known as filtering. A ‘protected’ caution or ‘protected’ conviction that is eligible for filtering will automatically be removed from DBS checks. It is important that applicants know whether an offence is protected to ensure information is not disclosed whilst making a self-declaration if, legally, it is not required.

Whenever the need arises, we will ensure that those in SkyWay who are involved in the recruitment process receive appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974. 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 DBS check with the person seeking the position before withdrawing a conditional offer of employment.

The [Criminal Justice and Court Services Act 2000](http://www.legislation.gov.uk/ukpga/2000/43/contents) makes it a criminal offence for anyone to seek or accept work in a regulated position knowing that they are barred from working with children; and for an employer to offer work to, or employ a person in a regulated position knowing that the person is barred from working with children.

SkyWay will follow relevant DBS guidance if a Disclosure reveals information that a candidate has not revealed as part of the selection process.

The information declared or disclosed by the DBS or an individual will be treated in compliance with data protection regulations .

Relevant guidance

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

Filtering rules - [Filtering rules for DBS certificates - GOV.UK](https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates)

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Checks for overseas applicants: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>