

# **Enterprising Opportunities Ltd**

## **CRIMINAL RECORDS POLICY**

### **Scope and Purpose of Policy**

This policy outlines the organisation's approach to the recruitment of staff with criminal convictions, the use of criminal record checks and the storage and use of information on convictions disclosed by the Criminal Records Bureau (CRB). The policy applies to all staff and should be completed at the outset of the recruitment process where a CRB request for disclosure of their criminal record will be required as part of the application process.

### **Criminal Records Check Policy Statement**

Enterprising Opportunities will:

1. Ensure 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.
2. Comply with the law, use the Criminal Records Bureau (CRB) Disclosure Service to obtain information, to enable it to assess the suitability of applicants for employment in positions of trust.
3. Comply fully with the CRB code of practice and not discriminate unfairly against any subject of a CRB disclosure on the basis of conviction or other information revealed. Having a criminal record will not necessarily bar an applicant from working for the organisation as the nature of a disclosed conviction and its relevance to the post in question will be considered first.
4. Comply with the CRB code regarding the secure storage, handling, use, retention and disposal of CRB disclosures and disclosure information and with its obligations under the Data Protection Act 1998.

### **Appointments Requiring a CRB Disclosure and Recruitment of Ex-Offenders**

All new and existing employees will be requested to submit to a CRB disclosure request and will be made aware of the CRB Code of Practice. It is the company policy to require all applicants to disclose all criminal convictions, both 'spent' and 'unspent', as they will be working with vulnerable adults in positions of trust. As a care organisation, Enterprising Opportunities is exempt from the Rehabilitation of Offenders Act 1974, which means that convictions, cautions, reprimands and warnings must be disclosed.

Where a conviction has been disclosed in an individual's application for a post with the organisation, a discussion will take place at the end of the interview regarding the offence and its relevance to the position. The Registered Manager and/or Responsible Person will make the final decision on whether or not the job offer is withdrawn based on a risk assessment.

Failure to reveal information relating to convictions could also lead to withdrawal of an offer of employment.

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Enterprising Opportunities complies fully with the CRB 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 a conviction or other information revealed.

Enterprising Opportunities is committed to the fair treatment of its staff, potential staff or users of its 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.

A Disclosure is only requested after a thorough 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 Enterprising Opportunities and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows Enterprising Opportunities to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in Enterprising Opportunities who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We 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.

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

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

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

## **Secure Storage, Handling, Use, Retention and Disposal of Criminal Record Bureau Disclosures and Disclosure Information**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, Enterprising Opportunities complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

### **Storage and access**

Disclosure information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **Handling**

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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **Usage**

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

### **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

### **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## **Acting as an Umbrella Body**

Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of other employers or recruiting organisations), we will take all reasonable steps to ensure that the organisation on whose behalf we will be acting can comply fully with the CRB Code of Practice. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy. We will also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model for that body or individual to use or adapt for this purpose.

**Last updated:** October 2006