



## Citizens Advice – Hart District Limited

### Criminal records and convictions: Personnel recruitment policy

Ownership:	Chief Officer and Trustee People Lead
Date Issued:	This policy was approved by the Board on 24 <sup>th</sup> July 2024
Version (Y.M)	2024.07
Review date of policy:	Next review date is July 2027
Review frequency:	3 years
Review Notes	New policy in line with CA intranet updated guidance/template dated 04/04/2024. This replaces previous Ex-Offenders policy.
Is training required/provided?	
How is this policy made available?	Available on Trustee SharePoint site and Office Manual to all staff, volunteers & Trustees. Daily briefing reminders. Email alerts when policies are amended.
Evidence of use?	Refer recruitment process and documentation.

## Background

This policy applies to recruitment in all roles (staff, volunteer and trustee) at Citizens Advice Hart which will be referred to in this policy as “the local Citizens Advice” or “We/Us”.

This policy covers only recruitment checks in relation to convictions and criminal records. This policy covers all roles, including roles that are not eligible for a Disclosure and Barring Service (DBS) check, or only eligible for a basic DBS check. There is a separate policy ([DBS Policy](#)) if the role applied for requires a standard or enhanced DBS check which we’ll share with you if the role requires this.

We also conduct separate recruitment checks (conflict of interest, references, ID) dependent on role applied for, which we outline in the recruitment procedure/application form, and additional checks for trustee roles.

## Our approach

We have a service-wide commitment to equity, diversity and inclusion and we recognise the value that people with criminal records can bring to our service. This policy is in place to make sure that skills, experience and potential of applicants is the basis for recruitment.

Having a conviction or criminal record is not, in itself, a bar to volunteering with us. This is with the exception of offences against vulnerable adults and children (explained in the next section).

Some jobs with our organisation are covered by the Rehabilitation of Offenders Act 1974, which means that job applicants for these jobs cannot be treated unfavourably because they have a spent conviction. We will not automatically refuse to employ someone just because they have a previous criminal conviction

With all other offences, we will consider this on a case by case basis and we will take into account a range of factors such as: whether the offence is relevant to

the role applied for, the seriousness of any offence revealed, the age of the applicant at the time of the offence(s), the length of time since the offence(s) occurred, whether the applicant has a pattern of offending behaviour, the circumstances surrounding the offence(s), and the explanation(s) provided, whether the applicant's circumstances have changed since the offending behaviour.

We will ask about convictions and criminal records after we've made a conditional offer for a role. The application form includes contact details in case applicants wish to contact us at this earlier stage should they want to discuss their individual circumstances at this time, but there is no requirement or expectation for them to do so.

## Barred offences

For any roles (regardless of whether the role requires a DBS check), it is Citizens Advice policy not to recruit individuals who have an unspent conviction for a sexual offence against a vulnerable adult or child. This is the case regardless of when the offence took place. Citizens Advice public liability insurance excludes this.

For roles that require a standard or enhanced DBS check, it is our policy not to recruit individuals with a spent or unspent conviction for a sexual offence against a vulnerable adult or child. We will have notified applicants during the application process and at the interview, if a standard or enhanced DBS check is required.

## What convictions we ask about

If the role applied for does not require a DBS check, or only a basic DBS check, we will ask only about **unspent** convictions.

If the role applied for requires a Standard or Enhanced DBS check (for example, for roles working directly with clients in services targeted at vulnerable adults or children) we will ask about **spent and unspent** cautions and convictions (unless they are eligible for removal (often referred to as filtered or protected - see More Information section at the end of this policy)).

## How we will ask about convictions

If the applicant is successful at interview we will offer them the role, on the conditions that:

- they complete a Criminal record self-disclosure form and that it does not raise legitimate concerns for us
- that the information provided on the DBS check (if the role requires a DBS check) does not raise legitimate concerns for us

Depending on the type of role that an applicant applies for, we will ask them to complete form A, or form B.

**Form A:** [Criminal record self disclosure form A](#) for roles covered by the Rehabilitation of Offenders Act (ROA). We will give applicants this form **if the role does not require a DBS check or only requires a basic DBS check**. This form requires applicants to disclose **unspent offences only**.

**Form B:** [Criminal record self disclosure form B](#) for roles exempt by the Rehabilitation of Offenders Act (ROA). We will give applicants this form **if the role requires a Standard or Enhanced DBS check**. The form requires applicants to **disclose unspent and spent offences** (except any that are filtered).

Once the relevant form has been completed by the applicant, we can then progress the application.

It's important that applicants provide accurate information when completing the Self Disclosure Form. Withholding information when requested is sufficient grounds to withdraw an offer of, or to discontinue a role.

## What happens next

If an applicant has completed **Self Disclosure Form A** and disclosed any **unspent convictions**, or if an applicant has completed **Self Disclosure Form B**

and disclosed any **spent or unspent convictions**, we will follow the following process:

1. Check for any automatic bars
2. Risk assessment
3. Notifying insurance brokers (where relevant)
4. Letting applicant know

## 1. Check for any automatic bars

**If the Self Disclosure Form A or B includes any unspent sexual offences against a child or vulnerable adult** (as mentioned previously) these are an automatic bar, regardless of when they took place. We will confirm that applicants are unable to undertake any role with us and we will not continue with the DBS check.

**If the Self Disclosure Form B includes any spent convictions for a sexual offence against a child or vulnerable adult**, we will proceed with the Standard, Enhanced, or Enhanced with child and/or adult barred list DBS check process with the applicant and see that the offence is displayed on the DBS certificate before considering withdrawing an offer or exploring appropriate alternative roles that do not require Standard or Enhanced DBS and barred lists.

## 2. Risk assessment

If either the criminal record self-disclosure form or DBS certificate reveal information about **unspent for form A (or spent and unspent for form B)** we might arrange a meeting to discuss any concerns, we might have about an applicant's suitability for the role. We will ensure respectful and constructive conversation with applicants.

Unsuitability could mean that the nature of an offence conflicts with the role being applied for, or more generally with the ability to deliver services to clients, or with the values of the Citizens Advice service which include championing equity, diversity and inclusion.

Such offences could include, but are not limited to, cruelty to, or neglect of, children or vulnerable adults, including financial abuse, sexual offences against someone who is not a child or vulnerable adult, any hate crime or assault (based on race, gender, religion, sexual orientation and so on), criminal damage or a pattern of violent offences including Grievous Bodily Harm.

We will complete an individual risk assessment in order to make an informed decision about whether we can go ahead with the conditional offer of the role. As part of this risk assessment, we will consider when the offence was committed, the nature of it and other relevant context, the role, and client groups involved, reputation of the service and wider insurance and risk assessment. This might also include discussing the issue with National Citizens Advice, but we will not include the applicant's personal details.

### 3. Notifying ADS, our insurance brokers

We will then notify our insurance brokers, ADS, of any applicants with **unspent offences** to ensure we can include the applicant in the cover.

Please note this will not include spent offences which insurers cannot take into account. We will share information about unspent offences as well as additional relevant information such as references, details of the offence, sentence, time served, and our risk assessment, as well as details of the procedures proposed to monitor and supervise personnel and mitigating risk.

The insurance cover provided as part of Citizens Advice membership relates to each individual in a local Citizens Advice.

As part of ensuring that cover is available, the insurers may increase the excess and reduce the indemnity, which is payable by us. We will confirm if we are able to insure the applicant before confirming the offer of a role.

In some cases, the insurers might decide that they are unable to insure, due to the nature of the unspent offence. This might include, but is not limited to: financial abuse, embezzlement or fraud, including benefit fraud, deception (for example, obtaining property by deception or identity theft), large-scale drug

dealing or importation, criminal damage or violent offences. ADS insurance brokers (and the insurers) will review all cases on an individual basis.

## **4. Notifying applicants of the decision**

### **Successful outcomes**

If we are satisfied with the outcome of the risk assessment, and where relevant, the insurers are able to confirm cover, we will confirm the offer for the role and ask if the applicant is happy to continue to join us.

We'll support individuals in anything it might be helpful to discuss to help them settle in and provide new starters with a full induction to the service and the training needed.

It might also be appropriate for us to discuss if individuals need any specific support to enable them to undertake the role, or if there are any concerns about joining us that it would be helpful to talk through.

### **Unsuccessful outcomes**

If, upon consideration and having undertaken a risk assessment, we find the applicant is unsuitable for the role, or that insurance cover is not available with our provider (if relevant), we will withdraw the conditional offer.

## **Serving prisoners and people on licence**

Without prior agreement with Citizens Advice and our insurance brokers, ADS, we are unable to recruit individuals who are serving sentences in prison, including those on day-release. This is due to potential insurance implications and reputational risk.

People serving sentences in the community (on licence) can be recruited and will be subject to the procedure outlined in this policy. We will discuss this with

national Citizens Advice and with our Insurance Brokers, ADS, who will discuss with our insurers, before proceeding with an offer.

## **How we will use, retain and share applicant information**

We collect your criminal convictions information to assess your suitability. We may also need to share the information on this form and attached document (if you have included further detail), with ADS Insurance Broker, to determine if cover is available and any additional premium or excess is required. As part of this assessment, we will provide relevant information such as an applicant's references, details of the offence, sentence, time served, and our risk assessment to ADS, as well as details of the procedures proposed to monitor and supervise personnel and mitigating risk. We process this data on the basis of substantial public interest in order to safeguard our clients against harm.

Initially we will not disclose an applicant's name, but if additional cover is required, ADS insurance brokers will refer the information to the insurers who will either grant cover with or without terms. At this stage we will provide the name of the applicant.

We have a data sharing agreement with ADS Insurance Brokers which relies on legitimate interests. We will only share information about applicants relevant to progressing an applicant's application, specifically; obtaining insurance for the applicant, as well as protecting the public from dishonesty.

You have legal rights over your data, including access to it, and the right to ask that it is corrected, restricted or deleted. If you have any questions about the use of your data, please contact Citizens Advice – Hart, Chief Officer Sam Mabbott (ceo@citizensadvicehart.org.uk)

If you are recruited for a role, we will keep the self-disclosure form for 6 months from the date of receipt. We will keep the risk assessment, and a record of the decision for 6 years following the end of your role.



If you are not recruited, we will keep the self-disclosure form for 6 months from the date of this decision. We will keep the risk assessment and record of the decision for 1 year.

If you choose to disclose this information at an earlier stage of the recruitment process (though there is no expectation or requirement for you to do so), we will use your information in exactly the same way.

[See the DBS policy for more information specifically about how we will use applicant data if the role requires a DBS check.](#)

## More information

There is more information on the Unlock website:

<https://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/> about what offences might be filtered.

Applicants can seek support from Unlock via their website:

<https://hub.unlock.org.uk/contact/>

This tool: [www.disclosurecalculator.org.uk](http://www.disclosurecalculator.org.uk) and Unlock's guidance:

<https://hub.unlock.org.uk/information/rehabilitation-of-offenders-act-1974/> can be used by applicants to find out if their convictions are unspent or spent.

If you have any concerns please contact Citizens Advice – Hart, Chief Officer Sam Mabbott ([ceo@citizensadvicehart.org.uk](mailto:ceo@citizensadvicehart.org.uk))