

# Diocese of Chelmsford Policy Statement regarding The Recruitment of Ex-Offenders

## Introduction

The Church of England's practice guidance on Safer Recruitment<sup>1</sup> requires that all parishes have a written policy statement on the recruitment of ex-offenders.

The practice guidance states:

*Applicants for paid and volunteer positions must be clear about how they will be treated if they are ex-offenders.*

This means that each Parish/PCC needs to have a statement, with this in mind the following Policy Statement is provided to be used in the churches and parishes of the Diocese of Chelmsford.

The policy below is taken from a sample statement issued by the Disclosure and Barring Service (DBS)<sup>2</sup>.

In the following Policy Statement, the term 'we' refers to any PCC, deanery or other group/organisation which formally adopts this statement.

## Policy Statement

1. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974<sup>3</sup> (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), we comply fully with the code of practice<sup>4</sup> and undertakes to treat all applicants for positions fairly
2. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
3. We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about<sup>5</sup>. 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)
4. We can only ask an individual about convictions and cautions that are not protected

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<sup>1</sup> Church of England Safer Recruitment Practice Guidance:  
[www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer\\_recruitment\\_practice\\_guidance\\_2016.pdf](http://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf) (Section 2.3, July 2016)

<sup>2</sup> DBS Sample Policy: [www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders](http://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders)

<sup>3</sup> Full text available here: [www.legislation.gov.uk/ukpga/1974/53](http://www.legislation.gov.uk/ukpga/1974/53)

<sup>4</sup> DBS Code of Practice: [www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice)

<sup>5</sup> 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.

5. We are committed to the fair treatment of staff, potential staff or users of its services, regardless of race, gender, religion<sup>6</sup>, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background
6. We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
7. 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
8. We select all candidates for interview based on their skills, qualifications and experience
9. An application for a criminal record check is only submitted to DBS after a thorough 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, 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
10. We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offence (see below regarding Responding to DBS Disclosures & Information)
11. 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
12. 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
13. We make every subject of a criminal record check submitted to DBS aware of the existence of the code of practice<sup>7</sup> and make a copy available on request
14. We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## Responding to DBS Disclosures & Information

The Church of England's practice guidance on Safer Recruitment<sup>8</sup> states clearly that the Diocesan Safeguarding Adviser (in the Diocese of Chelmsford this means that contact must be made with the Safeguarding Team) must be informed when there are disclosures

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<sup>6</sup> See Appendix 1 for information about Genuine Occupational Requirements (GOR).

<sup>7</sup> DBS Code of Practice: [www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice)

<sup>8</sup> Church of England Safer Recruitment Practice Guidance:  
[www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer\\_recruitment\\_practice\\_guidance\\_2016.pdf](http://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf) (Section 2.3, July 2016)

of cautions, convictions, reprimands or police intelligence in order to ensure that the relevance of the offences and associated risk are assessed.

*4.4. The disclosure will be passed to the Diocesan Safeguarding Adviser for a risk assessment. The Diocesan Safeguarding Adviser is qualified to identify and assess the relevance and circumstances of offences and the risk. If the issues are complex he or she will ask for assistance from the Local Safeguarding Children or Adults Safeguarding Board. In very complex cases the advice of an independent specialist may be required. The Diocesan Safeguarding Adviser will make a recommendation concerning the suitability of the applicant to the person responsible for the appointment in line with the diocese's local arrangements. Should the applicant not wish the confidential declaration and / or the criminal record disclosure to be seen, which is entirely his / her choice, the application must not proceed further and must be terminated.*