

Safer Recruitment Policy and Procedure (website version)

Introduction

The Rehabilitation of Offenders Act 1974 (ROA)

The Rehabilitation of Offenders Act 1974 (England and Wales) exists to ensure that people with criminal records who have not re-offended for a period of time since their conviction are not discriminated against when applying for jobs.

This Act enables some criminal convictions to become 'spent', or ignored, after a rehabilitation period. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, a person with a criminal record is not normally obliged to mention their conviction when applying for a job.

Due to the nature of our work, some positions at akt are exempt from the Acts meaning they qualify for DBS (Disclosure and Barring Service) checks. These checks provide access to sensitive criminal record information about candidates. When using the DBS Service to assess applicants' suitability for positions of trust, akt must comply fully with the relevant legislation and DBS Code of Practice and treat all applicants for positions fairly.

Our commitment

akt is committed to the fair treatment of its staff, potential staff, volunteers or users of its services and will not discriminate against anyone on the grounds of their protected characteristics or offending background. We actively promote equity of opportunity for all, and we welcome applications from candidates with criminal records.

Having a criminal record will not in itself prevent an individual from working or volunteering with akt. It will depend on the nature of the position and the nature and background of the offence(s).

We will select candidates for interview based on their skills, qualifications, and experience.

Where a DBS check is required (due to the nature of the role and access to young people), the job description or volunteer role description will state the level of check needed. This will enable anyone who objects to the vetting process, to decide to withdraw early on in the recruitment process, or to discuss any concerns prior to applying.

Following the selection process, any offer of employment or volunteering for a role that is exempt from the Act, will state that the offer is conditional upon the receipt of a satisfactory DBS check relevant to the requirements of the role.

Further information and advice on DBS checks can be found [here](#).

Our DBS check requirements

The requirement for a DBS check and the level of any check will vary dependent upon the role and access to young people.

An Enhanced DBS is only requested once an assessment of the role (carried out by Disclosure Services at our request), has shown that a check is both proportionate and relevant to the position concerned.

To prevent discouraging applicants with a criminal record from applying for roles at akt, we will not ask applicants to declare any convictions on our application form. We will only seek disclosure on criminal offenses post-offer and when the role is eligible for an Enhanced DBS check.

To protect vulnerable groups such as children and young people, staff and volunteers are exempt from the ROA for roles involving regular work with these groups. For these roles, we will ask for disclosure of spent and unspent convictions via a self-disclosure form and a DBS check post-offer.

If any spent or unspent convictions are disclosed, the matter will be assessed by appropriate members of akt's Safer Recruitment Panel so that a decision on their suitability for the role can be made.

In cases where akt are offering work or placements through an agency or placement provider who already carry out their own DBS checks, if the provider does not carry out the level of checks appropriate for the work they will be doing with akt or is able to evidence the check, we will request

our own DBS check. In some cases, the individual may not be able to work for akt or may be given duties which do not involve work with young people, until a check has been completed that meets the requirements of the role.

Summary of how these checks are applied at akt

Role	Types of roles at akt	Reason for check
Basic	None at present	n/a
Standard	None at present	n/a
Enhanced check without Barred List check	Trustee Chief Executive Deputy Chief Executive	These roles do not work directly in 'regulated activity' with children and adults but manage/have responsibility for role holders who do.
Enhanced check with access to Child Barred List	Staff: Youth Engagement Managers, Youth Engagement Coordinators, Youth Engagement Workers. Volunteers: Mentors, services volunteers in young people facing roles (e.g. youth engagement)	These are eligible for enhanced + barred list as they are working in 'regulated activity' with children (see below)
Enhanced check with access to adult Barred List and Child Barred List	Staff: Caseworkers, Services Managers, Director and Assistant Director of Services.	These are eligible for enhanced + barred list as they are working in 'regulated activity' with children and adults (see below)

More information about types of DBS checks can be found [here](#).

Our DBS check procedure

When a DBS check is required, the applicant will be asked to provide 3 pieces of ID from the list [here](#) to either the Volunteer Programme Manager or the People Officer.

The following process then takes place:

- The applicant is sent a link to the Disclosure Services website to complete their name and address history and input the information about the ID they have sent us.
- The Volunteer Programme Manager or the People Officer will log in to approve.
- We are notified when the check has been processed and told whether we need to see any further disclosure details on the paper form.
- Applicants will also be sent a self-disclosure form to complete whilst their DBS check is being processed. The purpose of this is to provide an opportunity for the applicant to share the nature of any offenses in their own words and not to test the candidate's honesty and integrity.

We advise all applicants how to apply through the [sensitive applications route](#). This gives trans and non-binary applicants the choice not to have any gender or name information disclosed on their DBS certificate, which could reveal historical details relating to their identity.

Update Service

For candidates who are already registered on the Update Service prior to joining us, we can accept existing checks without having to process a new check ourselves (as long as the check is at the relevant level for the role.)

Decision making when a criminal record is disclosed/identified

Only convictions relevant to the role that someone has applied for may be taken into consideration. Past convictions which were spent a long time ago and which would not impact on an individual's ability to perform a role competently and safely, must not bar someone from a position at akt. However, the relevance of how much time has passed, the nature of the conviction and whether there have been repeated offences will need to be considered.

In cases where an applicant's criminal record has been disclosed or identified which has highlighted offences which may affect an offer of employment, it will be necessary for the applicant to provide, in person, their DBS certificate. Appropriate members of the Safer Recruitment Panel will assess the matter. This panel is: Director of Services, People Manager,

Volunteer Programme Manager and Director of People and Operations. Two panel members that are independent of the recruitment process will assess on a case-by-case basis.

The panel members will identify and assess the relevance and circumstances of the offences and consider the relevant legislation relating to the employment of applicants with a criminal record, e.g., the Rehabilitation of Offenders Act 1974, Rehabilitation of Offenders Order 1978.

Where necessary, the panel members will arrange a discussion with the applicant to understand the offences in more detail. It is important that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

The relevance of convictions will be judged against the following criteria:

- The seriousness of the offence and its relevance to other employees and young people
- The length of time since the offence occurred
- Whether the offence was a one-off or part of a history of offending
- Circumstances which led to the committing of the offence
- Whether the applicant's personal circumstances have since changed
- The country in which the offence occurred
- Decriminalisation and steps taken to rehabilitate

Candidates who fail to reveal information that is directly relevant to the role could lead to withdrawal of an offer of employment or volunteering if such details come to light as part of the DBS check, but a thorough discussion must take place first before any offer is withdrawn.

Following the discussion, the panel will notify the candidate of their decision, explaining the reasons for this. If appropriate, the offer of employment will be withdrawn in writing.

If, following the discussion, akt is satisfied that the criminal offenses do not warrant the withdrawal of an offer of employment, the candidate will be notified and a start date agreed.

Handling data relating to criminal records

Any self-disclosure responses completed Criminal Record Assessments and copies of any paper DBS certificate taken (having seen the original in person) will be saved securely internally and will only be accessible by appropriate members of management within the People team and Safer Recruitment panel (where necessary).

This data will be stored for no longer than the recommended retention period of 6 months.

Any data provided to Disclosure Services for the purposes of a DBS check will be managed by them in line with their [Privacy Notice](#).