

# The Newcastle upon Tyne Hospitals NHS Foundation Trust

## Employment Policies and Procedures

### Policy Statement on the Recruitment of Ex-Offenders

Version No.:	4.0
Effective From:	03 June 2020
Expiry Date:	03 June 2023
Date Ratified:	09 March 2020
Ratified By:	Heads of HR

1. As an organisation using the Disclosure and Barring Service (DBS) to assess candidates' suitability for positions of trust, the Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of convictions, or other information revealed.
2. The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age, disability, race, nationality, ethnic origin, sex, sexual orientation, religion and belief, gender identity/expression, marriage and civil partnership or pregnancy and maternity.
3. This policy statement on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process.
4. Equality of opportunity is actively promoted. Candidates for interview are selected based on their knowledge, skills, qualifications and experience, not offending background.
5. A DBS check 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 DBS check is required (including volunteers), all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
6. Where a DBS check is part of the recruitment process, applicants are required to provide details of their criminal record on their application form and on a separate Declaration Form. Any details provided are seen only by those who need to see them as part of the recruitment process.
7. If a post is exempt from the Rehabilitation of Offenders Act 1974, the Trust will ask for details of "spent" and "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. If the position is not exempt from the Act, the Trust will ask for details of "unspent" convictions only.
8. Staff involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. They have also

received appropriate guidance and training in relevant employment legislation, including the Rehabilitation of Offenders Act 1974.

9. Failure to disclose any relevant information could lead to the withdrawal of an offer of employment.
10. Individuals that are subject to a DBS check are made aware of the existence of the DBS Code of Practice and a copy is provided on request.
11. Any matter revealed in a DBS check is considered carefully by the Trust and discussed with the individual concerned. Should the matter make the individual unsuitable for the position, any conditional offer of employment will be withdrawn. If the individual is an internal applicant and, therefore, already employed by the Trust, the person's suitability for remaining in employment will be considered which may include application of the Trust's Disciplinary Procedure.
12. Should any information come to light during an individual's employment with the Trust, this may also cause the individual's suitability to remain in their current post be to reassessed and if appropriate, the individual may be subject to the Trust's Disciplinary Procedure.

**Having a criminal record will not necessarily bar an applicant from working for the Trust.** This will depend on the nature of the position and the circumstances and background of the offence(s).

**Equality Analysis Form A**

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

**PART 1**

1. **Assessment Date:**
2. **Name of policy / strategy / service:**
3. **Name and designation of Author:**
4. **Names & designations of those involved in the impact analysis screening process:**
5. **Is this a:** Policy  Strategy  Service   
**Is this:** New  Revised   
**Who is affected** Employees  Service Users  Wider Community
6. **What are the main aims, objectives of the policy, strategy, or service and the intended outcomes?** *(These can be cut and pasted from your policy)*
7. **Does this policy, strategy, or service have any equality implications?** Yes  No
- If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:**

## 8. Summary of evidence related to protected characteristics

Protected Characteristic	Evidence, i.e. What evidence do you have that the Trust is meeting the needs of people in various protected Groups	Does evidence/engagement highlight areas of direct or indirect discrimination? If yes describe steps to be taken to address <i>(by whom, completion date and review date)</i>	Does the evidence highlight any areas to advance opportunities or foster good relations. If yes what steps will be taken? <i>(by whom, completion date and review date)</i>
<b>Race / Ethnic origin (including gypsies and travellers)</b>	Equality of opportunity is actively promoted. Candidates for interview are selected based on their knowledge, skills, qualifications and experience.	No – of the applications withdrawn due to a conviction, 3/4 were White British.	
<b>Sex (male/ female)</b>	As above	No – of the applications withdrawn due to a conviction, 3/4 were female.	
<b>Religion and Belief</b>	As above	No – of the applications withdrawn due to a conviction, all (except one stated as 'other') were Christian	
<b>Sexual orientation including lesbian, gay and bisexual people</b>	As above	No of the applications withdrawn due to a conviction, all were heterosexual	
<b>Age</b>	As above	No	
<b>Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section</b>	As above	No	
<b>Gender Re-assignment</b>	As above	No	
<b>Marriage and Civil Partnership</b>	As above	No	
<b>Maternity / Pregnancy</b>	As above	No	

## 9. Are there any gaps in the evidence outlined above? If 'yes' how will these be rectified?

No

## 10. Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.

Do you require further engagement?    Yes     No

11. **Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?)**

No – candidates are selected on their knowledge, skills, qualifications and experience, not offending background

## **PART 2**

**Name:**

Natalie Cowan

**Date of completion:**

8/1/2020

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)