

THE ABBEYFIELD FERRING SOCIETY LTD POLICY & PROCEDURE/GOOD PRACTICE GUIDELINES

Policy Ref:	AF023	Effective date:	March 2019
Owner:	Abbeyfield Ferring Society	Review date:	March 2020

Title:	Employment of Ex-Offenders and Offenders Policy
1. Background	This policy covers every potential employee and current employee with The Abbeyfield Ferring Society.
2. Objectives	The aim of this policy and procedure is to explain clearly and simply the rules and guidelines concerning Recruitment of Ex-Offenders and employment of Offenders.
3. Scope	<p>As an organisation using the Disclosure and Barring Service (DBS) to assess an applicant's suitability for positions of trust and which are included in the Rehabilitation of Offenders Act 1974 (exceptions) Order.</p> <p>The Abbeyfield Ferring Society complies fully with the D&B Code of practice published under section 2 of The Police Act 1997 and undertakes to treat all applicants fairly. The Abbeyfield Ferring Society does not discriminate unfairly against any subject of disclosure on the basis of a conviction or other information revealed.</p> <p>The Abbeyfield Ferring Society is committed to the fair treatment of all employees; potential employees and users of its services regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.</p> <p>Definition: For the purposes of this Policy the following definitions shall apply:</p> <p><u>Ex-Offender</u> <i>Applies for the purpose of this Policy to prospective employees. It is defined as a person who has been convicted of a crime or has been subjected to an Order and is covered under the Rehabilitation of Offenders Act 1974.</i></p> <p>All cautions and convictions eventually become spent, with the exception of prison sentences of over 30 months (2 ½ years).</p> <p>Once a caution or conviction has become spent under the Act, the ex-offender does not have to reveal it or admit its' existence in most circumstances. There are some exceptions which the prospective employee must disclose should an exception apply and prospective employee(s) are asked for more details of all cautions or convictions.</p> <p>An employer cannot refuse to employ someone (or dismiss someone) because they have a spent conviction unless an exception applies.</p> <p>The exceptions where you may have to declare spent cautions and convictions are listed on the Rehabilitation of Offenders Act 1974 (exceptions) Order.</p>

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Sentence / Disposal	Rehab period for adults aged 18 and over	Rehab period of young people aged 18 years and under
Imprisonment / detention in YOI for 30+ months	Never	Never
Imprisonment / Detention in YOI	10 years	5 years
Imprisonment up to 6 months	7 years	3.5 years
Fine	5 years	2.5 years
Community Sentence	5 years	2.5 years
Conditional Discharge	Period of Order or minimum 12 months	Period of Order or minimum 12 months
Absolute Discharge	6 months	6 months
Conditional Caution	3 months	3 months
Caution, Reprimand or Final Warning	Spent immediately	Spent immediately
Compensation Order	On discharge of the Order (when paid in full)	On discharge of the Order (when paid in full)
Supervision Order	N/A	Period of Order or minimum 12 months
Bind Over	Period of Order or minimum 12 months	Period of Order or minimum 12 months
Attendance Centre Order	One year after expiry Order	One year after expiry Order
Hospital Order	Five years or a period of two years after expiry of Order	Five years or a period of two years after expiry of Order

Rehabilitation of Offender Act 1974 (Exceptions) Order

Any work defined as regulated activity relation within the meaning of the Safeguarding Vulnerable Groups Act 2006.

Any work defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006.

Any work defined as “work with adults” in regulation 5B of The Police Act 1997 (Criminal Records) Regulations 2002.

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	<p>Any office or employment which is concerned with the provision of care services to vulnerable adults.</p> <p><u>Offender</u> <i>Applies to a current employee who commits an offence (or offences) is convicted of an offence (or offences) or is subject to an Order being placed upon them whilst in the employment of Abbeyfield Ferring Society.</i></p>
4. Policy	<p>The Abbeyfield Ferring Society actively promotes equality of opportunity for all with the appropriate experience, qualification and skills. The Abbeyfield Ferring Society welcome applications from a varied range of candidates including those with criminal records. Selection for interview is based on the skills, qualifications and experience of the candidate. Interviewees are asked the same questions and selection is based on the point scoring used in the interview. All candidates are welcome to request feedback after their interview. This request should be addressed to the Chief Operations Officer.</p> <p>Vetting and Barring Disclosure is a requirement for all employees working at The Abbeyfield Ferring Society and is a Compliance criterion for Care Quality Commission (CQC). All advertisements; Application Forms; Job Descriptions; Person Specs contain a statement that Disclosure and Barring check is a condition of employment with The Abbeyfield Ferring Society in the event that an applicant is offered employment. We encourage all applicants who are invited for interview to provide details of their criminal record at an early stage in the selection process and request that any such information is sent under separate, Private & Confidential cover to the Chief Operations Officer as detailed above and guarantee that this information is confidential and will be disclosed on a need to know basis as part of the selection process.</p> <p>The Abbeyfield Ferring Society can only ask an individual to provide of a list of convictions and cautions that we are legally entitled to know about, however if the person applying for the post is listed on the sex offenders register, this must be disclosed, should the candidate be invited for interview.</p> <p>Unless the position applied for allows those involved in the Selection process at The Abbeyfield Ferring Society to ask questions about the applicant's entire Criminal record we will only ask the applicant about unspent convictions as defined in The Rehabilitation of Offenders Act 1974.</p> <p>This policy is made available to all DBS applicants at the outset of the Recruitment Process. This Policy is made available to all employees who declare new convictions during their tenure of employment with the Abbeyfield Ferring Society.</p>

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	<p>All Managers are fully trained to identify, assess the relevance and risk assess the relevance and circumstances of offences. All individuals are made aware of the existence of the Code of Practice and where to access this information.</p> <p>The Abbeyfield Ferring Society undertakes to have an open and measured discussion with regard to any offences or other matters revealed on a DBS certificate with the individual seeking to be employed before withdrawing an offer of employment or with an employee whose status has changed before a Disciplinary process commences.</p> <p>Failure to reveal information that is directly relevant to the position sought may lead to withdrawal of an offer of employment. Failure to reveal a change in status relevant to the position held may lead to dismissal. Failure to reveal information relevant to the position being undertaken by an employee with regard to a previous or new conviction or caution may result in Instigation of Disciplinary process as laid out in the Disciplinary Policy or if it is deemed a high risk to the vulnerable people we look after may result in summary dismissal.</p>
4. Finance	None
5. Supporting Appendices	DBS Access Record
6. Linked policies	<ul style="list-style-type: none"> • DBS Policy • Recruitment and Selection Policy • Data Protection Policy • Disciplinary Policy
7. Legislation / Regulation	<p>The Rehabilitation of Offenders Act 1974</p> <p>The Equality Act 2010</p> <p>Data Protection Act 1998</p>
8. Review	Annually subject to any regulatory or legislative updates.
9. Procedure / Guidance	