

Volunteers with criminal convictions Policy (Eng Wal Scot)

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1. Introduction

1.1 This policy describes the National Deaf Children's Society's approach to the recruitment and selection of volunteers who have criminal convictions to support our work in England, Wales and Scotland. The legislation in Northern Ireland is different although we aim to adopt a similar approach in all countries of the United Kingdom.

2. Legislation

2.2 Our approach towards selecting ex-offenders as volunteers differs depending on whether the voluntary role is exempt from the provisions of the Rehabilitation of Offenders Act 1974¹, and covered by the provisions of the:

- a) Rehabilitation Of Offenders Act 1974 (Exceptions) Order 1975; or
- b) Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

2.3 We apply the principles of the Equality Act 2010 when involving volunteers in our work.

¹ The provisions in Northern Ireland are Rehabilitation of Offenders (Northern Ireland) Order 1979

2.4 To assess applicants' suitability for positions of trust, we use the services offered by:

- a) Disclosure and Barring Service (DBS) in England and Wales
- b) Disclosure Scotland – Protecting Vulnerable Groups (PVG)
- c) Access NI²

We comply fully with their Codes of Practice and undertake to treat all applicants for volunteer opportunities fairly.

2.5 This policy is made available to all potential volunteers requiring a disclosure check at the outset of the recruitment process.

3. Recruiting volunteers with criminal convictions

3.1 Given the nature of our work, it is essential we have clear and robust recruitment and selection processes in place that effectively screen volunteers. This includes managing the potential risk to the safety and well-being of children at regulated³ events, which can be different to other types of volunteering opportunity we offer. At the same time, we undertake not to discriminate unfairly against any person on the basis of a conviction or other information revealed.

3.2 We are committed to ensuring safe recruitment and selection to safeguard children and young people, as well as enabling the skills, experiences, interest and enthusiasm of volunteers to be maximised for the benefit of the organisation.

3.3 As an organisation we are committed to equality and diversity. We recognise the contribution that all people can make as volunteers and so we welcome enquiries of interest from everyone. We recognise too that many potential volunteers have criminal records and are reluctant to apply for voluntary work where this would involve the disclosure of their record.

3.4 We understand that people are often embarrassed about their cautions and convictions and/or fear they will not be treated fairly because of them. We want to reassure all applicants that if we do ask about criminal records we will handle the information you provide in confidence. Should you disclose them, we will not take into account convictions deemed spent under the Rehabilitation of Offenders Act 1974, unless the voluntary role is exempt from the Act (see section 5).

3.5 We work on the assumption that people applying for voluntary work do so to help others, meet new people, develop new skills and make a difference, and have no ulterior motive in seeking such work. With this in mind, we will wherever possible provide opportunities for people, and do so in ways that will not put you or our service users at risk.

² Volunteers recruited and living in England, Wales and Scotland may occasionally volunteer in Northern Ireland and need checks.

³ Regulated events here refers to both a) regulated work as defined by Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended), ie for DBS checks, and b) activities inspected under a regulatory framework, eg. by Ofsted

- 3.6 We select all volunteers based on their suitability to carry out the agreed tasks for a specific volunteer role. For more information, see our volunteer recruitment, selection and induction policy.

4. Disclosure of criminal convictions in all voluntary roles

- 4.1 Unless the nature of the voluntary role allows us to ask questions about a prospective volunteer's entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- 4.2 We ask all prospective volunteers to provide details of their criminal record at an early stage in the application process. If the role is exempt from the Rehabilitation of Offenders Act 1974 we will also ask for disclosure of 'spent' convictions. We request that this information is sent under separate, confidential cover, to a designated person within NDCS and we guarantee that this information will only be seen by those who need to see it as part of the selection process.
- 4.3 DBS, Access NI or PVG checks are only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the specific voluntary role. Where we decide a check is required, application forms, marketing and publicity and other information contain a statement that a disclosure check will be carried out for anyone applying for the voluntary role.
- 4.4 We make every volunteer and prospective volunteer who is subject to a DBS, Access NI or PVG check aware of the existence of the relevant Codes of Practice and make a copy available on request.
- 4.5 We will not automatically refuse to accept someone as a volunteer just because they have a previous criminal conviction, and will consider all the circumstances of both the offences disclosed and the role applied for in making a decision. Where we refuse an application for a particular volunteer role (eg. one that involves supervising children on regulated events), we may be able to offer other volunteering opportunities within the organisation.
- 4.6 At interview, or in a separate discussion, we aim to ensure that an open discussion takes place on the subject of any offences or other matters that might be relevant to the voluntary role. Failure to reveal information that is directly relevant to the voluntary role could lead to withdrawal of an offer to volunteer or withdrawal of the voluntary placement.
- 4.7 We undertake to discuss any matter revealed in a DBS, Access NI or PVG check that the legislation allows us to with the person seeking the voluntary role, before withdrawing an offer to volunteer with us.

5. Disclosure of criminal convictions in relation to voluntary roles exempt from the Rehabilitation Of Offenders Act 1974

- 5.1 For the National Deaf Children's Society, roles exempt from the Rehabilitation of Offenders Act 1974 will usually mean that the role involves working with children.

- 5.2 If the voluntary role we are seeking to fill is one covered by the Rehabilitation Of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, we will require the potential volunteer to disclose all convictions, cautions, reprimands, and final warnings (whether spent or unspent) that are not “protected” (as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) in line with current legislation.
- 5.3 However, even in these circumstances, we will not refuse to accept a particular individual unless the nature of the conviction has some relevance to the role for which they have applied (e.g. assault against children)
- 5.4 If the voluntary role is exempt, we will seek documentary evidence about that person's criminal convictions. We will seek the applicant's agreement to make a joint application to DBS, Access NI or PVG for an enhanced disclosure.

6. Recruitment Process

- 6.1 Our Volunteer Recruitment, Selection and Induction policy states⁴ that ‘the same care is taken in the recruitment of volunteers as the approach to recruiting paid staff described in the NDCS Safer Recruitment and Vetting Policy, in relation to.
- a) regulated work⁵ and
 - b) activities inspected under a regulatory framework’
- 6.2 The procedures associated with these policies include the following elements of good practice which support safer recruitment including equality of opportunity:
- a) Where appropriate, potential volunteers will be made aware of the need to obtain DBS, Access NI or PVG disclosures at all stages in the recruitment process.
 - b) Potential volunteers for roles involving contact with children (“regulated posts”) will be required to disclose all criminal convictions (whether spent or not), cautions, reprimands, final warnings that are not “protected” (as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) and any other relevant information in line with current legislation.
 - c) Where a potential volunteer has a positive disclosure they will be offered the opportunity to discuss the content of the disclosure before a decision is made whether to offer a voluntary placement. The specific details of each case will be considered on an individual basis.
 - d) The recruiting manager will undertake a risk assessment and consider actions to mitigate any risks.
 - e) A recommendation on whether to recruit a volunteer with a criminal conviction will be made by the Head of Volunteering and the recruiting manager, and then passed to the Director Children, Young People & Families for decision, final approval or rejection.

⁴ Para 1.5

⁵ As defined by Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended). See NDCS Safeguarding Policy and Guidance

- f) We will make a balanced decision on whether to offer a voluntary placement based on:
- i. the seriousness and nature of the offence(s)
 - ii. the nature of the role and whether the conviction is relevant to the voluntary role
 - iii. length of time since the offence(s) occurred
 - iv. number and pattern of the offence(s)
 - v. the applicant's age at the time of the offence(s)
 - vi. an explanation of the circumstances
 - vii. the concealment of any offence(s) at application

7. Convictions after recruitment

- 7.1 Volunteers must disclose to us any offences they are convicted of during the time they volunteer with us. When this happens, we apply the same principles and processes as outlined above in deciding whether to withdraw the voluntary placement.
- 7.2 As with initial recruitment, we will not withdraw the voluntary placement unless the nature of the conviction has some relevance to their role (e.g. assault against children)
- 7.3 A recommendation on whether to withdraw a voluntary position as a result of a new conviction will be made by the Head of Volunteering and the recruiting manager, and then passed to the Director Children, Young People & Families for decision, final approval or rejection.

8. Confidentiality

- 8.1 All information received as part of the process of recruiting volunteers with criminal convictions is regarded as confidential and complies with DBS, Access NI and PVG Codes of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.