

**Compton Hospice Limited
Compton Hospice Trading Limited
Compton Hospice Promotions Limited**

Policy 43 Rehabilitation of Offenders
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Approved by: Strategic Management & Development Committee Date of approval: April 2006 Person responsible for policy implementation and review: Director of Nursing & Education

Policy Statement on the Recruitment of Ex-offenders

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Compton Hospice complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.
- Compton Hospice is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- 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. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure 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 Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Compton Hospice and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

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- Unless the nature of the position allows Compton Hospice to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Compton Hospice who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. 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.
- 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.
- We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences

POLICY

All people convicted of an offence have the right to employment opportunities under the Rehabilitation of Offenders Act (1974) and Compton Hospice's equal opportunities policy.

Compton Hospice may need to seek information on people's criminal record in order to comply with the National Care Standards Act 2000, as amended by the Health and Social Care Act 2003. In these circumstances a criminal record will not automatically disbar someone from employment, even in sensitive positions.

Where there is a conflict between an employee's position and their criminal record discussion with the employee and with the Healthcare Commission will be required.

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PROCEDURES

All jobs and roles within Compton Hospice will be assessed. The assessment will determine the extent of risk the position holds for vulnerable adults in the care of Compton Hospice. The risk assessment will be based on the level of access to vulnerable adults, and the level of authority of the employee within the organisation. The risk assessment will make the presumption that an employee in that position is intent on harming patients in our care.

The assessment will determine that the role:

- 1) Poses no significant additional risk to vulnerable adults than if the employee was a member of the public.
- 2) Involves regular contact with vulnerable adults in our care, but not on a one to one basis. A Standard Disclosure will be sought.
- 3) Involves contact with patients, which may be on a one to one basis. An Enhanced Disclosure will be sought.
- 4) Possesses a level of authority within the organisation, which may override the senior nurse on duty and it is possible that such a nurse would feel unable to exert their authority over the person. A Standard Disclosure will be sought.
- 5) Possesses a level of authority within the organisation, which may override the senior nurse on duty and it is probable that such a nurse would feel unable to exert their authority over the person. An Enhanced Disclosure will be sought.

All risk assessments will need to be approved by the Healthcare Commission, who may over-rule the initial risk assessment made.

GUIDANCE

It is not possible to provide definitive guidance for all types of criminal record. In essence the criminal record check is designed to protect vulnerable adults in our care. There are four broad types of outcome for an employee:

- 1) There is no record (Green).
- 2) The record is not considered relevant to the work being undertaken (Yellow).
- 3) The record is considered to be of concern given the work being undertaken (Amber).
- 4) The record is extremely serious and employment in this role can not be continued (Red).

Under 1) and 2) the employment will continue without further action.

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Under 3) discussions with the following people may be required: Director of Nursing Services, the employee, the Healthcare Commission.

Under 4) the decision to cease employment will be discussed with the employee.

The main factors that will influence decisions within the amber section will be:

- 1) The seriousness of the offence
- 2) The age at which the offence was committed
- 3) The length of time since the offence was committed

In all amber cases the employee will have an opportunity to discuss the nature and circumstances of the offence.

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