**Recruitment of people with previous criminal convictions Policy (England & Wales)**

1. **Introduction**

The [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies and those in receipt of certificate information must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a caution, conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of people with previous criminal convictions; a copy of which can be given to DBS applicants at the outset of the recruitment process.

1. **Further information about caution or conviction information**

On the 28 October 2023, changes to legislation that allows ‘certain old and minor’ cautions and convictions to no longer be subject to disclosure came into force.

* Employers will no longer be able to take ‘certain old and minor’ adult cautions and ‘spent’ convictions into account when making decisions about the individual;
* all ‘unspent’ cautions and convictions, adult cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure;
* however, youth cautions, reprimands and final warnings are no longer subject to disclosure, and youth conditional cautions are no longer subject to disclosure once they are ‘spent’;
* applicants can be directed to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](https://www.gov.uk/government/collections/dbs-filtering-guidance) which are now ‘protected’, so not subject to disclosure to employers.
1. **Policy**
* This Policy applies to Vetlife staff, contractors and volunteers.
* As an organisation assessing applicants’ suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Vetlife complies fully with the [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) and undertakes to treat all applicants for positions fairly.
* Vetlife undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a caution, conviction or other information revealed.
* Vetlife can only ask an individual to provide details of ‘unspent’ cautions and convictions, as well as adult cautions and convictions which are not ‘protected’, that Vetlife are legally entitled to know about, where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations (as amended).
* Vetlife can only ask an individual about all ‘unspent’ cautions and convictions and cautions, and adult cautions and convictions that are not ‘protected’.
* Vetlife is committed to the fair treatment of its staff, volunteers, potential staff/volunteers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
* Vetlife has a written policy on the recruitment of people with previous criminal convictions which is made available to all DBS applicants at the start of the recruitment process.
* Vetlife actively promotes 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.
* Vetlife selects all candidates for interview based on their skills, qualifications and experience.
* An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
* Vetlife ensures that all those in Vetlife who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
* Vetlife also ensures that they have received appropriate guidance and training in the relevant legislation, e.g. the Rehabilitation of Offenders Act 1974, and Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended.
* At interview, or in a separate discussion, Vetlife ensures that an open and measured discussion takes place about 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.
* Vetlife makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice) and makes a copy available on request.
* Vetlife undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.