



Recruitment of Staff, Volunteers and Trustees with Criminal Records

Date Agreed: 19th March 2021

Review Date: 19th March 2024

1. Purpose

This policy sets out the charity's approach to seeking information about previous criminal records when recruiting new staff, volunteers and trustees. The policy will be made available to anyone who is subject to these procedures during a recruitment process with the charity.

2. Scope

The policy applies to the recruitment of new staff, volunteers and trustees at LandWorks. The policy should read in conjunction with the following policies

- Equal Opportunities and Diversity Policy
- Recruitment and Selection Policy
- Safeguarding Policy

3. Opening Statement and Principles

In line with Charity Commission guidance and our Safeguarding Policy, there are circumstances when LandWorks needs to consider the previous criminal records of candidates in order to assess an applicant's suitability to undertake a role.

LandWorks will only seek and consider information that is relevant to a role and the charity undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of the information revealed.

LandWorks is committed to the fair recruitment and inclusion of applicants with criminal records and positively welcomes candidates with relevant lived experience of the criminal justice system.

4. Criminal Record Disclosures and Checks

LandWorks will only ever seek information about criminal records that it is legally entitled to know about.

When using criminal record checks processed through the Disclosure and Barring Service (DBS) LandWorks will comply fully with the DBS Code of Practice and will treat all applicants fairly. Candidates will be made aware of the Code of Practice.

A criminal record check will only be sought when it has been risk assessed as being proportionate and relevant to the position concerned. We will ensure that the key people involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. A table with a summary of the different roles at LandWorks and the approach to criminal records for each is set out at the end this policy.

For those positions where a criminal record check is identified as necessary, all job/role descriptions and recruitment adverts will make clear what the requirements are and what the process will be.

To encourage applications from people with criminal records and to shortlist candidates purely on merit, LandWorks will not ask or seek details of criminal records at the initial application stage (in line with the 'Ban the Box' campaign) and will only undertake checks at the recruitment offer stage. However, if potential candidates are concerned about disclosures and checks that would be required at the later stage in the process, there will be the opportunity to discuss the situation confidentially with the Project Director first before applying. Candidates will also be encouraged to voluntarily disclose and discuss relevant information, including relevant lived experience, at the interview stage.

LandWorks will only consider any matter revealed in a DBS certificate that is relevant to the role. LandWorks will always seek to discuss any matters revealed directly with the individual before making any decisions, including revoking an offer.

5. Trustee and Senior Manager Roles

Trustees and certain senior managers roles – in LandWorks' case, the Project Director – are subject to the Charity Commission's 'automatic disqualification rules', where certain categories of individuals are legally prevented from taking up these posts.

Potential candidates for these roles will be made aware of the rules and given the opportunity to discuss any concerns confidentially with the Chair of Trustees before going through the recruitment process.

LandWorks will undertake criminal record and other background checks recommended by the Charity Commission in relation to the automatic disqualification rules before confirming an offer to become a trustee or relevant senior manager. And for both types of position, individuals will be asked to sign a declaration to confirm that they are not legally disqualified, before taking up the role.

Disqualified people can apply to the Charity Commission for a waiver from the rules. If someone is disqualified due to the rules, but the trustees believe the appointment would still be appropriate and in the best interests of the charity, they can consider supporting an application to the Charity Commission for a waiver in order to allow an appointment to proceed. This would require trustee board agreement before being supported.

Annex - Approach to Criminal Record Checks

Role	Disclosure asked for	When	DBS check	Lawful basis	Purpose
Trustees	<p>Yes – including automatic disqualification form</p> <p>Opportunity to discuss confidentially prior to application, and to voluntarily disclose and discuss relevant information at interview.</p>	Appointment offer	Yes – Enhanced Level	Legitimate interest and legal obligation in relation to automatic disqualification rules	<p>Assess and consider suitability in relation to safeguarding and charity management</p> <p>Also, compliance in relation to automatic disqualification rules</p>
Senior Manager (Project Director)	<p>Yes – including automatic disqualification form</p> <p>Opportunity to discuss confidentially prior to application, and to voluntarily disclose and discuss relevant information at interview.</p>	Job Offer Stage	Yes – Enhanced Level	Legitimate Interest and legal obligation in relation to automatic disqualification rules	<p>Assess and consider suitability, including safeguarding and charity management considerations.</p> <p>Also, compliance in relation to automatic disqualification rules</p>
Trainee facing resettlement and enterprise staff roles (including driver)	<p>Yes</p> <p>Opportunity to discuss confidentially prior to application, and to voluntarily disclose and discuss</p>	Job Offer Stage	Yes – Enhanced Level	Legitimate Interest	Assess and consider suitability, including safeguarding.

RECRUITMENT OF PEOPLE WITH CRIMINAL RECORDS POLICY

	relevant information at interview.				
Non-Trainee facing staff roles	Yes Opportunity to discuss confidentially prior to application, and to voluntarily disclose and discuss relevant information at interview.	Job Offer Stage	Yes – Basic Level	Legitimate Interest	Assess and consider suitability, in relation to charity management considerations
Volunteer – all trainee facing roles	Yes Opportunity to discuss confidentially prior to application, and to voluntarily disclose and discuss relevant information at interview.	Volunteer role offer	Yes – Basic Level	Legitimate Interest	Assess and consider suitability in relation to safeguarding
Volunteers – non trainee facing	Yes Opportunity to discuss confidentially prior to application, and to voluntarily disclose and discuss relevant information at interview.	Volunteer role offer	No	Legitimate Interest	Assess and consider suitability