

# Raphael Healthcare

**Policy Title:** Recruitment of Ex-Offenders Policy  
**Policy No:** HR002  
**Date of Issue:** February 2006  
**Date of Review:** November 2008  
**Next Review Due:** November 2009  
**Reviewed by:** Director of Human Resources

## **Cross Reference:**

Independent Healthcare National Minimum Standards: C9 & 10

## **Outcome:**

Patients receive treatment from appropriately recruited, trained and qualified health care professionals.

## **1.0 Policy Statement:**

- 1.1 Raphael Healthcare recognises that discrimination against ex-offenders is unacceptable; however, we also have an over-riding duty to protect both our employees and those vulnerable adults to whom we provide a service.
- 1.2 Raphael Healthcare meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974. As such, all applicants who are offered employment in a post which incorporates contact with service users will be subject to a criminal record check from the Criminal Records Bureau before the appointment is confirmed. This may include details of cautions<sup>1</sup>, reprimands or final warnings<sup>2</sup>, as well as convictions<sup>3</sup>.
- 1.3 In order to provide protection for our service users, it is necessary to take account of all information received as a result of a criminal record check. This information will not, however, necessarily be an automatic bar to employment with Raphael Healthcare, but will be reviewed in a fair and consistent manner following the principles outlined within this policy document.

## **2.0 The Criminal Records Bureau:**

- 2.1 Under the Police Act 1997, the Criminal Records Bureau (CRB) was established as an executive agency. The CRB provides a centralised source of Criminal Record checks, known as Disclosures.
- 2.2 In order to obtain information from the CRB, organisations must first complete a rigorous registration process. Registered organisations are bound by the CRB's Code of Practice, a copy of which is available from the Human Resource Manager on request.

## **3.0 Levels of Disclosure:**

- 3.1 There are two different levels of Disclosure available:
  - 3.1.1 Standard Disclosure – Posts which are exempted under the Rehabilitation of Offenders Act 1974, such as those involving regular contact with children or vulnerable adults will be subject to this level of Disclosure. Standard Disclosure can only be requested by an organisation and will contain

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<sup>1</sup> A Caution is given when there is sufficient evidence for a conviction but it is not considered to be in the public interest to institute criminal proceedings. Cautions have traditionally been used for juvenile and first time offenders.

<sup>2</sup> Reprimands and Final Warnings replaced cautions for juveniles in June 2000.

<sup>3</sup> Convictions arise from offences tried at court.

information on spent and unspent convictions, as well as cautions, reprimands and final warnings held on the Police National Computer. This level of Disclosure will also show the results of a check against the Department of Health and Department for Employment lists of persons banned from working with vulnerable adults.

3.1.2 Enhanced Disclosure - Posts which involve the support, care, training or sole charge of vulnerable adults will be subject to the highest level of Disclosure. Enhanced Disclosures will contain information on spent and unspent convictions, as well as cautions, reprimands and final warnings held on the Police National Computer. In addition it will also contain non-conviction information from local police records if that is thought to be relevant to the position being applied for.

3.1.3 This level of Disclosure will also show the results of a check against the Department of Health and Department for Employment lists of persons banned from working with vulnerable adults. From July 2004, the Protection of Vulnerable Adults (POVA) list must be checked before an offer of employment is confirmed to any candidate for Care work. Care staff will be placed on the list if they have been dismissed, resigned, retired, made redundant, transferred or suspended on the grounds of misconduct for having harmed or put at risk of harm a vulnerable adult.

3.2 All direct care staff employed within an Independent Hospital Facility will require an Enhanced Disclosure. Other posts within such facilities will require a Standard Disclosure.

3.3 All other posts within Raphael Healthcare will be judged on an individual basis with regard the need for a Disclosure at either Standard or Enhanced level.

#### **4.0 Recruitment Processes:**

4.1 Applications for employment from ex-offenders are welcomed by Raphael Healthcare. Information regarding offences should be indicated as early as possible within the recruitment process and indicated in the declaration on the Application Form. Such information will not be an automatic bar to employment, but will be considered in a fair and consistent manner in view of the position applied for.

4.2 Details of any convictions, cautions, final warnings or reprimands revealed by applicants will not be considered within the shortlisting process. All applicants will be shortlisted according to their demonstration of meeting the essential/desirable requirements for a post.

4.3 During the interview process applicants will be informed if the post applied for is subject to a specific level of Disclosure as a condition of appointment. All applicants will be given the opportunity to discuss any criminal convictions, cautions, reprimands and final warnings, within the application process in a non-judgemental situation with the chairperson of the interview panel. This information will remain confidential and will only be shared on a strictly 'need-to-know' basis.

4.4 Where an offer of employment is subject to Disclosure, this will be made clear to the employee in the offer letter and will be requested by the Human Resource Manager.

- 4.5 The information provided by applicants, along with the results of the Disclosure, will be considered on an individual basis, by the Human Resource Manager and the Chairperson of the interview panel, in line with guidance issued by the CRB. This includes:
- 4.5.1 The level of contact with vulnerable adults afforded to the post.
  - 4.5.2 The age and nature of the conviction, caution, final warning or reprimand
  - 4.5.3 Whether the offence was a one-off or part of a history of offending.
  - 4.5.4 Whether an applicant's situation has changed since the offence.
  - 4.5.5 The potential impact of the offence in terms of its relevance to the safety of other employees, customers, patients, or property.
- 4.6 Should a Disclosure be received which contains information regarding a candidate which had not previously been revealed, the candidate will be asked to discuss this further with the chairperson of the interview panel or the Human Resources Manager.
- 4.7 In cases where the candidate disputes the validity of information in terms of personal identification, a fingerprinting process can be requested through the CRB to resolve the dispute. Raphael Healthcare will seek to support candidates through this process.
- 4.8 Failure to reveal information by candidates, which is later disclosed as a result of a Disclosure, may result in an offer of employment being withdrawn.

## **5.0 Existing Staff:**

- 5.1 Staff employed within Raphael Healthcare must report to their line manager the details of any conviction, caution, reprimand or final warning, which is incurred throughout the duration of their employment. The line manager must then refer the information to the Human Resource Manager.

## **6.0 Storage of Information:**

- 6.1 Raphael Healthcare will ensure that any information regarding offences is kept confidential within the organisation, in accordance with the Confidentiality Policy and the CRB Code of Conduct.
- 6.2 Only those staff that have a need to know about such information as part of the recruitment and selection process will be given access, ie; the chairperson of the interview panel and the Human Resource Manager.
- 6.3 Any information relating to offences will be securely maintained in facilities controlled by the Human Resource Manager.
- 6.4 Detailed information from the CRB will be held for a maximum period of six months, although a record of a check having been completed will be maintained within an employee's personal file.
- 6.5 The destruction of information received from the CRB will be undertaken using a confidential shredding facility. Information will not be stored in any insecure receptacle whilst waiting shredding.
- 6.6 The unauthorised disclosure of confidential information received from the CRB by any member of staff will be treated as an incident of gross misconduct under Raphael Healthcare' Disciplinary Procedure.

**7.0 Special Needs:**

- 7.1 The needs of staff whose first language is not English, or who have disabilities which impede communication, shall be taken into account at all times. Requests for adapted copies of this policy/procedure should be directed to the Human Resources Manager.

**8.0 Review:**

- 8.1 All Human Resources Policies and Procedures are subject to annual review.

**If you do not subscribe to or support this policy, then you should, as a matter of urgency, inform your line manager. Failure to observe this policy may lead to disciplinary action.**