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**Recruitment of Ex-Offenders Policy**

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| Revised date | March 2018 | Adopted by Board | March 2018 |
| Reviewed by | C&I | Review date | March 2021 |

**Purpose and scope**

This policy sets out how England Netball assesses the risk when giving clearance to volunteers to carry out their roles when they have received a disclosure on their Disclosure and Barring Service (DBS) check.

This policy is developed in accordance with the Criminal Justice Act 2003, Rehabilitation of Offenders Act 1974 and the Protection of Freedoms Act 2010.

The policy should be read in conjunction with the England Netball’s Volunteer Recruitment, Introduction, which provides guidance on how to manage the recruitment of volunteers. It underlies the DBS Process which provides the structure for how the existence of a disclosure will be managed between England Netball and the recruiting club, association, county or region. It is intended as an explanatory note to clarify the basis on which decisions are made as to who will and won’t be given clearance by England Netball to take up their position.

**All decisions are based on the central principle that the safety of the young person is of paramount importance**. Individuals taking up positions where they will carry out regulated activity will be made aware that they are required to have an Enhanced DBS check, and that until such time as they have been given clearance by England Netball, they must be supervised in the carrying out of that activity. They must also be notified at the start of the process, that if that check produces a disclosure, the position may be withdrawn from them.

This document is available to anyone undertaking a DBS check, to enable them to understand the principles which will be applied to making the decision on whether or not clearance will be given, and who will make that decision.

**Policy**

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), England Netball 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.

England Netball undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

England Netball can only ask an individual to provide details of convictions and cautions that England Netball 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).

England Netball can only ask an individual about convictions and cautions that are not protected.

England Netball 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.

England Netball has a written policy on the recruitment of ex-offenders, which is made available on our website.

England Netball 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.

England Netball select 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.

England Netball ensures that all those in England Netball who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

England Netball also ensures 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, England Netball ensures 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.

England Netball 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.

England Netball undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

**Basis for decisions on clearance and who decides?**

On receipt of a DBS certificate which details the disclosure, England Netball will collate the information on that certificate, any affiliation information it holds, details of the club or organisation and the position for which the clearance is sought. Until such time as a decision on clearance had been made, the applicant must be fully supervised in their role and the Club Secretary and Child Safeguarding Officer will be informed of this need. They will not be provided any details of the disclosure.

This information will be considered along with:-

* Age of the applicant at the time of the offence;
* The nature of the offence – eg seriousness, sentence, plea.
* Relevance of the conviction to the position for which clearance is required;
* Length of time since the offence;
* Any pattern of offending;

In the first instance this information will be considered by the Lead Child Protection Officer. Should they not be satisfied that they have sufficient information on which to base their decision, the applicant will be asked to provide:-

* Details of the circumstances surrounding the offence;
* How their circumstances have changed since the offending;
* Names of 2 character witnesses;
* Details of their work/volunteering since the offence.

This information will then be used to consider the circumstances and any mitigation around the offending behaviour. If the Lead Child Protection Officer does not reach a decision, or has concerns about whether or not the risk of providing the clearance to the applicant is too high, the case will be referred to the Case Management Group, with all the supporting evidence, for a decision.

In exceptional circumstances information may be provided on the disclosure which is “soft intelligence” held by the police, which gives grounds for serious concerns but which has not resulted in a conviction. Should such information be received by England Netball, the Case Management Group would always consider the detail.

**Once the decision has been made?**

As soon as the decision on clearance has been made, the applicant will be notified by post. The Club Safeguarding Officer and the Club Chair will be notified whether clearance has been given. The applicant should be given the chance to discuss the decision with the Club Safeguarding Officer.

England Netball recognise the considerable value of the contribution of volunteers to the sport of netball. Wherever possible it will enable the individual to contribute their time and skills, but this will always be dependent on a full risk assessment having been carried out, in accordance with this Policy.