

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

Stonewall

**SAFER
RECRUITMENT AND
RECRUITMENT OF
THOSE WITH
EXPERIENCE OF
OFFENDING POLICY**

SAFER RECRUITMENT AND RECRUITMENT OF THOSE WITH EXPERIENCE OF OFFENDING POLICY

March 2023

Purpose and scope of this policy statement

- To outline the steps Stonewall takes to ensure our approach to recruitment of staff, contractors, volunteers and trustees is in line with our commitment to keeping children and adults at risk safe and to respond to concerns appropriately
- To clarify which roles within Stonewall require Disclosure and Baring Service (DBS), Protection of Vulnerable Groups (PVG), Access NI or equivalent checks
- To confirm Stonewall's policy in relation to employment of those with experience of offending.
- To outline Stonewall's policy and procedure for storing and retaining the results of DBS, PVG, Access NI and equivalent checks.

Safer recruitment

Safer Recruitment is the approach of designing recruitment processes for those who work with an organisation to deter unsuitable applicants from applying for roles with children and adults at risk and to identify and reject such applications if they do.

- All adverts that require DBS, PVG, Access NI or equivalent and/or barred list checks refer to this fact and link to our safer recruitment policy
- All job descriptions refer to the responsibility to comply with Stonewall's Safeguarding Overarching Policies.
- All applicants invited to interview are required to bring proof of ID, right to work in the UK and qualifications (where relevant) with them
- All interview panels will include at least one member of staff/trustee who has undergone safer recruitment training, where the post being interview for works with children and/or adults at risk
- If a member of staff or trustee involved in the recruitment process has a close personal or familial relationship with an applicant then they are required to declare this as soon as they are aware of the individual's application. The Director of People and Development in consultation with the Designated Safeguarding Lead will then determine whether it is appropriate for them to be part of the process depending on the relationship.

- A minimum of two references are taken up before a successful candidate can take up their position and these should cover a period of three years, including from their most recent employer where applicable.
- Where a DBS check (basic or enhanced), PVG, Access NI or equivalent and/or or barred list check is required, no successful candidate can start work for Stonewall until a satisfactory check is complete. For a role that is not in regulated activity, in the event that the time taken to receive a DBS, PVG, Access NI or equivalent check is significant, the Designated Safeguarding Lead in conjunction with the hiring manager and HR Manager will determine whether the successful candidate can start on restricted/supervised duties to ensure that safeguarding risk is minimised.

Recruitment and Employment of those with experience of offending

Stonewall can only ask an individual to provide details of convictions and cautions that Stonewall is legally entitled to know about. Where a DBS, PVG, Access NI or equivalent 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 Stonewall can only ask an individual about convictions and cautions that are not protected.

An application for a criminal record check is only submitted to DBS, Disclosure Scotland, Access NI or equivalent after a thorough assessment of the role with the criminal record check provider has indicated that one is both proportionate and relevant to the position concerned. These are:

- Those engaged with direct delivery of programmes to individuals under 18 and/or adults at risk
- Those with Safeguarding lead responsibility
- Trustees

Stonewall undertakes DBS enhanced checks for the following roles within Stonewall:

- Trustees
- Chief Executive
- Director of People and Development (Designated Safeguarding Lead)
- Directors, Associate Directors and Managers working within the Education, Youth and Sport team
- Officers working within the Education, Youth and Sport team
- And other relevant post undertaking [regulated activity](#)

Stonewall undertakes DBS basic checks for all roles that have unsupervised contact with those under 18 that fall below the frequency level of regulated activity. This includes people who work within the Information Service. Basic checks are also complete for some core services roles, such as chartered and certified accountants within Finance and members of the HR team involved in Safer Recruitment processes.

Stonewall assesses 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). Stonewall complies fully with the [DBS code of practice](#).

Having a criminal record will not necessarily prevent an individual from working with Stonewall. This will depend on the nature of the position and the circumstances and background of the offences. Consideration will be made on a case by case basis.

The relevance of convictions should be judged against the following criteria:

- The seriousness of the offence and its relevance to other employees and customers etc.
- The length of time since the offence occurred
- Circumstances which led to the committing of the offence
- Whether the offence was a one-off or part of a history of offending
- Whether the applicant's personal circumstances have since changed
- The country in which the offence occurred
- Decriminalisation and remorse

It is important that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position before an offer of employment is made. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or volunteering but a thorough discussion with the recruiting manager and/or the Director of People and Development and the candidate should have taken place first before any offer is withdrawn.

Any matter revealed in a Disclosure must be discussed with the person seeking the position before making a finalising any offer of employment. Only convictions which are relevant to the role which an individual applies for must be taken in to consideration. Past convictions which were spent a long period of time ago and which would not impact on an individual's ability to perform a role competently and safely, must not prevent an individual from taking up a position within Stonewall.

Equality of Opportunity

Stonewall is committed to the fair treatment of those who work with or apply to work with Stonewall or users of its services, regardless of race, gender, gender identity, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Stonewall selects all candidates for interview based on their skills, qualifications and experience alone and actively promotes equality of opportunity for all with the right mix of talent, skills and potential.

Stonewall welcomes applications from a wide range of candidates, including those with criminal records. Stonewall will not discriminate unfairly against any person who is subject to a criminal record check on the basis of a conviction or other information revealed.

Criminal Record Check transparency

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 (or equivalent) will be submitted in the event of the individual being offered the position

This policy on the recruitment of those with experience of offending, is made available to all DBS applicants at the start of the recruitment process

Stonewall makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request

Stonewall undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position to understand the circumstances and complete a risk assessment before withdrawing a conditional offer of employment.

Training on evaluation of results of criminal record check

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

Stonewall 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, Stonewall 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

Security, Storage and Retention of Criminal Records Information for those who work with or have applied to work with Stonewall.

The following guidelines apply to all forms of criminal records check information, including applications, the outcomes of criminal records check requests and all related documentation. These guidelines are in line with the Stonewall's policy on Recruitment and Employment of those with experience of offending and must be adhered to at all times, failure to do so will be subject to formal investigation and may lead to disciplinary action.

Security

Criminal records check information received on behalf of Stonewall must be kept securely and only those entitled to see it in the course of their duties should have access.

It is anticipated that in the majority of cases access should be restricted to Stonewall employees directly involved in the recruitment process. Requests to access this information from any other party, internal or external, should be approved by the Director of People and Development.

In the case of Disclosure applications, the Disclosure and Barring Service (DBS), PVG and Access NI operates strict guidelines regarding access to this information and passing on Disclosure information in circumstances which do not conform with these requirements could be considered a criminal offence.

Usage

Criminal records check information should only be used for the specific purpose for which it was requested.

Storage

Disclosures and other confidential documents received in relation to appointee/staff/volunteer/trustee will be stored in secure conditions centrally by HR, separately from the individual's personal file in line with DBS requirements. All data will adhere to the General Data Protection Regulations 2018 and the Data Protection Act 1998. As Stonewall is not an organisation that is inspected by the Care Quality Commission (CQC) or Ofsted, or those establishments which are inspected by the Care and Social Services Inspectorate for Wales (CSSIW), we are not legally entitled to retain a DBS, PVG, Access NI or equivalent certificate on file. Instead, we will track details, including the date of the criminal records check, the name of the subject, the type of check, the position in question, the unique number on the certificate.

Retention

Once a recruitment decision (or other relevant decision, e.g. for regulatory or licensing purposes) has been made, the Disclosure and any related correspondence for applicants who are not successful will not be retained for longer than is necessary for that particular purpose. This will be for a maximum of 6 months following the date of the recruitment decision, to allow for any disputes about the accuracy of a Disclosure or a recruitment decision to be made and considered.

In the case of a dispute, Disclosure information may be retained for a longer period, but in general this should be for no longer than 6 months after resolution of the dispute. If in exceptional cases it is considered necessary to retain Disclosure information for a longer period, the DBS will be consulted.

Disposal

When the time has come to dispose of the criminal records check information, no photocopy or other image of the Disclosure may be made or kept. However, the following information will be recorded by HR for appointee/staff checks prior to the criminal records check information being disposed of securely - the date of the criminal records check, the name of the subject, the type of check, the position in question, the unique number on the certificate, the name of the members of HR staff who dealt with the case, and the recruitment decision made.

Concerns re. Criminal Records Check activity

If anyone who works with or applied to work with Stonewall has concerns regarding the use of criminal records checks in the recruitment process, or any element of the storage, retention or disposal of this information, they may raise this in the strictest confidence with HR. If dissatisfied with the response, concerns can be raised through our complaints procedure for applicants or volunteers or in line with our informal complaints and grievance procedure for current staff.

Advice and Support

- [DBS guidance leaflets](#) for adult and children regulated activity in England and Wales
- The [Protecting Vulnerable Groups Scheme](#) (PVG), Scotland
- [AccessNI](#) Criminal record checks for Northern Ireland
- [International Child Protection Certificate information](#)
- [Charity Commission guidance on Safeguarding duties](#)
- [Handling of DBS information](#)
- [Unlock](#) – charity supporting those with convictions

Connected Policies

[Stonewall's Overarching Safeguarding Policy UK](#)

[Overarching Safeguarding Policy Global](#)

[Recruitment Policy](#)

[Data Protection Policies](#)

[Feedback and Complaints Procedure](#)

Policy Review and Sign off

Policy owned by	Director of People and Development
Approved by	RemCo
Date of last review	March 2023
Date of next review	March 2024