



# Recruiting Ex-Offenders

## Why recruit ex-offenders?

There are several reasons for recruiting ex-offenders as volunteers. Firstly, it enables you to recruit from a wider pool of potential volunteers, which should help increase your volunteer base. According to figures from Nacro, the crime prevention charity, almost a quarter of men and women of working age has a criminal record. So, if organisations exclude people with criminal records they automatically lose access to a significant proportion of potential volunteers.

By proactively targeting ex-offenders as part of your recruitment campaign you are also able to demonstrate part of your commitment to equal opportunities and diversity within your organisation. Where an organisation refuses to treat people as individuals by assessing each case on its own merit they will be operating on the basis of ill-informed prejudice, which can have a detrimental effect on the organisation's reputation in the wider community.

It's also worth remembering that volunteering not only benefits the organisation and its end users, but also has a positive impact on the volunteer. The government regards volunteering as the basis of active citizenship that creates inclusive and vibrant active communities. By not recruiting people with criminal records, an organisation would be excluding members of that community.

Another important point to bear in mind is that some ex-offenders can offer a wealth of skills and experience to an organisation that other volunteers wouldn't necessarily have. For instance, a former drug misuser may want to volunteer as a mentor or befriender to a young person with a drug addiction, or give talks in schools on substance misuse. By drawing on their own experience, a volunteer can make it real for the client, which can have a far bigger impact than other staff or volunteers might have.

## When to ask for a Criminal Records Bureau Disclosure

Under the Rehabilitation of Offenders Act, it is only acceptable to ask someone to declare spent convictions if they will be working with vulnerable people, which includes children, young people, older people, disabled people, alcohol and drug misusers and the chronically sick. This is known as asking an exempted question under the Act.

Organisations regulated under the Care Standards Act 2000, and Childcare Organisations under the Protection of Children Act's definition are legally obliged to seek Criminal Records Bureau (CRB) Disclosures for staff and volunteers working in such roles.

For organisations that fall outside of these acts, there is no obligation to carry out checks. Before making a decision on whether to apply for CRB Disclosures for particular roles, it's essential to ensure that you're actually **entitled** to request a

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check under the Rehabilitation of Offenders Act. If you are entitled to ask for a CRB Disclosure, then it's worth assessing the potential risk to clients. If there is little or no risk, you may not feel that it's appropriate to ask for a CRB Disclosure. However, it should be remembered that you still have a duty of care to your clients, and if you do not have appropriate vetting and screening procedures in place it could well be argued that you had neglected this duty.

Whatever you decide, make sure that you include your reasons in a written document, such as your Health and Safety Policy, as this demonstrates that you have given due consideration to this subject should any issues arise in the future. Remember to review this on a regular basis, for example when you create a new volunteer role or modify an existing one.

### **How to make a decision**

When deciding if a potential volunteer is suitable, consider

- “ can the person undertake the task that is required of them
- “ does the person have the essential skills or experience or an ability to develop them

If the answer is yes, then criminal convictions can be taken into account. It may be necessary to hold a second meeting with the potential volunteer to find out more about the circumstances in which the offence occurred. Factors to consider include:

- “ whether the conviction is relevant to the volunteering opportunity
- “ the seriousness of the offence
- “ the length of time since the offence occurred
- “ the circumstances surrounding the offence and the explanation offered by the applicant
- “ whether the behaviour that constituted the offence is still a cause for concern
- “ whether the context behind that behaviour is still a cause for concern
- “ whether the applicant has a pattern of offending behaviour
- “ whether the applicant's circumstances have changed
- “ the applicant's attitude to the offence. Is it one of remorse? Does he/ she take responsibility for it and recognise the harm he/ she caused?

If the answers to most of these questions are reassuring, then the presumption may be that the potential volunteer is not a risk. References can be taken and referees can be questioned where necessary to aid the decision-making process.

If there is a serious discrepancy between what a potential volunteer has revealed and the information recorded on the Disclosure certificate then it is possible that a mistake has been made. If this happens, making a decision about whether to recruit a potential volunteer can be delayed until the person has contacted the Criminal Records Bureau to rectify the mistake. A new Disclosure certificate will then be issued.

### **Automatic barring**

Under the Protection of Children Act 1999 and Criminal Justice and Court Services Act 2000, it is an offence to knowingly employ (paid or unpaid) anyone with a conviction for crimes against children including murder, manslaughter, rape, grievous bodily harm (GBH) and a number of sexual offences, to work in a regulated

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position. These are a range of positions working with or having responsibility for people under the age of 18 (or for some roles 16). In this instance, the results of a Disclosure automatically determine that a potential volunteer is unsuitable.

### **Other considerations**

Organisations requesting CRB Disclosures are required to comply with the CRB Code of Practice, which is intended to ensure that any information received through a check will be used fairly. This includes having an Equal Opportunities policy statement on how the organisation will not discriminate against people with criminal convictions, but will take into account their individual circumstances.

A revised version of the CRB Code of Practice was published in April 2009 and we suggest that you periodically visit the CRB online guidance pages for further updates. Further information can be found on the Criminal Records Bureau website: [www.crb.gov.uk/code](http://www.crb.gov.uk/code)

In addition, under the Data Protection Act information must be held sensitively and securely, and be accurate, relevant and only disclosed where necessary. It must not be held for longer than necessary. The Information Commissioner's Office can provide more guidance on this aspect of complying with the CRB Code of Practice:

### **The Information Commissioner's Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

**ICO Helpline:** 08456 30 60 60 **Fax:** 01625 524510

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)

### **Further information**

#### **Involving Ex-Offenders in Volunteering, Nacro and Volunteering England. 2006**

A free good practice guide co-published by Volunteering England and Nacro, with funding from the Volunteering Hub.

<http://www.volunteering.org.uk/Resources/publications/freeguides.htm>

#### **Recruiting ex-offenders: the employers' perspective, Nacro, 2003**

[http://www.crb.gov.uk/PDF/Recruiting\\_ex-offenders.pdf](http://www.crb.gov.uk/PDF/Recruiting_ex-offenders.pdf)

#### **Recruiting ex-offenders: A Practical Guide, Chartered Institute for Personnel Development, 2004**

<http://www.cipd.co.uk/subjects/dvsequ/exoffenders/empexoffendguide.htm?IsSrches=1>

#### **Volunteering England Good Practice Bank**

Includes sections called 'Equal Opportunities and Diversity' and 'Ex-offenders, offenders and prisoners as volunteers'

[www.volunteering.org.uk/goodpractice](http://www.volunteering.org.uk/goodpractice)

**"Criminal Records Bureau Checks: guidance for volunteering", 2008** The Office of the Third Sector has published this guidance to help organisations that involve volunteers to be clear about when they do and don't need to apply for CRB Disclosures for volunteers. Available to download or order from the Office of the

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Third Sector website

[http://www.cabinetoffice.gov.uk/third\\_sector/news/news\\_stories/080604\\_crb.aspx](http://www.cabinetoffice.gov.uk/third_sector/news/news_stories/080604_crb.aspx)

### **The Independent Safeguarding Authority (ISA) and the new Vetting and Barring Scheme (VBS) – Volunteering England Briefing**

A national Vetting and Barring Scheme will be launched on 12 October 2009 and be administered jointly by both the Criminal Records Bureau and a new organisation called the Independent Safeguarding Authority (ISA). It will introduce some changes to the way that volunteers and employers are vetted for their suitability to work with children or vulnerable adults.

<http://www.volunteering.org.uk/isabriefing>

### **Useful contacts**

**Nacro** . a crime reduction charity which supports ex-offenders and their families

Telephone: 020 7840 7200 <http://www.nacro.org.uk/>

#### **Criminal Records Bureau (CRB)**

Information Line: 0870 90 90 811

<http://www.crb.gov.uk>

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