

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

1. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Brighton and Sussex University Hospitals Trust (the Trust) complies fully with the DBS's Code of Practice and undertakes to treat all applicants fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. The Trust is committed to identifying consistent recruitment practices to eliminate discrimination and promote the employment of ex-offenders by encouraging a culture of trust, reliability, motivation and honesty from all potential employees, regardless of their background in line with the Diversity and Equality policy.
3. The Trust has a written policy on the recruitment of ex- offenders, which is available on request from the Human Resources Department.
4. The Trust has set out practices that will ensure all recruitment decisions are based entirely on capabilities, identified in appropriate skills and competencies for each position.
5. A Disclosure will be required for the successful applicant where the post has been identified as involving contact with children under 18 years of age or vulnerable adults.
6. For those posts identified as requiring a check all job adverts and recruitment information for applicants will contain a statement advising them that a Disclosure will be requested in the event of the individual being offered the position.
7. There are alternative DBS application processes to support transsexuals and blind and visually impaired people. Please contact the HR Employment Services team on 01444 441881 ext. 8692 or 8616 if you require advice on how to submit either of these types of applications, once you are offered a position in the Trust.
8. All applicants are encouraged to provide details of their criminal record at an early stage of the application process. We request that this is declared on the

application form. This sensitive information will only be seen by those who need to see it as part of the recruitment process.

9. **The Trust meets the requirements to ask ‘exempted’ questions for positions, whose normal duties include caring for, training, supervision or being in sole charge of children or vulnerable adults, as criminal history does not become ‘spent’. Therefore all criminal information should be disclosed when applying for these positions, as indicated in the job advert.**
10. The policy complies with the Department of Health’s ‘Standards for Better Health’ for pre and post employment checks, the Rehabilitation of Offenders Act 1974 (amendment 1986) and the Data Protection Act 1998, in regard to confidentiality.

Annex A

Examples of the types of occupations, posts and activities in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please be aware that this is **not** a comprehensive list and merely gives an indication of the general types of employment that are included in the Exceptions Order.

1. Regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely in charge of children under 18 (including adoption, fostering, day care and childminding)
2. Regulated activity and other activities which involve caring for, training, supervising or being solely in charge of other people in vulnerable circumstances (including social work and advocacy services)
3. Employment in healthcare professions (including medical practitioners, dentists, nurses, midwives, optometrists, registered pharmacists and osteopaths)
4. Employment concerned with national security (including the provision of air traffic services and employment by the UK Atomic Energy Authority)
5. Employment in the legal profession (including barristers, solicitors, legal executives, the Crown Prosecution Service and judicial appointments)
6. Offices and positions in HM Courts and Tribunals Service and the Judicial Office (including Justices’ and sheriff’s, court and tribunal security officers and contractors with unsupervised access to court-houses, tribunal buildings, offices and other accommodation used in relation to the court or tribunal)
7. Employment in law enforcement (including police constables and cadets, the naval, military and air force police, traffic wardens and employment in the Serious Fraud Office (SFO) and the Serious Organised Crime Agency (SOCA))

8. Offices responsible for the enforcement of warrants and writs (including Court officers who execute county court warrants, High Court enforcement officers, sheriffs and Civilian enforcement officers)
9. Employment in the Prison and Probation Services (including prison and probation officers, members of boards of visitors etc.)
10. Employment in the financial sector (including chartered and certified accountants, actuaries and all positions for which the Financial Conduct Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000)
11. For licensing purposes (including the National Lottery, gambling, firearms and drugs licensing purposes, Security Industry Authority licences, and licensing hackney carriages or private hire vehicle drivers)

Important Note: This is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act. Anyone in doubt should seek their own legal advice.

Further information on the Rehabilitation of Offenders Act 1974 can be found on the Government Website;

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>