

This policy wording has been developed by the Human Resources within the Connexional Team and may be adapted by churches, circuits, districts to compose a policy statement regarding Spent and Unspent Convictions and the Rehabilitation of Offenders Act 1974.

## Policy and Guidelines for Appointments that require Satisfactory Enhanced Disclosures

### Background

The Rehabilitation of Offenders Act 1974 states that certain offences may be considered as 'spent' after set periods of time and may be disregarded. Ex-offenders are not required to disclose their spent convictions. This makes it illegal for an employer to discriminate against an ex-offender on the grounds of a 'spent' conviction.

Some posts within the Methodist Church, especially those with significant regular contact with children, young people and other vulnerable people, are exempted from this provision of the Act. In England, Wales and Northern Ireland, applicants for such posts will be advised that they will be required to obtain a Disclosure from the Disclosure and Barring Service (which has replaced the Criminal Records Bureau) before the appointment is confirmed and any advertisement for the post should so specify. The Disclosure will include details of cautions, reprimands or final warnings, as well as convictions and other relevant information. In Scotland, anyone who applies to work with children or protected adults must become a member of the PVG scheme.

The Constitutional Practice and Discipline of the Methodist Church (CPD), Standing Order 010 provides further detailed information on 'Qualification for Appointment' along with Book VI Part 1.

### Principles

These guidelines set out the approach taken by the Methodist Church when recruiting employees to posts involving work with children, young people and vulnerable adults.

The Methodist Church is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The Methodist Church will comply with its legal obligations in relation to recruiting people to work with children, young people and vulnerable adults.

- Having a criminal record, in itself, does not necessarily prevent a person from being appointed to any post. Each person will be treated according to their merits and to any special criteria for the post (for example people with convictions or cautions for particular offences may not undertake work caring for children and vulnerable adults).
- The relevant information should be gathered using appropriate questions in the application form.

- The Methodist Church has a duty of care to the people with whom it works. Where it is judged, therefore, that a recent or serious offence might mean that an individual presents a risk to children or vulnerable adults within their role, and/or could cause damage to the reputation of the Methodist Church, then that individual will not be appointed.
- Discrimination either in favour of or against those persons currently in employment who have disclosed their criminal record is not permissible (unless the offence prohibits them under SO 010 (2)).
- Information relating to disclosure of criminal records will be treated as confidential and restricted to those who are entitled to see it as part of their duties, (generally the minister in pastoral charge of the church concerned and the Connexional safeguarding team).
- Training programmes for staff who are responsible for recruitment will include information on how to manage the recruitment and selection of people with a criminal record.

## **Procedure**

During the preparation of recruitment material consideration should be given to whether Disclosure is relevant. Reference should be made to the Church's Policy on Recruiting Safely. If relevant, the advertisement and the person specification will state that the appointment is subject to satisfactory Disclosure at the correct level, from the Disclosure and Barring Service (in case of England, Wales and Northern Ireland) or **Disclosure Scotland (in Scotland)**

There are four types of Disclosure and Barring Service (DBS) check:

Basic disclosure: Shows details of unspent convictions only.

Standard disclosure: Shows details of spent convictions, unspent convictions and cautions that have not been filtered.

Enhanced disclosure: Shows details of spent convictions, unspent convictions and cautions that have not been filtered. Includes a check of local police records.

Enhanced disclosure with barred lists check: Shows details of spent convictions, unspent convictions and cautions that have not been filtered. Includes a check of local police records and the barred lists held by the DBS.

Disclosure of criminal convictions

The organisation requires job applicants for the following posts to disclose all criminal convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned):

- In such cases offers of appointment should be subject to a satisfactory Disclosure from the Disclosure and Barring Service or Disclosure Scotland in Scotland.
- If either the applicant or the Disclosure reveals a serious criminal record or other relevant information other than a conviction or caution that automatically prohibits the individual from taking up employment under SO 010(2), then consideration should be given to whether the appointment can proceed. Advice may be sought from the Connexional Safeguarding Team at Methodist Church House.
- A decision to reject an applicant because of, or partly because of, a criminal record should relate to criteria set in the person specification which is seen to be unmet, or to specific offences which debar someone from appointment (see below).
- Generally, an applicant who is rejected will be advised of the reasons.
- An applicant who is rejected on safeguarding grounds will have a right of appeal to the Connexional Safeguarding Committee.
- Where a person is employed within the Methodist Church and subsequently it becomes evident that the individual failed to disclose relevant information the matter should be treated as a disciplinary issue and could result in action up to and including summary dismissal. Consideration should be given to immediate suspension from duty. Where an applicant has provided incorrect and/or incomplete answers to questions relating to a criminal record, he/she may have committed a criminal offence.
- It is the responsibility of the recruiting body to ensure that the guidance above is followed.

### **Offers of employment**

An offer of employment for a post involving work with [children/vulnerable adults] will be conditional on the job applicant satisfying the usual requirements for employment (for example to provide satisfactory references and evidence establishing their right to work in the UK).

In addition, the offer of employment will be conditional, where required, on satisfactory completion of DBS checks, depending on the post in question. Where the job applicant refuses to agree to an application to the DBS, or a DBS check is completed but the job applicant refuses to allow the employer to see the DBS certificate, they will be treated as not having satisfactorily completed the DBS check.

No job applicant will be permitted to commence employment until all specified conditions are satisfied.

Not all criminal convictions will be a bar to employment. The results of a DBS check will be considered on an individual basis and the organisation will act in a proportionate manner when deciding whether or not to proceed with the appointment to the post in question. However, the protection and safeguarding of [children/vulnerable adults] is the primary concern.

### **Data protection**

Data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Once an individual has been recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.

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