





YMCA Wales Community College (the College) is determined to make all efforts to prevent discrimination and other unfair treatment against any of its staff, potential staff or users of its service regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical disability or offending background that does not create a risk to children and vulnerable adults.

## **1. Background**

The Recruitment of Offenders Act (ROA) 1974 was introduced to ensure that ex-offenders who have not re-offended for a period of time since the date of their conviction are not discriminated against when applying for jobs.

The Act allows that ex-offenders are no longer legally required to disclose to organisations convictions that have become 'spent'

However in order to protect certain vulnerable groups within society, there are a large number of posts and professions that are exempted from the Act and additionally include employment within positions of trust.

In such cases, organisations are legally entitled to ask applicants for details of all convictions, whether unspent or spent.

## **2. Responsibilities**

Corporate responsibility

The College will ensure that that any criminal record information given by an individual is kept confidential and according to the requirements of the Data Protection Act, and, where appropriate, CRB Code of Practice

## **3. Recruitment**

All recruitment will follow the College's set policies, procedures and according to the College Recruitment Code of Practice as outlined below.

**Having a criminal record will not necessarily bar you from working with the College. This will depend on the nature of the position and the circumstances and background of your offences.**

#### 4. College Code of Practice

- YMCA Wales Community College written Equal Opportunities Policy is made available to all applicants at the start of the recruitment process.
- YMCA Wales Community College actively promotes equality of opportunity and welcomes applications from a wide range of candidates including those with criminal records.
- Applicants with criminal records should be treated according to their merits and in conjunction with any special criteria for the post (e.g. caring for children and vulnerable adults, which debars some in this category).
- YMCA Wales Community College will ensure that all those within the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure such staff 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.
- Unless the nature of the position entitles YMCA Wales Community College to ask questions about an applicant's entire criminal record, then we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974. This information is requested at the initial application stage.
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of an individual being conditionally offered the position.
- Where a Disclosure is to form part of the recruitment process, YMCA Wales Community College will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process and before Disclosure is undertaken. For such positions, YMCA Wales Community College will request that this information is volunteered by the applicant and is sent under separate, confidential cover to a designated person within YMCA Wales Community College, and YMCA Wales Community College will guarantee that this information is strictly confidential and only seen by those who need to see it as part of the recruitment process.

- At interview or in a separate discussion, YMCA Wales Community College will ensure that an open and measured discussion takes place on the subject of any offences or other matter revealed by the applicant and/or through Disclosure, if undertaken, that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of a conditional offer of employment.
  
- If an applicant reveals a serious criminal record, the recruiter within YMCA Wales Community College will consult the appropriate senior member of staff/management. A decision to reject an applicant because of, or partly because of, a criminal record should relate to an aspect of person specification which is seen to be unmet. If possible, in these circumstances, YMCA Wales Community College will advise the applicant why their application has been unsuccessful.
  
- YMCA Wales Community College will make every applicant for a position that is subject to a Disclosure, aware of the existence of CRB Code of Practice and make a copy available on request.

*Adopted*            *August 2009*  
*Amended*        *May 2010*  
*Review*            *August 2011*