



# Fair and Safe Recruitment Statement

## Introduction

Fairfield Trust is committed to treating all applicants equally and fairly based on their skills, experience, and ability to fulfil the duties required. This is regardless of any protected characteristics (ethnicity, gender or gender re-assignment, religion or belief, sexual orientation, physical/mental disability, age, pregnancy or maternity, marriage, or civil partnership).

We recognise the valuable contribution that people with convictions from all kinds of backgrounds can make to our organisation as employees or volunteers. We understand that obtaining gainful employment enables people who have put their criminal past behind them to become productive and financially independent members of society.

We also recognise that those who have been subject to investigations, allegations and disciplinarys in relation to conduct and capability in employment deserve an opportunity to demonstrate how they have learnt and changed their conduct as a result of their previous experiences. We require all applicants to openly share all relevant information with us, but we would like to reassure applicants that any information provided will be considered in a fair and open manner.

We ask all applicants to share information about past allegations, disciplinarys and investigations at the application stage and seek to verify the information through employment references and other pre-employment checks (where appropriate). At interview, or in a separate confidential discussion, we will ensure that an open and measured discussion takes place on the subject of any allegations, investigations and disciplinary matters which might be relevant to the post.

We do not ask applicants questions about previous cautions or convictions at the initial application stage to ensure that we comply with data protection requirements under DPA 2018, and consider applicants, first and foremost on the grounds of their skills, qualifications, experience, and ability to do the job. Instead, we will only ask those applicants who have been selected for interview to complete a criminal record self-declaration form. At interview, or in a separate confidential discussion, we will ensure that an open and measured discussion takes place on the subject of any offences that might be relevant to the position.

We also ensure that all those who are involved in the recruitment process for Fairfield Trust have received appropriate guidance and training in safe and fair recruitment, including the relevant legislation that governs criminal record disclosure.

We comply fully with the Disclosure and **Barring Service (DBS) Code of Practice** and ensure that:

All cases will be examined on an individual basis and will take the following into consideration:

- Whether the offence(s) and/conduct is relevant to the position applied for
- The seriousness of any offence and/conduct revealed
- The age of the applicant at the time of the conduct and/offence(s)
- The length of time since the conduct and/offence(s) occurred
- Whether the applicant has a pattern of offending behaviour
- The circumstances surrounding the conduct and/offence(s) and the explanation(s) offered by

- the person concerned
- Whether the applicant's circumstances have changed since the offending behaviour
- We will identify the potential risk of applying and we will discuss this with you

### **Applying for Roles that are Covered by the Rehabilitation of Offenders Act 1974 (ROA)**

If the role applied for is covered by the Rehabilitation of Offenders Act 1974, (ROA) we will require applicants to disclose any 'unspent' convictions and conditional cautions. We will make it clear in any job advert, recruitment brief and application form if a DBS check will be requested from the DBS, upon conditional job offer.

Further information about which roles are covered by the Act and when a conditional caution or conviction becomes 'spent' can be obtained from social justice charity Nacro's website [www.nacro.org.uk](http://www.nacro.org.uk).

### **Applying for Roles that are 'Exempt' from the Rehabilitation of Offenders Act 1974**

If the role applied for is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended (ROA Exceptions Order) and where appropriate Police Act 1997 Regulations as amended, we will require applicants to disclose all unspent conditional cautions and convictions; and also any adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

For further information on criminal record self-declaration for roles that are exempt from ROA and eligible for standard or enhanced DBS checks please refer to **Nacro guidance, MoJ guidance** and **DBS guidance**.

We will make it clear in any job advert and application form that a criminal record check appropriate to the role applied for (i.e. enhanced or enhanced and barred list check) will be requested from the DBS upon conditional job offer.

Failure to provide accurate and truthful information is considered a serious matter. If it becomes apparent that inaccurate or incomplete information has been provided, we will need to establish why. Any finding of serious misdirection or intent to deceive will result in an application being disqualified or, if appointed, disciplinary action being taken and/or dismissal.

### **Regulated activity roles**

Important note: Applicants need to be aware that it is a criminal offence to apply for a post that is subject to an enhanced DBS with barred list check (i.e. adults, children, or both). If they have been barred from engaging in regulated activity with the relevant group (i.e. adults, children, or both).

We will include a statement in any job advert making it clear whether the role in question involves engaging in regulated activity with a particular group (i.e. children, adults, or both).

If you are not barred from engaging in regulated activity with (i.e. adults, children, or both), but have been referred to the DBS for consideration to be added to one of the barred lists, you must declare this information when requested during the recruitment process.

Further information on regulated activity and DBS barring can be obtained from DBS.

If you have any questions about our recruitment process, please feel free to discuss this with us by contacting our HR department at [hr@ffc.ac.uk](mailto:hr@ffc.ac.uk) or 01373 823028. All queries will be treated in strict confidence.