

POLICY ON THE RECRUITMENT OF EX-OFFENDERS

1. As an organisation assessing applicants' suitability for positions by using criminal records checks processed through the Disclosure and Barring Service (DBS), St John's Buildings complies with the [DBS Code of Practice](#) and undertakes to treat all applicants for positions fairly.
2. This written policy on the recruitment of ex-offenders will be made available to all applicants at the start of the recruitment process.
3. Chambers undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
4. Chambers can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. For the majority of positions in Chambers, only a Basic Level check will be requested. A Standard or Enhanced check will only be requested where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order.
5. Chambers can only ask an individual about convictions and cautions that are not protected.
6. Chambers is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
7. Chambers actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.
8. All candidates for interview are selected based on their skills, qualifications, experience and the strength of their application.
9. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all applications forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
10. The majority of employed positions in Chambers give an individual access to financial information relating to our members and sensitive client and case data, which we have a duty to ensure is treated with the utmost confidentiality and data integrity. It should not be accessed by employees for anything other than the purposes of carrying out their role in Chambers. However, there is a risk that an individual could use their access to find out information for inappropriate reasons and/or breach the confidentiality and integrity of that data, the consequences of which could be damaging and wide-ranging. Therefore, while the majority of those positions are not currently listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order, a Basic DBS check will be sought for all new appointments to such roles to check for any conflict of interest or criminal charges or cautions that may indicate a risk in allowing access to that information.
11. Chambers ensures that all those in St John's Buildings who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of

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offences. Chambers also ensures that they 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.

12. Chambers asks all applicants to state if they have any unspent convictions or outstanding charges in their application form. If any are stated, Chambers will have an open and measured discussion with the candidate either in the interview or separately of any that may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
13. Where an individual is found by declaration and/or DBS check to have a criminal record, it will not automatically render the individual unsuitable for the post. An assessment will be made of the person's suitability for the role taking into account:
 - a. The nature of the crime and its relevance to the role and to Chambers;
 - b. The seriousness of the offence and its relevance to the safety of staff, members and clients;
 - c. When the offence occurred;
 - d. Any explanation given by the individual regarding the circumstances of the offence;
 - e. The sentence and any patterns of reoffending;
 - f. The requirements of the post, e.g. responsibility for money, access to sensitive and confidential information;
 - g. Whether the post offers realistic opportunities to re-offend and what mitigations might be considered to reduce the risk;
 - h. What level and closeness of supervision may be required in the early stages of employment.
14. St John's Buildings makes every subject of a criminal record check submitted to DBS aware of the existence of the [Code of Practice](#) and makes a copy available on request.
15. St John's Buildings undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.