

Policy and Guidelines for Appointment of people with a Criminal Record



GUIDELINES FOR THE APPOINTMENT OF PEOPLE WITH A CRIMINAL RECORD

Background

The Rehabilitation of Offenders Act 1974 states that certain offences may be disregarded as 'spent' after set periods of time, and ex-offenders are not required to disclose their conviction. 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, including those with unsupervised or significant regular contact with children, young people and other vulnerable people, are exempted from the provisions 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 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, from 28 February 2011, 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), Section 010 (2) provides further detailed information on 'Qualification for Appointment' (See Section 15).

Principles

- 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, 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 01 (2) See Section 15).

APPENDIX 2.2: POLICY AND GUIDELINES FOR APPOINTMENT OF PEOPLE WITH A CRIMINAL RECORD

- 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).
- 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 Safeguarding Children and Vulnerable Adults. If relevant, the advertisement and the person specification will state that the appointment is subject to satisfactory Disclosure at the correct level, from the Criminal Records Bureau (in case of England, Wales and Northern Ireland) or Disclosure Scotland (an agency of the Scottish Government).
- In such cases offers of appointment should be subject to a satisfactory Disclosure from the Criminal Records Bureau or Disclosure 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 020(2), then consideration should be given to whether the appointment can proceed. Advice may be sought from the Head of Child Protection and Safeguarding 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 will have a right of appeal to the Senior Persons Group.
- 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 dismissal. Consideration should be given to immediate suspension from duty. Where an applicant has answered questions relating to a criminal record dishonestly, he/she may have committed a criminal offence.
- It is the responsibility of the recruiting body to ensure that the guidance above is followed.

N.B. Schedule 4 of the Criminal Justice and Court Services Act 2000 as amended by the Sexual Offences Act 2003. A list is currently available on the Methodist website www.methodist.org.uk listed under 'Safeguarding'.

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