



## **Recruitment of Participants with Criminal Records Policy**

Bankside Open Spaces Trust recognises the contribution that ex-offenders can make as participants and welcome applications from them.

Volunteering can boost confidence and self-esteem, help provide a routine in life, help develop new skills, experience and knowledge, bring people into contact with others and help make new friends, improve team working ability and be useful on a CV. A person's criminal record will not in itself prevent that person from being accepted for a role. Suitable candidates will not be refused roles because of offences that are not relevant to, and do not place them at or make them a risk in the role for which they are applying.

Bankside Open Spaces Trust does however have a duty of care towards staff, other participants of whom some are vulnerable and to children and other vulnerable people that use our sites. The priority is the safety of all staff, volunteers and the public and as a result there are some people with particular un-spent convictions who we cannot offer employment, volunteering or training opportunities. Bankside Open Spaces Trust is unable to offer these opportunities to individuals with serious unspent convictions for sexual or violent offences, assault or damage to property because of the risk this poses to staff, vulnerable volunteers, the public and property.

### **Definitions of spent, un-spent and serious convictions**

- **Spent Convictions**

Under the terms of the Rehabilitation of Offenders Act 1974, after a specified amount of time (which varies depending on the sentence given; see tables below) an offender is no longer required to declare their spent caution(s) or conviction(s), for example when applying for most jobs, insurance etc. As a result the offender is regarded as rehabilitated. There are certain professions that are exempt and are legally entitled to ask for a disclosure, for example those which involve working with children or vulnerable adults e.g. education or the NHS. For most purposes the 1974 Act treats a rehabilitated person as if they had never committed, been charged with, prosecuted for, convicted of or sentenced for the sentence.

For most roles at Bankside Open Spaces Trust (e.g. gardener, warden, Future Gardener course) applicants are not required to declare spent convictions and won't be asked to do so. Certain staffing and occasional volunteering roles will require a DBS check to disclose spent convictions and role / job descriptions will indicate where this is the case.

### **When does a conviction become spent?**

You were 18 or over when found guilty in court

<b>Prison Sentence</b>	<b>Rehabilitation Period (from end of sentence)</b>
6 months or less	2 years
Between 6 and 30 months	4 years
Between 30 months and 4 years	7 years
More than 4 years	Never spent
Community Order	1 year
Fine	1 year (from date of conviction)
Absolute discharge (you were not given a punishment)	None

You were under 18 when found guilty in court

<b>Sentence</b>	<b>Rehabilitation Period (from end of sentence)</b>
6 months or less	18 months
Between 6 and 30 months	2 years
Between 30 months and 4 years	3.5 years
More than 4 years	Conviction is never spent
Community order (such as unpaid work)	6 months
Fine	1 year (from date of conviction)
Absolute discharge (you were not given a punishment)	None

Simple cautions become spent immediately. Conditional cautions become spent after 3 months.

For more information see [www.hub.unlock.org.uk](http://www.hub.unlock.org.uk)

- **Unspent Convictions**

This applies where the assigned rehabilitation period (depending on the sentence given, see tables above) is still on going and is not 'spent'.

Unspent convictions must be disclosed on application forms where requested, under the terms of the Rehabilitation of Offenders Act 1974 and an offender who does not disclose their unspent caution(s) or convictions(s) when asked could be prosecuted. An employer can legally refuse to recruit a person (for a paid or volunteer role) with an unspent conviction.

Bankside Open Spaces Trust asks applicants for paid and voluntary roles to disclose unspent convictions.

***Unspent convictions - Serious Offences***

Bankside Open Spaces Trust is unable to offer opportunities to applicants with unspent, serious offence convictions for reasons given above.

153 violent and sexual offences fall into this category e.g. weapons offences, affray, offences against children, rape, arson, terrorism, manslaughter, kidnapping, ABH, GBH, aggravated burglary, aggravated vehicle taking, violent disorder and death by dangerous driving. For a full list of these offences, see Schedule 15 offences under the Criminal Justice Act 2003.

<https://www.legislation.gov.uk/ukpga/2003/44/schedule/15/enacted>

Applicants with serious unspent convictions will be signposted to other organisations better able to cater for their needs e.g. Sydenham Garden.

***Other unspent convictions***

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

- Whether the conviction is relevant to the position/role applied for.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s) and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

- The applicant's behaviour since the offence was committed; including any proactive, positive steps they have taken to attempt to avoid repeated offending behaviour (training, support groups etc.)

An information gathering assessment exercise will be undertaken by staff in partnership with a Probation Officer, Social Worker or other professional where possible.

The final recruitment decision will be a joint decision made by the Bankside Open Spaces Trust Chief Executive Officer, Head of Operations and Head of Parks and Community.

### **Information gathering and storage**

Applicants are asked if they have unspent convictions on the Volunteer / Warden / Future Gardeners application form. If they answer yes they can give details on that section of the application form or in a sealed envelope. This page of the application form or the sealed envelope will be kept securely locked in a separate place to the rest of the application form.

Where an applicant discloses an unspent conviction they will be asked to give details of a Probation Officer or another professional and give us permission to contact this person. This is so we can establish the full details of their conviction and to help us assess whether the applicant is suitable to participate with us.

If the applicant does not start participating with us we will destroy all information about them after 6 months. If they start participating we will keep the information for three years after they finish with us.

The Bankside Open Spaces Trust Privacy Policy can be viewed here <https://www.bost.org.uk/privacy-notice>

This policy is part of the Bankside Open Spaces Trust Volunteer Policy.