



Volunteer Centre
Oxfordshire



Oxfordshire Community and Voluntary Action

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How to make a decision on recruiting ex-offenders

Why recruit ex-offenders?

There are several reasons for recruiting ex-offenders as volunteers. Firstly, it enables you to recruit from a wider pool of potential volunteers, which should help increase your volunteer base and bring a wealth of skills and experience to an organisation. According to figures from Nacro, the crime prevention charity, almost a quarter of men and women of working age has a criminal record. So, if organisations exclude people with criminal records they automatically lose access to a significant proportion of volunteers.

By proactively targeting ex-offenders as part of your recruitment campaign you are also able to demonstrate part of your commitment to equal opportunities and diversity within your organisation. When an organisation refuses to treat people as individuals by assessing each case on its own merit they will be operating on the basis of naked prejudice, which can have a detrimental effect on the organisation's reputation in the wider community.

It's also worth remembering that volunteering not only benefits the organisation and its end users, but also has a positive impact on the volunteer. The government regards volunteering as the basis of active citizenship that creates inclusive and vibrant 'active communities'. By not recruiting people with criminal records, an organisation would be excluding members of that community.

Another important point is that some ex-offenders can offer a wealth of skills and experience to an organisations that other volunteers wouldn't necessarily have.

When to ask for a disclosure

Under the Rehabilitation of Offenders Act, it is only acceptable to ask someone to declare spent convictions if they will be working with vulnerable people, which includes children, young people, the elderly, the disabled, alcohol and drug misusers and the chronically sick.

Organisations regulated under the Care Standards Act 2000, and Childcare Organisations under the Protection of Children Act's definition are legally obliged to seek CRB disclosures for staff and volunteers working in such roles.

For organisations that fall outside of these acts, there is no obligation to carry out CRB checks. Before making a decision on whether to carry out CRB checks for particular roles, it's essential to ensure that you're actually entitled to request a check under the Rehabilitation of Offenders Act. If you are entitled to ask for a CRB check, then it's worth assessing the potential risk to

clients. If there is little or no risk, you may not feel that it's appropriate to ask for a CRB check. However, you still have a duty of care to your clients, and if you don't have the appropriate checks in place it could be argued that you neglected this duty.

How to make a decision

When deciding if a potential volunteer is suitable, consider:

- Can the person undertake the task that is required of them
 - Does the person have the essential skills or experience or an ability to develop them
- If the answer is yes, then criminal convictions can be taken into account. It may be necessary to hold a second meeting with the potential volunteer to find out more about the circumstances in which the offence occurred.

Factors to consider include:

- whether the conviction is relevant to the volunteering opportunity
- the seriousness of the offence
- the length of time since the offence occurred
- the circumstances surrounding the offence and the explanation offered by the applicant
- whether the behaviour that constituted the offence is still a cause for concern
- whether the context behind that behaviour is still a cause for concern
- whether the applicant has a pattern of offending behaviour
- whether the applicant's circumstances have changed
- the applicant's attitude to the offence. Is it one of remorse? Does he/ she take responsibility for it and recognise the harm he/ she caused?

If the answers to most of these questions are reassuring, then the presumption may be that the potential volunteer is not a risk. References can be taken and referees can be questioned where necessary to aid the decision-making process.

If there is a serious discrepancy between what a potential volunteer has revealed and the information recorded on the disclosure then it is possible that a mistake has been made. If this happens, making a decision about whether to recruit a potential volunteer can be delayed until the person has contacted the CRB to rectify the mistake. A new disclosure will then be issued.

Automatic barring

Under the Protection of Children Act 1999 and Criminal Justice & Court Services Act 2000, it is an offence to knowingly employ (paid or unpaid) anyone with a conviction for crimes against children including murder, manslaughter, rape, GBH and a number of sexual offences, to work in a 'regulated' position. These are a range of positions working with or having responsibility for people under the age of 18 (or for some roles 16). In this instance, the results of a disclosure automatically determine that a potential volunteer is unsuitable.

Other considerations

Under the Data Protection Act information must be held sensitively and securely, and be accurate, relevant and only disclosed where necessary. It must not be held for longer than necessary.

Organisations requesting CRB disclosures are required to comply with the CRB's Code of Practice, which is intended to ensure that any information received in a CRB check is used fairly. This includes having an Equal Opportunities policy that demonstrates that they will not

discriminate against people with criminal convictions, but will take into account their individual circumstances.

Further information

Nacro. 'Involving Ex-Offenders in Volunteering'. <http://www.volunteering.org.uk/publications>
CIPD. 'Recruiting ex-offenders A Practical Guide'

<http://www.crb.gov.uk/>

Volunteering England Good Practice Bank- section about Equal Opportunities & Diversity.

<http://www.volunteering.org.uk/goodpractice>

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For more information, please contact
Volunteering England Information Service

Information@volunteeringengland.org

Freephone/textphone: 0800 028 3304 (M-F, 9.30 – 5.30)

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- [Access all of Volunteering England's Information Sheets](#)

- For more information on managing volunteers, please visit

[The Good Practice Bank](#)

Our thanks to Volunteering England, author of this information sheet

