



Mental Health Matters Wales (MHM Wales)

DBS Cymru

Recruitment of ex-offenders Policy

Policy statement

as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), MHM Wales complies fully with the code of practice and undertakes to treat all applicants for positions fairly

MHM Wales undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Filtering of cautions and offences

Since May 2013, standard and enhanced checks no longer disclose ALL cautions and convictions. Following a Court of Appeal ruling, the Government introduced a process of 'filtering'.

Filtering is similar in its concept to the rehabilitation periods under the Rehabilitation of Offenders Act 1974. However, instead of establishing what is spent and so what does not get disclosed on a basic check, filtering establishes what does not get disclosed on a standard or enhanced DBS check.

Information filtered will be removed from a DBS check automatically, this does not mean the caution or conviction is removed or wiped from police records, it means if applying for a job or role that involves a DBS check, you are legally entitled to withhold the details of anything which would be filtered.

Cautions

Multiple cautions can be filtered, so long as the offences are eligible and the relevant time period has passed for each. Each caution is dealt with separately.

Convictions

Only single convictions that didn't lead to a suspended or custodial sentence can be filtered, so long as the offence is eligible and the relevant time period has passed.

Timeframe for filtering

Disposal	Under 18	18 or over
Caution	2 years	6 years
Conviction	5 years and 6 months	11 years

Type of offences

Eligible for filtering	Not eligible for filtering
Common assault	Offences involving violence
Drunk and disorderly	Safeguarding offences
Many motoring offences	Sexual offences
Drug offences only involving possession	Drug offences which involve supply
Theft (where no violence is involved)	Acts of Terrorism

The above is a summary only. The DBS has published a [list of specified offences not eligible for filtering](#)

Procedure

MHM Wales can only ask an individual to provide details of convictions and cautions we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended) the following statement must be displayed in all advertisements and job application forms.

“The post you are applying for is ‘exempt’ from the Rehabilitation of Offenders Act 1974 and therefore, you are required to declare any convictions, cautions, reprimands and final warnings that are not ‘protected’ (i.e. filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). The amendments to the Exceptions Order provide that certain ‘spent’ convictions and cautions are ‘protected’ and are not subject to disclosure to employers, and cannot be taken into account.”

MHM Wales can only ask an individual about convictions and cautions that are not protected.

MHM Wales 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 dependants, age, physical/mental disability or offending background

Job applicants

MHM Wales has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process

MHM Wales actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records

MHM Wales select all candidates for interview based on their skills, qualifications and experience. 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 application 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

Training

MHM Wales ensures all those in who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensures 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

Non-disclosure of cautions and convictions which are not subject to filtering or protection

At interview, or in a separate discussion, MHM Wales ensures an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information directly relevant to the position sought could lead to withdrawal of an offer of employment

MHM Wales 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

MHM Wales undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.