



## POLICY ON ENGAGING PEOPLE WITH A CRIMINAL RECORD

### Context

Compassion is a child-focussed ministry that neither tolerates nor condones the abuse or maltreatment of children. Compassion's '**Child Protection Management Policy**' outlines that children experience an elevated vulnerability to the risk of abuse, exploitation and violence throughout childhood. There is a risk that children participating in programmatic activities may experience some form of abuse or maltreatment, resulting in harm to the child, perpetrated by:

1. another beneficiary
2. a leader, a volunteer or employee of a church partner,
3. a Compassion employee, trustee, contractor, sponsor, donor, or visitor

Compassion has rigorous measures that form part of our obligation to take steps to ensure that every child is protected from persons who pose a risk of harm to a child through physical, sexual, emotional, harmful cultural practices, exploitation or neglect.

### Purpose

The aim of this policy is to state Compassion UK's approach toward engaging people who have criminal convictions and outline when a basic Disclosure Barring Service (DBS) disclosure is required.

### Scope

This policy applies to the engagement of Compassion UK employees, volunteers, trustees, ambassadors, contractors and visitors to Compassion Projects.

This policy does not cover processes for obtaining and providing references which is covered separately in the 'Reference Policy'

### Principles

Compassion UK actively promotes equality of opportunity for all and welcomes applications for employment, volunteering or visits to our overseas programmes from a wide range of candidates. Compassion UK aims to ensure that no individual receives less favourable treatment that is unlawful on the grounds of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, gender, sexual orientation, pregnancy and maternity or offending background. Compassion UK has a separate '**Equal Opportunity and Diversity Policy**', which deals with these issues.

Compassion UK combines an inclusive and fair policy of engaging people with a criminal record but with a blanket ban on unspent cautions and convictions of offences against children as listed in Schedule One of the Children and Young Person's Act 1933 and the Home Office Circular 16/2005 consolidated list of offences which can be used to identify 'a person as presenting a risk or potential risk to children'. For all other offences, certain factors will be taken into consideration during the assessment of the criminal record to reach a fair and balanced decision.

Compassion UK complies fully with the Disclosure and Barring Service Code of Practice and undertakes:

## Policy on Engaging People with a Criminal Record

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- to treat all applicants fairly; and
- not to discriminate unlawfully against any person providing a criminal record check on the basis of a conviction or other information revealed

### The Rehabilitation of Offenders Act 1974

All Compassion UK roles are covered by the Rehabilitation of Offenders Act 1974 (basic DBS disclosure roles). These are convictions that are not yet spent (unspent).

### Section 9 of The Charities (Social Investment & Protection) Act 2016

An individual may be disqualified from acting as a trustee or senior manager even on an interim basis if they have certain unspent convictions unless the Charity Commission waives this disqualification. For more information see guidance on [disqualifying reasons](#).

### Eligibility

Compassion UK has determined that it is proportionate, relevant and legal to ask an individual to disclose unspent criminal conviction, offences and cautions from the following individuals:

1. All trustees
2. All employees
3. All volunteer roles and contractors with access to systems containing restricted beneficiary data
4. Any volunteer and ambassador role deemed necessary after a risk assessment
5. All those who interact or visit face-to-face with beneficiaries

### Disclosure & Decision-Making Process

All application forms, adverts and recruitment briefs will contain a statement that in the event of the individual being offered the position of employment, volunteering or visits to the field some or all of the following will be required, based on risk assessments for roles:

1. A written self-disclosure of unspent criminal convictions and offences.
2. An application for a basic DBS disclosure
3. References

Category	Self-disclosure	Basic DBS disclosure	References
Trustees	✓	✓	✓
Employees	✓	✓	✓
Volunteers & Contractors (who access restricted beneficiary data)	✓	✓	✓
Other volunteers & Ambassadors	Based on Risk Assessment		
Those who interact with or visit beneficiaries	✗	✓	✓

## Policy on Engaging People with a Criminal Record

In the case of an individual being unable to provide a basic DBS disclosure (e.g., they have not lived in the UK for the requisite amount of time), Compassion UK will ascertain what alternative background checks may be available and request these, together with a written self-disclosure and "certificate of good character" references.

It is important to understand that where a contract of employment is made, failure to disclose information that has been requested could result in disciplinary proceedings or dismissal.

All roles will include person specification essential criteria to have an awareness of and commitment to the importance of safeguarding to ensure the protection of children, sponsors, employees and volunteers.

Compassion UK ensures that all those who are involved in the decision-making process have been suitably trained to identify and assess the relevance and circumstances of offences and make suitable decisions, such decisions are handled by the HR Director and Child Protection Officer (CPO). Compassion UK will at times consult with external agencies such as ThirtyOne:Eight.

All disclosed details of criminal convictions, offences and cautions are treated in the strictest confidence.

Compassion UK undertakes to discuss - where deemed relevant - any information revealed or disclosed with the individual seeking the position before deciding whether to withdraw a conditional offer of employment, volunteering or opportunity to visit the field office. Compassion UK aims to reach fair and balanced decision.

Compassion UK will comply with any necessary reporting requirements to external authorities and will work with these authorities during any investigation. Such reports may include (but are not limited to) persons banned from working with children attempting to engage with Compassion UK or visit one of our field countries to interact with children.

### Notification of Changes to Criminal Record

Those appointed in either paid or unpaid positions will be expected to notify Compassion UK of any changes in relation to their unspent criminal convictions and cautions.

All employees, trustees and specified volunteer/contractor roles will be required to provide an updated basic DBS disclosure every three years. Any person visiting the field, who is not an employee or trustee must provide a basic DBS disclosure that is dated less than two years from the date of departure of the trip.

Any changes in relation to criminal offences will initiate a review process.

### Associated Procedures and Documents

- Equal Opportunity & Diversity Policy
- Safeguarding Policy
- Reference Policy
- Policy for Processing Criminal Convictions & Offences Data
- Criminal Record Assessment Form

**This policy will be reviewed every THREE years**

Version	Approval date	Approved by	Details
One	30-Nov-2018	Board of Trustees	Superseded by version two
Two	29-Oct-2021	Board of Trustees	