

## DBS/ Prison Clearance

### A short guide for candidates with lived experience of Criminal Justice System

**Based on NHS England Health & Justice Inclusive Workforce Programme:**

**Disclosure and Barring Service FAQ and Security and Vetting FAQ**

Spectrum is working to develop a more inclusive culture in which colleagues with lived experience enrich our organisation, supporting our values and growth. We are proud to be a part of the NHS Lived Experience Charter, which focuses on improving employment opportunities for People with Lived Experience of the Criminal Justice System (CJS).

We hope this guide will provide you with answers to some pre application questions that might be related to having a criminal record / lived experience of CJS.

If you are still unsure whether your criminal record / lived experience of CJS would automatically prevent you from completing the recruitment process, please contact our experience team to arrange an informal chat: [experience@spectrum-cic-nhs.uk](mailto:experience@spectrum-cic-nhs.uk)

#### **I've got a criminal record / lived experience of the Criminal Justice System, can I apply for a role in Spectrum?**

Having lived experience of CJS does not automatically exclude anyone from the recruitment process. However if a role you're applying for is in one of our secure estates (eg prisons, immigration centres) there are some offences that might have negative impact on the prison clearance and therefore prevent completion of the recruitment process. It is always important to be honest and share any past and present convictions and contact with the police and CJS.

#### **Do I need a DBS check?**

DBS checks are required for relevant applicants in accordance with their role.

Spectrum will use the [DBS Eligibility Tool](#) and the [Government Eligibility Tool](#) to assess if a DBS check is required and if so to what level.

If it is appropriate, Spectrum will then facilitate a DBS check in conjunction with the applicant. New recruits are required to pay this cost themselves (via salary deduction) or will be sent an invoice for the cost should they not start in post.

### **What does Code of Practice section 122 of the Police Act 1997 say?**

It is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

### **How can I know which offences will never be filtered from my DBS?**

Please check the full list of offences that will not be filtered here:

[List of offences that will never be filtered from a DBS certificate - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### **If I have criminal record / lived experience of CJS will I fail my DBS?**

You will not fail your DBS, however your spent and unspent record might appear on the DBS. We follow DBS policies and guidance as a Care Quality Commission (CQC) regulated organisation providing NHS funded services. This means we always follow national guidance relating to specific roles, environments and patient populations.

### **What happens if my DBS check highlights an offence or offences?**

Where the DBS check highlights that an applicant has lived experience of Criminal Justice System, Spectrum will undertake a risk assessment to ensure that the information is considered in a fair and consistent way.

The recruiting manager will discuss the information received with the applicant, supported by HR. Where appropriate other support may also be accessed e.g. Safeguarding Team

If the recruiting manager and HR are satisfied that the information revealed will not have a significant impact on their appointment the recruitment check should continue.

### **I've got a criminal record, will I fail prison clearance process?**

Having previous offences does not automatically stop someone from gaining security clearance. Criminal convictions including prison sentences are considered on their own merits and the length of time since release and offence will factor into the decision making process.

### **Which offences mean that I might fail the prison clearance?**

There is a list of specified offences which could prevent security clearance being granted at any level.

- Offences relating to terrorism / offences under the Anti-Terrorism and Crime Act 2003 / Prevention of Terrorism Act 1989 / Terrorism Act 2000 & 2006

- Offences relating to children / offences under the Children and Young Persons Act 1933 / Child Abduction Act 1984
- False Imprisonment – Common Law
- Kidnapping – Common Law
- Murder - Common Law
- Racially / religiously aggravated offences / offences under the Crime and Disorder act 1998
- Supply controlled drug / offences under the Misuse of Drugs Act 1971 in prison settings.
- Violent and /or serious offences / Offences against the Person act 1861/ offences under the Public Order Act 1986
- Sex offences / any offence under the Sexual Offences Act 1956
- Stalking involving fear of violence or serious alarm or distress

### **Is there any pre employment support offered?**

Yes. If you want an informal chat about your application and you are concerned about having lived experience of CJS please contact our experience team on [experience@spectrum-cic.nhs.uk](mailto:experience@spectrum-cic.nhs.uk)

For any other pre employment queries please contact the Recruiting Manager or the contact provided in the job advert.

### **If my security and vetting is declined will it be recorded?**

Yes, all vetting decisions are recorded centrally.

### **Can I be rejected due to having family/friends with criminal record?**

Any connection with a serving / former prisoner or an individual currently / previously under probation supervision should be declared when completing the application questionnaire. Connections include in a personal and professional capacity.

Examples include - family relations, partners, friends, and people known from school days. Any relationship with a serving prisoner or offender on a community or suspended sentence order; or on a licence post release from custody will be considered as part of the vetting process. If risk factors are deemed high this may lead to a rejection of vetting.

### **What if I don't know what offences my family members or friends have?**

Someone cannot be rejected based on not knowing. They must however declare any known associates as described in question above and provide written guidance within the vetting questionnaire.

**Will I be able to explain my answers and provide background information during the vetting application?**

There is an additional information section within the vetting questionnaire where you can include details you believe to be of relevance.

**If I can't remember all of my offences what should I do?**

If you cannot remember details of previous offences, you should declare to the best of your knowledge and include all information that you can recall. You can obtain a copy of your criminal records via a Subject Access Request (SAR) from the ACRO Criminal Records Office.

**Any other advice?**

We would encourage all candidates to be honest and open about their lived experience of CJS. We do however understand that might be anxiety provoking and cause stress.

Please familiarise yourself with the information offered here. This is not an exhaustive list and has been based on the NHSE Inclusive Workforce Guidance to DBS and security and vetting FAQs.

We will support any candidate as much as we can. However, we might not be able to provide 100% assurances whether your prison vetting will be cleared.

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