

Declaration of criminal records within our recruitment process

MCS 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. MCS select all candidates for interview based on the skills and experience demonstrated for the role.

We are committed to safeguarding and protecting everyone we come into contact with as part of our work. All our posts (employed, contracted or for volunteers) are subject to safer recruitment processes, including self-disclosure. However, for some roles we do use the Disclosure and Barring Service (DBS) Access NI or Disclosure Scotland checks to provide access to sensitive criminal record information about candidates. This may include an Enhanced and Barred Lists check, depending on the role requirements.

In using these services to assess your suitability for positions of trust we comply with the relevant legislation and DBS Code of Practice and we undertake to treat all applicants for positions fairly. MCS therefore will not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed. The Code of Practice can be found here <https://www.gov.uk/government/publications/dbs-code-of-practice>

Having a criminal record will not necessarily prevent you an individual from working with us. You will be given the opportunity to provide us with a statement that adds context and your thoughts, and full consideration will be given to balance the nature of the role and the circumstances and background of the offences. You can find out more about how to approach making a declaration here <https://3bx16p38bchl32s0e12di03h-wpengine.netdna-ssl.com/wp-content/uploads/2014/06/disclosing-criminal-records-a-nacro-guide.pdf>

Unless the nature of the position allows MCS to ask questions about your entire criminal record, except for certain spent convictions and cautions which are 'protected' so not subject to disclosure to employers and that cannot be taken into account, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

'Unspent' convictions

Unspent convictions are those records that have not yet reached the defined length of rehabilitation period as set out in the Rehabilitation of Offenders Act 1974, so are of relevance in making a decision whether you can work with us in any capacity. All background checks will report unspent convictions.

As part of our assessment process for roles we would encourage you to declare 'unspent' criminal convictions to us when you are invited to interview. Having a criminal record will not necessarily prevent the role being offered, but the decision whether to do so will depend on the nature of the position and the circumstances and background of the offences. Where the nature of the offence has a relevance to the role applied for, the suitability of the candidate will be considered in this context (e.g. a theft or fraud conviction when recruiting to an accounting role). MCS does, in these circumstances, reserve the right to refuse to offer employment, or withdraw an offer if undeclared convictions come to light.

'Spent' convictions

Spent convictions are those that have reached the set period set out by the Rehabilitation of Offenders Act 1974 and they do not appear on background checks, but will be reported on Enhanced level background checks.

You will not be asked to disclose information relating to 'spent' convictions, unless the role you are applying for is exempt from the provisions of the Rehabilitation of Offenders Act 1974 and subject to an Enhanced and Barred Lists check through the Disclosure and Barring Service, Access NI or Disclosure Scotland. These checks are only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

For those positions where a Disclosure is required, all application packs, job adverts and role profiles for employed, contracted or volunteer roles will contain a statement that a Disclosure will be requested to undertake the role.

Managing declarations and outcomes from a disclosure check

We would encourage you to make a self-declaration regarding your criminal record when we invite you to an interview. You will be requested to provide information under separate, confidential cover to a designated person within the organisation and the information provided is only seen by those who need it as part of the recruitment process. This process is designed to give you the opportunity to set out the circumstances in your own words to help us make a decision.

At the interview, or in a separate meeting, we will ensure that an open and measured discussion can take place about any offences or other matter that might be relevant to the position. We can only make decisions on the information you provide, so if other things come to light that is relevant to the position, then we may have to withdraw an offer of employment.

The information that's useful to include in your declaration is included here:

- When the offence was committed: if your offence(s) happened a long time ago, then highlight this. If the conviction is recent but the offence happened a long time before, explain this as well.
- Number of offences: if the offence is a one-off and was out of character, highlight this. If you have a number of offences that occurred over a period of time, try to group them together (e.g. "between 2001 and 2005 I was convicted on a number of occasions for offences relating to...").
- Relevance: offence categories include a range of behaviour or offences which can make it difficult for us to judge whether the offence is relevant to the job you are applying for. For example, burglary can be breaking into somebody's house and putting somebody in fear of violence, or it could be simply trespassing in a derelict building. If the offence is not particularly relevant, explain this to the employer.
- Seriousness: if the offence sounds more serious than the circumstances were, highlight this. One way of explaining this is by drawing attention to the penalty or sentence that you received.
- Context: if there were circumstances or reasons behind the offence(s), explain them. For example, if you had an addiction issue at the time of the offending which you have since addressed, this is important information for us to be aware of.
- Responsibility: if you took responsibility for the offence(s) at the time – for example if you pleaded guilty at the earliest opportunity, or co-operated with the investigation – then you should say so.
- Changed circumstances: this is an important part of your disclosure. Tell us how whatever the reasons or causes that led to your offending, that you have since addressed them, changed them, or learnt from them.

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