

HETAS Policy Statement on the Registration of Ex-Offenders

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat Disclosure and Barring Service (DBS) applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. The Code also obliges registered bodies to have a written policy on the recruitment of ex-offenders, a copy of which can be given to DBS applicants at the outset of the recruitment process.

Whilst HETAS is not such a registered body and does not employ our registered installers, we are aware that registrants enter domestic/commercial properties and that in some cases ex-offenders could be working unsupervised in their customers' homes and businesses. We also need staff to comply with the rehabilitation regulations. The Rehabilitation of Offenders 1974 Act places limits on what convictions and cautions an employer can ask an individual about and what they can take into account. Any employer can ask a person to disclose unspent convictions and take these into account. HETAS has therefore prepared this policy statement to cover the use of criminal records checks from DBS or other bodies. This policy may also be considered as part of our Equal Opportunities policy. Specific positions, professions, employment, offices, works and licences are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and/or prescribed in the Police Act 1997 (Criminal Records) regulations (refer to <https://www.gov.uk/government/collections/dbs-eligibility-guidance>). DBS can only consider applications covered by those regulations. HETAS has reviewed the lists of occupations, both for internal employment roles internal to HETAS and for categories of external operatives registering with its schemes. HETAS has concluded that:

- For training young adults, the requirements of this DBS category could be applicable: "Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children". Training organisations within the HETAS network (whether education institutes or independent companies) need to be aware of requirements for safeguarding young adults. Those organisations are responsible for appointing and supervising their training staff but HETAS will co-operate in any requests for guidance or support in carrying out DBS checks.
- No other roles in the normal course of their work, as covered under HETAS, appear to be included in the "Exceptions Order" under the regulations. This means that:
 - The full criminal record check from DBS is not permitted for those roles. However other bodies may offer HETAS a "basic disclosure" check
 - Offences which have become "spent" as defined by the Regulations are not required to be declared by a job applicant, and would not be permissible grounds for HETAS to refuse an application for, or dismiss a person from, one of those roles.

Further information regarding conviction information

On the 29 May 2013, legislation (Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013 - came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

Use of criminal record checks

As an organisation assessing applicants' suitability for registration, HETAS may use criminal record checks to research the background of an applicant where an unspent conviction has been declared or where we have reason to believe that their background may give rise to risk to customers who use their services and who rely on the HETAS mark/brand, as a way of identifying suitable installers. HETAS undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

HETAS can only ask an individual to provide details of convictions and cautions that HETAS are legally entitled to know about. As explained above, with the possible exception of roles training young adults, HETAS would not be permitted to request a DBS certificate or to consider "spent" convictions.

HETAS is committed to the fair treatment of its registrants and or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

HETAS has a written policy on the recruitment of ex-offenders, which can be made available to all applicants at the outset of the employment or registration process.

HETAS will make a balanced judgement on each applicant, having regard to such factors as:

- a. the applicant's age at the time of the offence;
- b. how long ago the offence took place;
- c. whether it was an isolated offence or part of a pattern of offending;
- d. the nature of the offence;
- e. its relevance to the role for which they have applied to HETAS;
- f. their employment status, such as whether they are employed by a company which is aware of
- g. their background and undertakes to supervise them accordingly; and
- h. what else is known about the person's conduct before and since the offence.

A submission for a criminal record check (either a full DBS application or a basic disclosure) is only made after the registrant applicant has declared an unspent conviction on the application form.

HETAS undertakes to discuss any matter revealed on a criminal record check with the individual seeking registration before refusing to register the applicant.

Any decision not to accept the applicant (or to apply special conditions) will be recorded in the applicant's file along with any date that the offence becomes spent.

There is an appeal process where an applicant can appeal against the decision. If there is an appeal, 3 employees of HETAS who have had no previous involvement will review the matter and make a decision. The appeal panel may seek legal advice to ensure fairness and consistency.



Bruce Allen
CEO HETAS Ltd.

Dated
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