



# The Switch Ex-Offenders Policy

Last Updated	June 2026
Next Review Due	June 2027
Responsible Officer	Angela Lattimore

## 1. Purpose and Principles

As an organisation assessing the suitability of applicants, staff and volunteers for roles that fall within the scope of the Rehabilitation of Offenders Act 1974 (Exceptions) Order, and which require criminal record checks processed by the Disclosure and Barring Service (DBS), The Switch complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly.

The Switch does not discriminate unfairly against any individual who is the subject of a criminal record check, including on the basis of a conviction, caution, or other information revealed, and follows the Equality Act 2010 and sector best practice.

The Switch only requests information on convictions or cautions that we are legally entitled to receive, in accordance with the Police Act 1997, the Rehabilitation of Offenders Act 1974 (Exceptions) Order, and applicable Filtering Rules.

Where a standard or enhanced DBS certificate is legally permitted, The Switch may only ask applicants to disclose convictions or cautions that are not “protected” under the filtering rules. Processing of such information is undertaken in compliance with the Data Protection Act 2018, UK GDPR, and transparency obligations under the Data (Use and Access) Act 2025.

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## 2. Equality, Inclusion and Fair Treatment

The Switch is committed to the fair treatment of all staff, potential staff, volunteers, work experience hosts, mentors, and beneficiaries of its services, regardless of race, gender, religion or belief, sexual orientation, socioeconomic background, age, disability, caring responsibilities, or offending history.

This policy is made available to all applicants requiring a DBS check at the start of the application or onboarding process.

The Switch welcomes applicants with a diverse range of backgrounds and experience, including individuals with criminal records, provided safeguarding standards can be met.

Applicants are selected for interview based on their skills, qualifications, experience, and suitability for working with children, young people, schools, volunteers, or other programme participants.

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## 3. Requests for DBS Checks

A DBS check will only be requested after a role specific safeguarding and risk assessment concludes that it is proportionate and relevant to the role, in line with Charity Commission guidance and safer recruitment expectations.

Where roles involve direct work with children and young people, mentoring, or positions of trust, enhanced scrutiny will be applied as part of the assessment process.

Where a DBS check is required, all application forms, role descriptions, volunteer briefs and recruitment materials will clearly state that a DBS certificate is required before appointment. Applicants will also be informed about how their data will be used and stored, in line with the Data (Use and Access) Act 2025.

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## 4. Recruitment, Interviewing and Assessment

The Switch ensures that all staff involved in recruitment or volunteer onboarding receive appropriate training in assessing the relevance of criminal offence data, understanding the Rehabilitation of Offenders Act 1974, safer recruitment practices, equality and inclusion, and their responsibilities under UK GDPR and DUAA 2025.

During interviews or follow up discussions, The Switch ensures an open, sensitive and proportionate conversation takes place regarding any disclosed information, to ensure risk is assessed fairly and respectfully.

### 4a. Assessment of Criminal Record Information

Where a DBS check or self disclosure identifies relevant information, The Switch will undertake a structured risk assessment. This will consider:

- nature of the offence (e.g. violent, sexual, safeguarding related)
- severity and circumstances
- age at the time of the offence
- time elapsed since the offence
- pattern of behaviour or repeat offences
- relevance of the offence to the role
- evidence of rehabilitation or positive change

### 4b. Safeguarding Risk Indicators

Certain types of offences are more likely to raise safeguarding concerns, particularly for roles involving children and young people. These include:

- violent offences (e.g. assault, battery)
- sexual offences or exploitation
- offences involving abuse, coercion, or harm
- offences involving children or vulnerable individuals
- behaviour indicating poor boundaries, judgement, or risk of harm
- offences resulting in a custodial sentence

These factors do not automatically prevent volunteering; however, they will be subject to enhanced scrutiny and may be considered incompatible with safeguarding requirements depending on the circumstances.

### 4c. Volunteers and Safeguarding Roles

The Switch recognises that many volunteer roles involve:

- direct engagement with children and young people
- one to one mentoring or support
- positions of trust, influence, or responsibility

Risk assessments for volunteers will therefore also consider:

- level of contact with children
- whether the role involves unsupervised access
- degree of independence versus supervision
- nature of the relationship and influence

A more precautionary approach will be applied where roles involve close or unsupervised working with young people.

#### **4d. Decision Making and Risk Thresholds**

Following assessment, a decision will be made based on the level of safeguarding risk:

1. Legally prohibited or barred – automatic exclusion
2. Low risk – may proceed
3. Medium risk – may proceed with safeguards or restrictions
4. High safeguarding risk – not suitable for the role at this time

Where there is uncertainty, The Switch will take a precautionary approach to prioritise the safety and wellbeing of children and young people.

Failure to disclose legally required information that is directly relevant to the role may result in the withdrawal of an employment or volunteer offer.

Before withdrawing any conditional offer, The Switch will ensure the applicant has an opportunity to discuss any information appearing on the DBS certificate.

If any matter relates to a complaint, safeguarding allegation or concern, procedures will be followed in line with The Switch Complaints Handling Policy.

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#### **5. Access to the DBS Code of Practice**

The Switch ensures that every applicant undergoing a DBS check is informed of the DBS Code of Practice. A copy is available on request or via the DBS website.

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#### **6. Storage, Retention and Security of Criminal-Offence Data**

The Switch retains the following information securely:

- applicant's name
- DBS certificate number
- date of issue

- role applied for
- suitability decision
- summary of the risk assessment outcome (not the full certificate)

Records are stored securely, encrypted, and accessible only to the DBS Administrator and the Designated Safeguarding Lead (DSL). Access logs are maintained in accordance with DUAA 2025 audit trail requirements.

Criminal offence data is retained only for as long as necessary, typically for the duration of an individual's engagement with The Switch and no more than 12 months afterwards, unless a longer period is legally required for safeguarding or regulatory purposes. The DBS certificate itself is not retained.

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## 7. Safeguarding Statement

The Switch is committed to safeguarding children, young people, volunteers, schools and community partners.

The safety and wellbeing of children and young people is the organisation's primary concern. Where there is any doubt regarding suitability, safeguarding considerations will take precedence.

All recruitment decisions prioritise the safety and welfare of beneficiaries, in line with Working Together to Safeguard Children and Charity Commission expectations for safer recruitment.

## 8. Confidentiality and Disclosure

All information disclosed as part of the DBS process will be treated in strict confidence.

The Switch will not share information relating to an individual's criminal record disclosure with third parties without the individual's explicit consent, unless legally required to do so.

Where appropriate, external parties will only be informed of outcomes (for example, that an individual is not proceeding with volunteering), without reference to DBS content.

## Policy Review

This policy will be reviewed at least every 12 months, or sooner if legislation, DBS guidance, DUAA 2025 requirements or safeguarding standards change.

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