

# Recruiting Volunteers with Criminal Records

## Summary

Organisations often have many questions when they are approached by a potential volunteer with a criminal record, and may be cautious about recruiting them. It should be borne in mind that for many people with criminal records, the nature of the offence will have no bearing on their ability to volunteer. However, even those with serious convictions who are deemed to be high risk may still be able to volunteer, although appropriate safeguards will need to be put in place.

This Information Sheet attempts to provide guidance for both organisations that may occasionally be approached by a potential volunteer with a criminal record, and organisations that proactively work with offenders and ex-offenders as volunteers.

This Information Sheet covers:

- Why organisations should recruit people with criminal records as volunteers
- Challenges and rewards of engaging volunteers with criminal records
- How to make a recruitment decision
- Criminal Record Bureau Disclosures
- Equal opportunities
- Engaging offenders and ex-offenders as volunteers

## How do I know if a volunteer has a criminal record?

According to figures from Nacro, the crime prevention charity, almost a quarter of men and women of working age have a criminal record. It is therefore likely that a number of prospective volunteers have criminal records.

When deciding if a potential volunteer is suitable you should consider whether the person can undertake the task that is required of them and whether the person has the essential skills or experience or an ability to develop them. You should only try to find out about someone's criminal record if it is relevant to the volunteering opportunity.

There are a number of ways you can find out about a volunteer's criminal record. Most volunteers will tell you if they have a criminal record, especially when it may affect whether they can carry out a volunteering role. You may find out from someone else. You may require volunteers to undergo a CRB check, or you may be specifically targeting ex-offenders.

If a volunteer does not tell you about their criminal record and you subsequently find out they have a criminal record, you should consider why they did not tell you and whether the offence is relevant to the volunteering opportunity.

## **Why recruit people with criminal records?**

There are several reasons for recruiting people with criminal records as volunteers. Firstly, it enables you to recruit from a wider pool of potential volunteers, which should help increase your volunteer base. If organisations exclude people with criminal records they automatically lose access to a significant proportion of potential volunteers.

More importantly, by proactively targeting offenders and ex-offenders as part of your recruitment campaign you are demonstrating your organisation's commitment to equal opportunities and diversity. Each individual should be looked at on their own merit.

It's also worth remembering that volunteering not only benefits the organisation and its end users, but also has a positive impact on the volunteer. The government regards volunteering as the basis of active citizenship that creates inclusive and vibrant 'active communities'. By not recruiting people with criminal records, an organisation would be excluding members of the community.

Another important point to bear in mind is that some offenders and ex-offenders can offer a wealth of skills and experience to an organisation that other volunteers wouldn't necessarily have. For instance, a former drug user may want to volunteer as a mentor or befriender to a young person with a drug addiction, or give talks in schools on substance misuse. By drawing on their own experience, a volunteer can 'make it real' for the client, which can have a far bigger impact than other staff or volunteers might have.

However, it's important to be mindful of the fact that just because someone has committed an offence, they won't necessarily want to draw on this experience to help others in similar situations. Some people will be keen to put the past behind them and move on. They may simply regard volunteering as a way of gaining new skills that may help them to find paid work, or a way of establishing a new routine.

## **Challenges and rewards of engaging people with criminal records**

The challenges vary according to the conviction, but organisations need to ensure that they follow any statutory procedures that may be in place, as well as having sufficient safeguards to protect others where they will be in contact with offenders or ex-offenders that pose a high risk of harm.

Other challenges include tackling perceptions of offenders and ex-offenders that are held by both the general public and by funders. Some funders may not be supportive of projects that involve prisoners, offenders or ex-offenders as volunteers. Other funders may require volunteers to have no outstanding unspent convictions, or to have been free of offending for a specific period of time.

However, overcoming such challenges can lead to substantial rewards for both the organisation and the volunteer. Volunteering can help provide stability and routine, as well as boosting confidence and increasing self-esteem. By volunteering a person can also gain new skills, interests and experiences, which will improve their quality of life and may even lead to employment. A substantial period of volunteering activity that proves their commitment, capabilities and honesty may result in a reference that could prove invaluable for future job applications.

Not only can organisations and their service users benefit from the volunteer's contribution, but they will also notice the change within the volunteer. By giving an offender or ex-offender the chance to volunteer, the organisation is effectively enabling them to empower themselves.

### **Prisoners as volunteers**

The number of opportunities for people to volunteer whilst in prison is increasing, with roles covering a wide range of peer support. Such roles include becoming a listener, an 'Insider' (a supervised prisoner who helps provide first night support to new inmates), and advisors for joint initiatives with other organisations such as the Citizens Advice Bureau and Shelter. In addition to peer support roles, there are various other volunteering opportunities for prisoners to participate in. Where an offender has previously volunteered whilst in prison, it may be possible for them to gain a reference from the prison Governor or the organisation they volunteered for.

If an organisation recruits prisoners as volunteers, then their volunteer policy will need to reflect this, to ensure that prisoner volunteers are treated fairly and consistently. Also, because prisoners are classed as 'vulnerable', this will have safeguarding implications on staff and other volunteers working with them.

### **How to make a recruitment decision**

There are many factors that an organisation needs to consider when deciding whether to recruit someone with a criminal record. These include:

- The potential volunteer's suitability for the role
- The relevance of the offence
- The level of risk they pose (to the organisation and those that come into contact with it)

- The setting in which the volunteering activity will take place

### **Suitability for the volunteering role**

One starting point for making a decision on whether to recruit someone would be to work out their suitability for the role:

- Can the person undertake the task that is required of them?
- Do they have the essential skills or experience needed for the role?
- If not, do they have the ability to develop them?

If the answer is yes, only then should criminal convictions be taken into account when weighing up someone's suitability for the volunteering role.

### **The relevance of the offence**

In some cases, it may be necessary to hold a second meeting with the potential volunteer to find out more about the circumstances in which the offence occurred. Factors to consider when making a recruitment decision include:

- Whether or not the conviction is relevant to the volunteering opportunity
- The nature and seriousness of the offence
- The circumstances surrounding the offence and the explanation offered by the applicant
- How old the applicant was when the offence was committed
- The length of time since the offence occurred
- Whether the behaviour that constituted the offence is still a cause for concern
- Whether the context behind that behaviour is still a cause for concern
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed
- The applicant's attitude to the offence. Is it one of remorse? Does the applicant take responsibility for it and recognise the harm they caused?
- Whether the offence has since been decriminalised

If the answers to most of these questions are reassuring, then the presumption may be that the potential volunteer does not pose a risk. References can be taken and referees can be questioned where necessary to aid the Volunteer Manager in the decision-making process.

### **Managing risk**

Organisations interact with offenders and ex-offenders at different stages of their 'journey' through the criminal justice system, and this will inevitably have an impact on the level of risk management that is required.

Whilst some organisations will find the above checklist helpful, those working with prisoner and offender volunteers may need a different set of criteria when assessing the risk posed by an individual. This is especially true of

organisations that enable serious or high risk offenders to participate in volunteering roles.

Some ways in which organisations manage risk include:

- Requiring an offender or ex-offender to be 'clean' of offending for a specific period of time before they are able to volunteer
- Adapting the volunteering role to reduce levels of risk
- Providing additional levels of supervision for the volunteer
- Identifying if staff or other volunteers need to be aware of any health and safety or personal security issues when working alongside a particular volunteer or a particular type of offender
- Adapting existing risk management policies and procedures to accommodate offender and ex-offender volunteers
- Having a specific policy in place to demonstrate how the risk of harm by the individual will be reduced when working with serious offenders as volunteers
- Taking the view that if an offence is spent then the ex-offender should be given the same equal opportunities as other volunteers.

For some organisations there may be questions about the point at which an offender becomes an ex-offender, and whether they can be certain that the person no longer poses a risk of re-offending. If an ex-offender does re-offend, then the organisation needs to have guidelines in place on how it will deal with such situations.

### **The volunteering setting**

Where the volunteering actually takes place may be another factor in deciding whether or not to recruit an offender or ex-offender as a volunteer.

For instance, in the case of prisoner volunteers, the volunteering may happen in the prison or in the community whilst the prisoner is on day release. Where the volunteering has been arranged in conjunction with a statutory agency such as a prison, the organisation will need to ensure that it complies with any protocols or restrictions that the statutory body has in place.

### **Criminal Records Bureau Disclosures**

Under the Rehabilitation of Offenders Act, it is only acceptable to ask someone to declare spent convictions if they will be working with children and/or vulnerable adults. This is known as asking an exempted question under the Act.

⇒ A full definition of 'vulnerable adult' can be found in *The Vetting and Barring Scheme Guidance*, published by the Criminal Records Bureau, Independent Safeguarding Authority and Access Northern Ireland:  
<http://www.isa.gov.org.uk/Default.aspx?page=402> )

Organisations regulated under the Care Standards Act 2000, and Childcare Organisations under the Protection of Children Act's definition are legally obliged to seek Criminal Records Bureau (CRB) Disclosures for staff and volunteers working in such roles.

For organisations that fall outside of these acts, there is no obligation to carry out CRB Disclosure checks. Before making a decision on whether to apply for CRB Disclosures for particular roles, it's essential to ensure that you're actually **entitled** to request a check under the Rehabilitation of Offenders Act. If you are entitled to ask for a CRB Disclosure, then it's worth assessing the potential risk to clients. If there is little or no risk, you may not feel that it's appropriate to ask for a CRB Disclosure. However, it should be remembered that you still have a duty of care to your clients, and if you do not have appropriate vetting and screening procedures in place it could well be argued that you had neglected this duty.

Whatever you decide, make sure that you include your reasons in a written document, such as your Health and Safety Policy, as this demonstrates that you have given due consideration to this subject should any issues arise in the future. Remember to review this on a regular basis, for example when you create a new volunteer role or modify an existing one.

### **Discrepancies on the CRB Disclosure**

If there is a serious discrepancy between what a potential volunteer has revealed and the information recorded on the Disclosure certificate then it is possible that a mistake has been made. If this happens, making a decision about whether to recruit a potential volunteer can be delayed until the person has contacted the Criminal Records Bureau to rectify the mistake. A new Disclosure certificate will then be issued.

### **Automatic barring**

Under the Protection of Children Act 1999 and Criminal Justice and Court Services Act 2000, it is an offence to knowingly recruit (either an employee or a volunteer) anyone with a conviction for crimes against children including murder, manslaughter, rape, grievous bodily harm (GBH) and a number of sexual offences, to work in a 'regulated position'. These are a range of positions working with or having responsibility for people under the age of 18 (or for some roles 16). In this instance, the results of a Disclosure automatically determine that a potential volunteer is unsuitable.

### **Other considerations**

Organisations requesting CRB Disclosures are required to comply with the CRB's Code of Practice, which is intended to ensure that any information received through a check will be used fairly. This includes having an Equal Opportunities policy statement on how the organisation will not discriminate against people with criminal convictions, but will take into account their individual circumstances.

## **Volunteering England Information Sheet**

© Volunteering England 2010.

---

- ⇒ A revised version of the CRB's Code of Practice was published in April 2009 and we suggest that you periodically visit the CRB's online guidance pages for further updates. Further information can be found on the Criminal Records Bureau website: <http://www.crb.homeoffice.gov.uk/code>
- ⇒ Further information about CRB Disclosures can be found in Volunteering England's Information Sheets:
  - *An Introduction to CRB Checks*  
<http://www.volunteering.org.uk/information sheets>

### **Data Protection**

In addition, under the Data Protection Act information must be held sensitively and securely, and be accurate, relevant and only disclosed where necessary. It must not be held for longer than necessary. The Information Commissioner's Office can provide more guidance on this aspect of complying with the CRB Code of Practice:

### **The Information Commissioner's Office**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**ICO Helpline:** 08456 30 60 60

**Fax:** 01625 524510

**Website:** [www.ico.gov.uk](http://www.ico.gov.uk)

### **Equal Opportunities**

It could be argued that to have such a process of risk assessment may seem unfair, and that all potential volunteers should be treated equally. Whilst organisations should aim to avoid treating offenders and ex-offenders differently from other volunteers, it must also be recognised that the organisation has a duty of care to those that come into contact with it, so the issue of equal opportunities and risk management needs to be finely balanced.

### **Engaging prisoners, offenders and ex-offenders as volunteers**

Once the organisation has made the commitment to involve offenders and ex-offenders as volunteers, it's a good idea to ask them how they would like to be engaged within the life of the organisation. Ideas generated by service users and volunteers that are put into practice can be really empowering, so do remember to communicate with all the volunteers to gather their thoughts, comments and opinions about the organisation.

### Further information

- ⇒ ***Involving Ex-Offenders in Volunteering***, Nacro and Volunteering England. 2006  
A free good practice guide co-published by Volunteering England and Nacro, with funding from the Volunteering Hub.  
<http://www.volunteering.org.uk/Resources/publications/freeguides.htm>
- ⇒ ***Recruiting ex-offenders: the employers' perspective***, Nacro. 2003  
<http://www.nacro.org.uk/data/files/nacro-2006070300-216.pdf>
- ⇒ ***Recruiting ex-offenders: A Practical Guide***, Chartered Institute of Personnel Development. 2004  
<http://www.cipd.co.uk/subjects/dvsequ/exoffenders/empexoffendguide.htm?lsSrchRes=1>
- ⇒ ***The Vetting and Barring Scheme Guidance***, March 2010 - ISA, CRB and Access NI.  
[http://www.isa.gov.org.uk/PDF/VBS\\_guidance\\_ed1\\_2010.pdf](http://www.isa.gov.org.uk/PDF/VBS_guidance_ed1_2010.pdf)
- ⇒ ***Criminal Records Bureau checks: guidance for volunteering***, November 2008 – Office of the Third Sector.  
[http://www.cabinetoffice.gov.uk/third\\_sector/news/news\\_stories/080604\\_cr\\_b.aspx](http://www.cabinetoffice.gov.uk/third_sector/news/news_stories/080604_cr_b.aspx)
- ⇒ **Volunteering England Good Practice Bank**  
Includes Themes 'Equal Opportunities and Diversity' and 'Ex-offenders, offenders and prisoners as volunteers'  
[www.volunteering.org.uk/goodpractice](http://www.volunteering.org.uk/goodpractice)

### Useful contacts

- ⇒ **The Independent Safeguarding Authority (ISA)**  
Contact Centre: 0300 123 1111  
Email: [scheme.info@homeoffice.gsi.gov.uk](mailto:scheme.info@homeoffice.gsi.gov.uk)  
<http://www.isa.gov.org>
- ⇒ **Criminal Records Bureau (CRB)**  
Information Line: 0870 90 90 811  
<http://www.crb.homeoffice.gov.uk/>
- ⇒ **Nacro** - a crime reduction charity which supports ex-offenders and their families  
Telephone: 020 7840 7200  
<http://www.nacro.org.uk/>

**Last reviewed: February 2011**



### **Disclaimer**

We make every effort to ensure that our Information Sheets are correct at the time of publication. They are intended as a brief summary of relevant issues to help you plan or develop your work with volunteers. Legal advice should be sought where appropriate. Volunteering England is unable to accept liability for any loss or damage or inconvenience arising as a consequence of the use of this information.

The inclusion of other organisations in the Information Sheets does not imply any endorsement of independent bodies; all sources of further information are listed solely for signposting purposes.

### **Copyright**

Please note that this Information Sheet is subject to copyright, which is owned by Volunteering England. Further information on Volunteering England's copyright can be found at: <http://www.volunteering.org.uk/aboutsite.htm>

For more information on managing volunteers, please visit  
The Good Practice Bank at [www.volunteering.org.uk/goodpractice](http://www.volunteering.org.uk/goodpractice)

A full list of Volunteering England's Information Sheets is available at:  
[www.volunteering.org.uk/information sheets](http://www.volunteering.org.uk/information sheets)