

Policy Statement: Treatment of Ex-offenders

The Honourable Society of Lincoln's Inn, known as 'the Inn' in this policy document, sets out here its commitment to the fair and appropriate use of criminal record data in its role as an organisation assessing applicants' suitability for Call to the Bar. This extends to its interaction with the Inns' Conduct Committee. This policy can be found on the Inn's website at www.lincolnsinn.org.uk/policies/ and all those applying for Call to the Bar will be provided with/directed to it at the outset of their application.

The Code of Practice published under section 122 of the Police Act 1997 sets out that it is a requirement that all organisations seeking criminal record checks treat those who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. The code also obliges organisations seeking criminal record checks to have a policy on the treatment of ex-offenders.

Where there are convictions the matter will be referred to the Inns' Conduct Committee for further consideration to ensure consistency of approach among the Inns. The rules governing the workings of the Inns' Conduct Committee can be found here: www.tbta.org.uk/about-us/who-we-are/inns-conduct-committee-members/

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order, the Inn undertakes to treat all applicants fairly in its use of criminal record checks processed through the Disclosure & Barring Service for UK checks and other agencies for checks from other countries where appropriate. The Inn undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. The Inn is committed to the fair treatment of its members regardless of their protected characteristics or offending background.

The Inn will only ask individuals to provide details of convictions and cautions that the Inn is legally entitled to know about i.e. those convictions and cautions that are not protected. This means that old and minor cautions may be excluded and more information on this can be found on the DBS website, in particular the section on "Filtering": www.gov.uk/government/collections/dbs-checking-service-guidance--2

The Inn ensures that all those who are involved in the processing of applications for Admission or Call to the Bar of England and Wales have been suitably trained. In addition, they will only share details of the criminal record with those who need to know for the purposes of processing applications for Admission or Call to the Bar and this will be in line with their data protection obligations.

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The Inn will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the application for Admission or Call. Failure to reveal information that is directly relevant to the application for Admission or Call could lead to Admission or Call being denied or, if it comes to light after Call, to Bar Standards Board disciplinary action.