

Recruitment of Ex-Offenders Policy

Policy statement

We are an equal opportunity employer and are fully committed to a policy of treating all of our job applicants fairly and equally. The Company aims to select people for employment and volunteering on the basis of their skills, experience, abilities and qualifications. The Company will therefore consider ex-offenders for employment and volunteering on their individual merits. Having a criminal record will not necessarily bar a person from working for us. This will depend on the nature of the job role and the circumstances and background of the criminal offences. Where there is a requirement for a Disclosure & Barring Service (DBS) check, this will be made clear to all applicants early in the recruitment process either within the job advertisement, or on the Application Form.

The Company's approach towards engaging ex-offenders differs depending on whether the job role is, or is not, exempt from the provisions of the Rehabilitation of Offenders Act 1974 (ROA).

Spent, filtered and/or protected convictions & cautions

- Unless the job role is exempt from the **Rehabilitation of Offenders Act 1974** job applicants are not required to disclose any **convictions** or **cautions**.
- Even where the **Rehabilitation of Offenders Act 1974** does apply (please see the relevant section within this **Recruitment of Ex-Offenders Policy** for further information) under the terms of the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975** job applicants are not required to disclose any **protected convictions** or **protected cautions**.

Therefore, job applicants **will not** be asked any questions about **spent, filtered and/or protected convictions or cautions** during the recruitment process. Where information on criminal convictions is requested - because it is pertinent to the job role - it will be made clear that **spent, filtered and/or protected convictions or cautions do not** need to be declared or disclosed.

Accordingly - in the event that something is disclosed unnecessarily by a job applicant - the Company will not refuse to employ anyone just because they have spent, filtered and/or protected convictions or cautions.

Additional guidance

- The term **conviction** is used to refer to any sentence or disposal issued by a court
- The term '**cautions**' include reprimands and final warnings.

Please note: Applicants **do not** need to disclose anything that would be currently **filtered** from the **Police National Computer** by the **Disclosure & Barring Service**. Any applicant wishing to find out more information relating to the filtering of convictions and cautions can do so from the following link:

[Click Here for Information on the Filtering of Convictions & Cautions](#)

Unspent convictions & cautions

The Company will not automatically refuse employment or volunteering opportunities with an applicant just because they have an existing or unspent conviction or caution. During the recruitment process, applicants may be asked to disclose any unspent convictions or cautions - if that information is considered to be necessary because it is directly relevant to their suitability for the particular job role. If an applicant has a conviction that is not spent - and if the nature of the offence is relevant to the job for which they have applied - the Company will review the particular circumstances of the case following its **Managing Positive Disclosure Policy & Flowchart** and it may, at its absolute discretion, decline to select the person for employment or volunteering or withdraw any offer of employment already made.

Basic Disclosure

Even where a job role is not exempt from the **Rehabilitation of Offenders Act 1974** - and only once the Company has selected the applicant to whom it wishes to offer employment or volunteering to - the Company may seek documentary evidence about that person's criminal convictions. In these circumstances, the Company may require the applicant to obtain a **Criminal Conviction Certificate** (also known as a **Basic Disclosure**) from the **Disclosure & Barring Service** or **Disclosure Scotland** as appropriate. In this case, any offer of employment or volunteering will be made **conditional** upon this documentation being obtained to the Company's satisfaction.

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Job roles exempt from the Rehabilitation of Offenders Act 1974

If the job role into which the Company is seeking to recruit is one of the excluded jobs listed in the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975** or, in Scotland, the **Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**, the Company will require the applicant to disclose all convictions and cautions, whether spent or unspent - unless they are **protected convictions** or **protected cautions**.

If an applicant has a conviction or caution, the Company may, at its absolute discretion, decline to select the person for the particular role.

Failure to disclose the required information about convictions or cautions when asked to do so during the recruitment process - where the job role is exempt from Rehabilitation of Offenders Act 1974 - could lead to withdrawal of an offer of employment or volunteering with the Company, or alternatively, to the termination of the working relationship if the applicant has already commenced work.

Ultimately, although a person's criminal record in itself may not debar that person from being appointed to a post with the Company - where the **Protection of Children Act 1999**, the **Criminal Justice and Court Services Act 2000** and/or the **Care Standards Act 2000** applies - this will be an automatic bar to working for the Company.

In addition, the Company will exercise discretion where it is felt that a recent and/or serious conviction might mean that a person might re-offend or cause harm.

Disclosure & Barring Service (DBS) Checks

Where a job role is exempt from the **Rehabilitation of Offenders Act 1974** - and only once the Company has selected the applicant to whom it wishes to offer employment or volunteering to - the Company will be required to seek documentary evidence about that person's criminal convictions.

Therefore - and appropriate to the role being undertaken - the Company will require the applicant's agreement to make an application to the Disclosure & Barring Service or to Disclosure Scotland for a criminal record check at one of the following levels:

- Standard Disclosure
- Enhanced Disclosure
- Enhanced Disclosure with List Checks.

In this case, any offer of employment or volunteering will be made **conditional** upon the DBS documentation being obtained to the Company's satisfaction.

Whenever any matter of concern is disclosed, the Company will always follow the Managing Positive Disclosure Policy and Flowchart - as well as then discussing the outcome of that process with the applicant - before taking any decision to withdraw a conditional offer of employment.

Data protection requirements

The Company is committed to ensuring that all information about a person's criminal convictions, cautions or offences - including any information released in criminal records checks - is used and processed fairly and lawfully and stored confidentially and in accordance with the provisions of the **UK GDPR** and **Data Protection Act 2018**.

In particular, personal data about a person's criminal convictions, cautions and offences will only be held for as long as the retention period set out in the Company's **GDPR Data Protection Policy**, **Privacy Notice for Job Applicants** and **Privacy Notice for Staff**. In addition, this personal data will only be seen by those who need to see it as part of the recruitment and employment process and it will not be shared with or disclosed to any other employer, prospective employer or other unauthorised third party.

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Furthermore, the **Privacy Notice for Job Applicants** sets out the Company's purposes for collecting information about a person's criminal convictions, cautions or offences (normally to assess suitability for the particular employment, or - in the case of some job roles - to comply with statutory and/or regulatory requirements and obligations), our lawful basis for processing such data and our additional lawful condition for processing it **i.e.** so that we can perform or exercise our obligations or rights under employment law and in line with the Company's **GDPR Data Protection Policy**.

The Company will also take guidance from **NACRO's Recruiting Safely & Fairly | A Practical Guide to Employing Ex-Offenders** and which is **available from the following link**:

[Click Here to Download NACRO's Recruiting Safely & Fairly Guide](#)

All records and personal data generated through the recruitment process will be maintained in accordance with our Privacy Notices, GDPR Data Protection Policy and the requirements of the Data Protection Act.