

Policy on recruitment of ex-offenders

Law relating to this document

Rehabilitation of Offenders Act 1974

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 SI 1975/1023

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 SI 2003/231

Data Protection Act 1998

The Rehabilitation of Offenders Act 1974 was designed to prevent individuals being rejected for employment on account of a criminal offence committed in their past, provided that they have not subsequently re-offended. Under the Act, a conviction becomes 'spent' after the elapse of a defined period of time with the result that the individual becomes 'rehabilitated'. The relevant periods of time are set out in the Act and depend on the type of offence committed. An individual whose sentence exceeded 30 months can never become rehabilitated under the Act.

Introduction

The aim of this policy is to state Complete Group's approach towards employing people who have criminal convictions. As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Complete Group complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

The Company is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. Complete is committed to fair treatment of its staff, potential staff or users of its service, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Where a disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the recruitment process. We request that this information is sent under separate, confidential cover, to a designated person within the Company and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

We ensure that all those employees involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We undertake to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment.

The Company will therefore consider ex-offenders for employment on their individual merits. The Company's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Jobs covered by the Rehabilitation of Offenders Act 1974

The Company will not automatically refuse to employ a particular individual just because s/he has a previous criminal conviction.

During job interviews, the Company will ask job applicants to disclose any unspent convictions, but will not ask questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which s/he has applied, the Company will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

If the job 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 the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, the Company will require the applicant to disclose all convictions, whether spent or unspent. Even in these circumstances, however, the Company will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the Company will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. The Company will seek the applicant's agreement to make a joint application to the Criminal Records Bureau or the Scottish Criminal Record Office for an enhanced disclosure. The Company will bear the cost in obtaining the appropriate criminal records certificate.

The Company is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosure, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.