

Employment of Ex-Offenders Policy

Policy Statement

This policy sets out the **Company Name** position on employing people who have criminal convictions. The Company is an equal opportunity employer and is fully committed to a policy of treating all of its job applicants fairly and equally and it aims to select people for employment on the basis of their skills, experience, abilities, and qualifications. The Company will therefore consider ex-offenders for employment on their individual merits. Having a criminal record will not necessarily bar a person from working for the Company. This will depend on the nature of the job role and the circumstances and background of the criminal offences.

The Company’s approach towards employing ex-offenders differs depending on whether the job role is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Spent Convictions

The Company will not refuse to employ a job applicant just because they have a spent conviction or caution and it acknowledges that, unless the job role is exempt from the Rehabilitation of Offenders Act 1974, job applicants are under no obligation to disclose spent convictions or cautions. Applicants will therefore not be asked any questions about spent convictions or cautions during the recruitment process and, where information on criminal convictions is requested, it will be made clear that spent convictions or cautions do not need to be declared or disclosed.

The conviction rehabilitation periods are as follows. During this period of rehabilitation conviction must be disclosed. All exceeded rehabilitation periods will deem the conviction spent and will not need to be disclosed.

Those 18 or over on the date of conviction

Disposal	Rehabilitation period
Prison sentence over 49 months	7 years although certain offences are exempt and never spent including offences classified in the Sentencing Code as ‘serious violent, sexual and terrorism offences’
Registration on the Sex Offenders Register	Never spent
Prison sentence: more than 30 months up to, and including, 48 months	4 years from the end of the sentence (incl. time on licence)
Prison sentence of more than 12 months up to, and including, 30 months	4 years from the end of the sentence (incl. time on licence)
Prison sentence: more than 6 months up to, and including, 12 months	1 year from the end of the sentence (incl. time on licence)
Prison sentence: 6 months or less.	1 year from the end of the sentence (incl. time on licence)
Probation Order	12 months from the end of the order

Community Order	12 months from the end of the order
Fine	1 year from the date of conviction
Conditional Discharge Order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

Section 193 of the Police, Crime, Sentencing and Courts Act 2022 came into force on the 28th October 2023 and this has reduced the rehabilitation periods as above.

These new time periods are extended in the event of re-offending during the declaration period. Any new conviction attracts its own disclosure period and both the previous conviction and new conviction need to be declared until the end of the original conviction's active period or, if later, the end of the new disclosure period applied to the more recent conviction.

Those 17 or under on the date of conviction

Disposal	Rehabilitation period
Prison sentence over 49 months	Never spent
Registration on the Sex Offenders Register	Never spent
Custodial sentence: more than 30 months up to, and including, 48 months	3 ½ years from the end of the complete sentence (incl. time on licence)
Custodial sentence: more than 6 months up to, and including, 30 months	1 ½ years from the end of the complete sentence (incl. time on license)
Community Order/Youth Rehabilitation Order	6 months from the end of the order
Referral Order	The last day on which the order has effect
Fine	Not Applicable
Conditional Discharge Order	The last day on which the order has effect
Compensation	Once the compensation is paid in full
Absolute Discharge	No rehabilitation period

Unspent Convictions

The Company will not automatically refuse to employ a job 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 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 and it may, at its absolute discretion, decline to select the person for employment.

Failure to disclose information about unspent convictions or cautions when asked to do so during the recruitment process could lead to withdrawal of an offer of employment, or alternatively to dismissal if the applicant has already commenced employment.

Job Roles exempt from the Rehabilitation of Offenders Act

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 job applicant to disclose all convictions and cautions, whether spent or unspent. If an applicant has a conviction or caution, the Company may, at its absolute discretion, decline to select the person for the particular employment.

Where the job role is exempt, failure to disclose information about convictions or cautions when asked to do so during the recruitment process could lead to withdrawal of an offer of employment, or alternatively to dismissal if the applicant has already commenced employment.

If the job role is exempt, once the Company has selected the applicant to whom it wishes to offer employment, it may seek documentary evidence about that person's criminal convictions. The Company may seek the applicant's agreement to make a joint application to the Disclosure and Barring Service or Disclosure Scotland for a Criminal Record Certificate (also known as Standard Disclosure) or an Enhanced Criminal Record Certificate (also known as Enhanced Disclosure), as appropriate. In this case, any offer of employment will be made conditional on this documentation being obtained to the Company's satisfaction.

Where a disclosure is to be requested for a particular job role, the Company will make it clear to all job applicants early in the recruitment process, for example in the job ad or on the job application form, that a disclosure will be required in the event of the person being offered the position.

The Company will discuss any matter revealed in a disclosure with the job applicant before withdrawing a conditional offer of employment.

Data Protection Requirements

The Company is committed to ensuring that all information about a person's criminal convictions or cautions, including any information released in disclosures, is used, and processed fairly and stored confidentially and in accordance with the provisions of the Data Protection Act 2018. In particular, personal data about a person's criminal convictions will only be held for as long as it is required for employment purposes, it 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.