

Recruitment of Ex-offenders Policy

1. Background

- 1.1 The Rehabilitation of Offenders Act was introduced to ensure that ex-offenders who have not re-offended for a specified period of time since their date of conviction are not discriminated against when applying for jobs.
- 1.2 The Act enable ex-offenders to 'wipe the slate clean' insofar that, unless the job they are applying for is exempted, they are no longer required to disclose convictions that are *spent*.
- 1.3 It is unlawful for an organisation to discriminate against an ex-offender on the basis of a *spent* conviction unless the individual in question is applying for an exempted job, although unspent convictions must be disclosed.
- 1.4 The length of time required for a conviction to become *spent* depends on the sentence received and the age when convicted (see Guidance notes for Rehabilitation of Offenders/Criminal Records Declaration Form).
- 1.5 There are, however, a number of jobs that are exempt from the Act in order to protect vulnerable groups within society; such posts might involve unsupervised access to children, young people, the elderly, disabled people, alcohol and drug users and the chronically sick.

2. Introduction

- 2.1 The purpose of the policy is to ensure that The University of Manchester (UMC) Ltd ("the company") complies fully with the provisions of the Rehabilitation of Offenders Act and follows best practice in its recruitment of individuals with a criminal record.
- 2.2 It aims to ensure that it treats all applicants for jobs who have a criminal record fairly and does not discriminate unfairly against candidates with either a *spent* or an unspent conviction; at the same time the policy aims to safeguard the company, its employees, visitors and service users.
- 2.3 The policy sets out the basis on which it will seek information from prospective employees about past *spent* and unspent convictions, how this information will be used and the way in which it will seek and deal with information relating to offences.

- 2.4 UMC Ltd has some jobs that require it to check the background of proposed appointments to positions of trust within the company and which are exempt from the Rehabilitation of Offenders Act.

3. Disclosure and Barring Service (DBS) – levels of Disclosures

3.1 Basic Disclosure:

- i. The lowest level of disclosure, which provides information from the Police National Computer for details of all current criminal convictions (convictions considered unspent under the Rehabilitation of Offenders Act 1974).
- ii. It discloses all such convictions, or states that there are none.
- iii. A Basic Disclosure is available for any position and can be obtained for any purpose, for example for pre-employment/recruitment vetting or work as a volunteer.

3.2 Standard Disclosure:

- i. Provides details of both spent and unspent convictions, and cautions, formal reprimands and final warnings held on the Police National computer, and it also states if there is nothing on record.
- ii. If the individual is applying for a post working with either children or vulnerable adults, the disclosure will also show whether a person is banned from working with either group.

3.3 Enhanced Disclosure:

- i. Contains the same details as the Standard Disclosure, but may also contain non-conviction information from local police records, which the police may think is relevant to the position being sought.
- ii. It also states if there is nothing on record.
- iii. The Enhanced Disclosure is available for positions involving regular caring for, or training, supervising or being in sole charge of children or vulnerable adults.
- iv. This level of disclosure is also available for certain statutory licensing purposes.

4. Declaration of Unspent Convictions

- 4.1 All job applicants will be informed that if they are offered employment with the company, relevant unspent criminal convictions and associated information will need to be submitted by the completion of the Rehabilitation of Offenders/Criminal Records Declaration Form.
- 4.2 Applicants are not required to disclose convictions that are 'spent' under the Act. (Cautions, reprimands and final warnings are regarded as spent as soon as they are issued).

- 4.3 In addition, the company reserves the right to request a job applicant's permission to undertake a Basic Disclosure to support pre-employment vetting processes.
- 4.4 The suitability of a person with a criminal record will vary depending on the nature of the job and the circumstances of the conviction; an assessment of the applicant's skills, experience and the nature of the convictions should be weighed against the potential risks associated with the job.
- 4.5 Examples of questions that the company will consider in assessing the relevance of offences to particular jobs, and which will help determine the relevance of particular offences to particular posts, include:
- Does the post involve one-to-one contact with children, staff, students or visitors?
 - What levels of supervision will the post holder receive?
 - Does the post involve any direct responsibility for finance or cash handling?
 - Does the post involve contact with the public?
 - Will the nature of the job present any opportunities for re-offending?
- 4.6 In carrying out a risk assessment the company will take into account the following issues:
- The seriousness of the offence and its relevance to the safety of staff, students, visitors and company or University premises;
 - The length of time since the offence occurred;
 - Whether the offence was a one-off or part of a repeated pattern;
 - Whether the offence has since been decriminalised;
- 4.7 When a decision is made not to appoint an individual after unspent criminal offences have been considered, the University will, on request, inform the individual why they were considered to be pertinent.
- 4.8 Following this process, if an individual is appointed and it subsequently emerges that they had an unspent conviction that was not disclosed, then this will be treated as a potential gross misconduct and handled and investigated under the company's disciplinary procedure

5. Exempted Jobs with a requirement for Disclosure

- 5.1 It will be made clear in the further particulars for the vacancy if the post is exempted from the Rehabilitation of Offenders Act and therefore subject to disclosure of spent convictions, i.e. a criminal record check by the Government Disclosure and Barring Service (DBS) which will reveal information regarding cautions, reprimands, final warnings and convictions .

- 5.2 In addition to the completion of the Rehabilitation of Offenders/Criminal Records Declaration Form, a disclosure application will be made to the DBS under one of the levels of disclosure. (For most University jobs deemed to be exempt, the level of disclosure will be 'Enhanced').
- 5.3 If this yields information that may make the candidate unsuitable for appointment, they will be invited to discuss this with the Chair of the interview panel and/or a member of Human Resources before a final decision regarding the appointment is made.
- 5.4 If the candidate is deemed unsuitable for appointment, the candidate will be informed of the reasons for this in writing and the offer of the post will be withdrawn.
- 5.5 Only convictions that are relevant to the person's suitability to perform the job in question will be considered.

6. Data Storage

- 6.1 The company complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.
- 6.2 It also complies fully with its obligations under the General Data Protection Regulation (supplemented by the Data Protection Act) and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

7. Existing staff with a criminal record

- 7.1 If the company has to obtain Disclosure information in relation to existing employees who were not required to disclose conviction information at the time of their appointment and this process reveals a criminal history, then it will assess whether or not this prevents them continuing in their present job or moving to another job.
- 7.2 In carrying out this process the company will examine the factors set out in 4 above.
- 7.3 In circumstances where, after an appropriate assessment is carried out, it is deemed that an employee cannot continue in their present job, then the company will examine re-deployment possibilities in accordance with the agreed policy on redeployment of staff at that time, following which it may become necessary to terminate the employee's employment.

8. Training of staff

- 8.1 Managers involved in leading the recruitment and selection of staff will be made aware of this policy and its provisions.

9. Further information

- 9.1 Further information can be found at: <https://www.gov.uk/disclosure-barring-service-check>

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