

Recruitment of Ex-Offenders Policy

Obtaining information from applicants

Declaring previous convictions

Current employees who obtain a conviction

Issued by: Human Resources (HR)

Issue Date: 1st December 2019

Version: 1.0

Review Date: July 2022

Introduction

The aim of this policy is to ensure the University fully complies with the provisions of the Rehabilitation of Offenders Act and best practice in its recruitment of employees with a criminal record.

The Rehabilitation of Offenders Act 1974 (ROA), (Exceptions) Order 1975 (as amended in 2013) 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 a job.

This policy sets out the basis on which the University will seek information from prospective employees about spent and unspent (current) convictions and how this information will be used. The policy should be read in conjunction with the Disclosure and Barring (DBS) Procedure.

1. Recruitment

Obtaining information from applicants

- 1.1. During our recruitment process the University will normally only ask about unspent convictions as defined by the ROA and those which are subject to disclosure.
- 1.2. For jobs which are exempt from the provisions of the ROA as amended in 2013, an applicant will need to disclose both unspent and spent convictions, which are subject to disclosure (For further information please refer to the Exemptions Order of the ROA). The University is legally entitled to ask applicants of the details of any spent and unspent conviction.
- 1.3. The recruiting manager must ensure the DBS requirement is clearly stated on the job description, and should complete the relevant section on the online vacancy details screen before submitting it to HR. The recruiting manager should also ensure that the post is listed on the Faculty/Directorate DBS catalogue.
- 1.4. HR will ensure that relevant wording is included in the online advert and job description advising that the successful applicant will need to satisfy DBS requirements and undertake a DBS check.

Declaring previous convictions

- 1.5. Where an applicant has disclosed a conviction, or a conviction is revealed through a DBS check, an open and measured discussion will take place with the applicant regarding the offence and its relevance to the position to assess the suitability of the applicant for the job.
- 1.6. When considering the matter, the following examples may be taken into account:
 - The seriousness of the offence and its relevance to the safety of other employees, students, research subjects, the public etc.
 - Any relevant information offered by the applicant about the circumstances which led to the offence being committed
 - The nature of the job and any opportunities that may present the applicant to re-offend
 - The Country in which the offence was committed, for example, some activities are offences in Scotland and not in England and Wales, and vice versa
 - Whether the offence has since been decriminalised by Parliament.
- 1.7. Having carefully considered these matters, a decision should be taken as to whether the applicant should be appointed. If the decision is not to proceed with the appointment then the applicant will be written to, formally withdrawing the offer of employment. The University will undertake a discussion regarding the content of the disclosure with the applicant before withdrawing any offer of employment.
- 1.8. Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the ROA) could lead to withdrawal of an offer of employment or disciplinary action which could lead to termination of employment.
- 1.9. It is the responsibility of applicants and employees to clarify whether a conviction is spent or unspent. The length of time required for an ex-offender to become rehabilitated depends on the sentence received and the age when convicted. To note, custodial sentences

of more than two and half years can never become spent.

- 1.10.** The University will seek a Disclosure where there is a legal requirement to do so (please refer to Appendix I of the Disclosure and Barring (DBS) Procedure) and such jobs roles should be listed on the faculty/ directorate DBS catalogue. Disclosures must not be used as a blanket requirement in all circumstances and should meet the criteria set out in the above mentioned Procedure.

2. Current employees with a criminal record

- 2.1.** If an employee is convicted of a criminal offence whilst in employment they must report this to their manager immediately. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with the University's Disciplinary Procedure
- 2.2.** Managers should carry out a risk assessment, comparing the skills, experience and the circumstances of the conviction against the risk criteria identified for the job. Managers should take an objective approach and advice should be sought from HR, if required.
- 2.3.** If an employee is concerned about a conviction, they should speak directly with their manager or HR. For specific roles, regular DBS disclosure renewals will be required and it is expected that employees will disclose any new convictions.