

# Recruitment of Ex-Offenders Policy

<b>Version:</b>	
<b>Policy Reference No.</b>	<b>PHR55</b>
<b>Ratified by:</b>	Senior Leadership Team
<b>Date Ratified:</b>	7 <sup>th</sup> June 2021
<b>Team Responsible:</b>	HR
<b>Review due:</b>	
<b>Date Issued:</b>	
<b>Target Audience:</b>	ECL employees, prospective employees, Hiring Managers, Recruitment Team





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### 1. Introduction

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 using criminal record checks processed through the Disclosure and Barring Service (DBS), ECL complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

### 2. Scope

ECL undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

ECL can only ask an individual to provide details of convictions and cautions that ECL is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested, (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

ECL can only ask an individual about convictions and cautions that are not protected. (See GHR45a for a list of DBS Non-protected Convictions and Cautions which can be found on the main careers website and intranet).

ECL is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

This policy is available to view on the careers pages. For all DBS applicants at the start of the recruitment process.

ECL actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

ECL selects all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and the ECL Recruitment & Selection Policy (PHR18) and Vetting Policy (PHR30) both contain statements that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

ECL ensures that all those within the company who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

ECL also ensures that Hiring Managers have received appropriate guidance (GHR45 – Recruitment of Ex-offenders Managers guide) and training in the relevant legislation relating to the employment of ex-offenders, e.g. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

At interview, or in a separate discussion, ECL ensures 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.

ECL makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

ECL undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **3. Further references relating to this policy:**

Section 112 of the Police Act 1997

Rehabilitation of Offenders Act 1974

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about> <https://www.cqc.org.uk/>  
<http://www.acas.org.uk/>

## Equality Impact Assessment for Policy Name Ref No: PHR55

To be completed and attached to any policy/procedural document when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comment
<b>1</b>	<b>Does the Policy/guidance affect one group less or more favourably than another on the basis of:</b>		
	Age	No	
	Disability	No	
	Gender Reassignment	No	
	Marriage and Civil Partnership	No	
	Pregnancy and Maternity	No	
	Race	No	
	Religion and belief	No	
	Sex	No	
	Sexual Orientation	No	
<b>2</b>	<b>Is there any evidence that some groups are affected differently?</b>	No	
<b>3</b>	<b>If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</b>	No	
<b>4</b>	<b>Is the impact of the policy/guidance likely to be negative?</b>	No	
<b>5</b>	<b>If so, can the impact be avoided?</b>	No	
<b>6</b>	<b>What alternatives are there to achieving the policy/guidance without the impact?</b>	No	
<b>7</b>	<b>Can we reduce the impact by taking different action?</b>	No	