
EMPLOYMENT OF EX-OFFENDERS POLICY

1.1 This document sets out Independence Projects approach towards employing people who have criminal convictions.

1.2. Independence Project will pay particular regard to the principles of equality and diversity stated in the Equality & Diversity Strategy and in the Equality Act 2010.

1.3 Independence Project will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction. The organisation will consider ex-offenders for employment on their individual merits. The organisations 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.

1.4 This policy will be made available to all applicants on our website, or a paper copy will be made available on request.

2. POLICY DETAIL

2.1 Roles that do not require a Disclosure, or require a Basic Disclosure, through the Disclosure and Barring Service.

2.1.1 As part of the application process, we will ask job applicants to disclose any unspent convictions. We will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

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

2.2 Roles that require a Standard or Enhanced Disclosure through the Disclosure and Barring Service.

2.2.1 When the nature of the position falls under the “exception order” of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 Acts, it allows us to ask questions about



the applicant's entire criminal record. We also require applicants to disclose cautions, reprimands

and final warnings on the application form and may discuss these further with them if deemed relevant to the role.

2.3.2 The organisation will request an enhanced disclosure through the Disclosure and Barring Service (DBS).

2.3.3 Even if a conviction is disclosed, the organisation may choose to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

2.3.4 We will make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and can make a copy available on request.

2.3.5 The organisation will ensure that all information provided about an individual's criminal convictions, is used 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.

2.4 Recruitment

2.4.1 For those positions where a Disclosure is required, all job adverts will contain a statement that a disclosure will be requested.

2.4.2 Independence Project ensures that all those involved in the recruitment process will receive suitable guidance in the relevant legislation relating to employment of ex-offenders.

2.4.3 Independence Project will ensure that an open and measured discussion takes place with the applicant regarding any offences or other matter that might be relevant to the position. Failure to reveal information at any stage of the process that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

2.4.4 Where a conviction is disclosed Independence Project will conduct a risk assessment before making a conditional offer of employment.



2.5 Current Staff

2.5.1 During employment if a member of staff receives a criminal conviction they must inform Independence Project by contacting their line manager.

2.5.2 Where an employee is found to have a criminal record during their employment, they will not be dismissed as a matter of course. The situation will be fully risk assessed prior to any decision being made. This may include considering whether the conviction is relevant to the post and/or the introduction of safeguards or moving the employee to an alternative role. Where the criminal record is deemed to have a significant impact on the role that is being undertaken and no suitable alternative role can be found or is accepted, the Performance and Conduct Improvement Procedure will be invoked. The outcome of this may be a disciplinary sanction up to and including summary dismissal.

2.5.3 Where it is found that an employee deliberately withheld conviction information that impacts on their role and ultimately on their DBS status, the Performance and Conduct Improvement Procedure will be instigated.

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