



## **RECRUITMENT OF EX-OFFENDERS POLICY**

### **1. Introduction**

Age UK York is a charity committed to equality of opportunity in employment. This policy outlines the charity's approach to the recruitment of ex-offenders. The organisation takes a balanced approach to each situation while taking responsibility to provide a safe atmosphere for our service users, clients, staff, and volunteers.

### **2. What candidates need to disclose**

Candidates are assessed on their skills, experience and qualifications for the job role, and criminal convictions will not be relied on as immediate grounds for refusal of employment. Candidates will be required to disclose "unspent" convictions during the application and/or interview process. If the nature of the offence is relevant to the role they are applying for, the suitability of the candidate will be considered. In these circumstances, the Company reserves the right to refuse to offer employment to the candidate.

As a charity which offers some services with regulated activities, if a role does include regulated activities, these roles are exempt from the Re-Offenders Act 1974 and are covered by The Exceptions Order 1975. In these cases, Candidates will be required to disclose all "spent" and "unspent" convictions. This is due to the nature of the work they will be undertaking. Candidates will be asked during the recruitment process. Please see Appendix A for roles which are covered by The Exceptions Order 1975.

### **3. Recruitment Process**

Candidates will be made aware of any positions where a criminal records check is required. A statement that a criminal record check is required if the candidate is offered the position will be included in any application forms, job advertisements and recruitment documents.

Where a criminal records check is part of the recruitment process, all candidates who are successfully invited to an interview should be encouraged to present information regarding any convictions they have at an early stage. They will be advised of the designated person within the Charity to whom they should provide this information and informed that this will be kept confidential and only disclosed to those who require the information as part of the recruitment process.

Any disclosure of an offence will lead to a full discussion with the candidate regarding the relevance of the conviction to the job role before a decision is made about the withdrawal of an offer of employment. A failure by the candidate to



produce information about convictions relevant to the role could lead to the Charity withdrawing an offer of employment. Where the criminal record information reveals details of an offence, the relevance to the job in question should be fully discussed with the applicant before withdrawing an offer of employment. Before withdrawing an offer, the HR department should be consulted.

#### **4. Assessing a Candidates Criminal Record**

In order to assess whether a criminal record is relevant to the role, the convictions disclosed should be assessed in line with the duties of the role and how the work is carried out. Factors to take into account include, but are not limited to:

- whether the offence is relevant to the position in question
- the seriousness of any offence
- the type of offence or offences the applicant committed
- the circumstances and the explanation offered by the applicant
- the length of time that has passed since the offence took place
- whether the applicant's circumstances have changed since the offending took place.

#### **5. Criminal records checks**

The Company will request a criminal record check where this is proportionate and relevant to the position concerned, as identified by a thorough risk assessment. Checks will be carried out in accordance with the relevant regulations (for example for occupations or activities covered by the ROA 1974 (Exceptions) Order 1975 and the Police Act 1997 (Criminal Records) Regulations).

The Company will not unlawfully discriminate against any candidate where they are required to provide information about their criminal convictions. The Company will provide appropriate guidance and training to all individuals that are involved in recruiting ex-offenders. This will include specific training in relation to the Rehabilitation of Offenders Act 1974.

The Disclosure and Barring Service and codes of practice will be complied with during this process.

#### **6. Data protection**

The provisions of the Data Protection Act will be fully complied with when carrying out this process.



**Approved**

**Review date**

**Owner** HR

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## **Appendix A List of Roles covered by The Exceptions Order 1975**

This list was developed using the government definition of regulated activity with adults [Regulated activity with adults in England and Wales - GOV.UK](https://www.gov.uk/guidance/regulated-activity-with-adults)

<b>Role</b>	<b>Reason</b>
Care Worker	Providing personal care, which is made up of:  physically assisting an adult with eating, drinking, toileting, washing or bathing, dressing, carrying out oral care or the care of skin, hair or nails when that adult cannot do this themselves because of their age, illness or disability
Support Worker	Conveying adults to, from or between healthcare, personal care and/or social work services who cannot convey themselves because of their age, illness or disability
Minibus Driver	Conveying adults to, from or between healthcare, personal care and/or social work services who cannot convey themselves because of their age, illness or disability
YAS Driver	Conveying adults to, from or between healthcare, personal care and/or social work services who cannot convey themselves because of their age, illness or disability