

**WORKING
CHANCE**

HIRING WITH CONVICTION

**AN EMPLOYERS' GUIDE TO RECRUITING AND SUPPORTING
PEOPLE WITH CONVICTIONS**

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Hiring With Conviction has been developed by Working Chance and is designed to be used by organisations in England and Wales, alongside structured training and governance oversight. It is aimed at employers to help them through the process of recruiting and employing people with convictions. It outlines and suggests policies and practices, and is to be implemented alongside pre-existing HR processes. Employers are encouraged to seek further advice (including employment law advice) where appropriate.



“At the CIPD Trust we’re delighted to see the launch of this new guidance from Working Chance. Our network of people professionals both develop people and shape employment practice, so it’s really important to share practical resources, tips and signposting to expert charity partners who can help them do this, whenever we can. We know that support through mentoring, guidance and employability can positively reduce reoffending rates and support individuals, their families and wider communities to create positive futures. This kind of practical guidance can really help to change employer perceptions and to provide the necessary support and reassurance to change policy and practice across the UK, creating truly inclusive workplaces where individuals are given a fair chance.”

- Sally Eley, Head of CIPD Trust

INTRODUCTION

This is the second, updated edition of *Hiring With Conviction*; practical guidance to help you get started in employing people who've been through the criminal justice system. As well as bringing all the advice up to date, we've included testimonials from eight additional employers. What unites these organisations – big and small, corporates and charities, across England and Wales – is their approach to ethical recruitment by hiring people with convictions.

FORWARD-THINKING ORGANISATIONS UNDERSTAND THAT STAFF WHO COME FROM A BROAD RANGE OF BACKGROUNDS MAKE AN ORGANISATION MORE VIBRANT.

Equity, diversity and inclusion work is still vital for organisations. Forward-thinking organisations understand that staff who come from a broad range of backgrounds make an organisation more vibrant and bring in a useful range of perspectives and life experiences.

People with convictions are often overlooked when employers are thinking about attracting talent, or enhancing their organisation's diversity, or about how to achieve their environmental, social and governance (ESG) objectives. But hiring people with convictions makes sense on so many levels. It's good for the individual, it's good for their family, it's good for society because it reduces reoffending and it's good for business.

Employment reduces reoffending because it offers not only an income but also an opportunity for a person with a criminal record to show what they're good at and be valued, to have a shared purpose with others, and to have structure in their life. A person who starts to believe that their life is worth something and that they have something to give is far less likely to return to crime. 12.6 million adults in England and Wales have a conviction. Employers who assume that these people are an inherent risk to their business and have nothing to offer are missing out on meeting talented candidates.

Employers who proactively target people with convictions in their recruitment understand that when someone has served their sentence, they need to be given a chance to prove themselves and build a different life. They also know that most employees care about the values of the organisation they work for and will stay longer in a company that's creating real social impact as it goes about its work. And beyond your employees, consumers care about it too. Plenty of research shows that knowing that a company is giving back to society can influence purchasing decisions.

This guide sets out why employers should be doing this, and how to do it to best effect – fairly and safely. Although Working Chance is a charity supporting women with convictions into employment, we have chosen not to make this guide gender-specific so that its relevance can be broader. I hope you'll find tips and insights that encourage you to reflect on your current recruiting practice and that you'll come away inspired to open up more opportunities in your organisations to people who need someone to believe in them, and that you'll help spread the word about why recruiting people with convictions matters.

Natasha Finlayson
Chief Executive, Working Chance | Spring 2026



Acknowledgements

We are indebted to Dominic Headley of [Dominic Headley & Associates](#) for his extensive expert input and advice in the drafting process. We consulted with a range of stakeholders including employers, people with convictions, the charity Unlock, other voluntary sector organisations, the Ministry of Justice and the Department for Work and Pensions, and received helpful comments from them; we are grateful to all those who gave their time in this way.



“We know that many businesses are looking to hire people with convictions - but often don’t know where to start. The Hiring With Conviction guidance is therefore invaluable to support people to engage and help their businesses whilst transforming lives.”

**- Sarah McKnight, Deputy Director, Employment, Skills and Work
HM Prison and Probation Service (HMPPS)**

About Working Chance

Working Chance is the UK’s only employment charity exclusively for women who have criminal convictions. Since 2009, we have helped thousands of women to develop their confidence, skills, and self-belief and build a brighter future for themselves and their families. We partner with employers across the UK to match women with the right opportunities. We work with policymakers and employers to break down the stigma, stereotypes and barriers that stop many women with convictions from securing employment and progressing in careers. And crucially, we help keep society safer - because employment has been shown to be one of the main drivers in reducing reoffending.



“The Timpson Group has been employing people with criminal convictions for many years, and it’s become a key part of how we do business. For any organisation wanting to get started on this journey, I would absolutely recommend ‘Hiring With Conviction’. This guidance contains some incredibly practical advice that can be implemented straight away and also clears up some old myths and preconceptions about people who have been through the criminal justice system.”

- Darren Burns, Director of Diversity and Inclusion, Timpson Group

How to use this guide

This guide provides a structured framework for proportionate and evidence-based decision-making. Effective implementation requires consistent application, appropriate governance oversight and manager training to ensure fairness and safeguarding are upheld in practice.

SECTION 1: WHY TO RECRUIT PEOPLE WITH CONVICTIONS

In England and Wales, there are around 12.6 million people with a criminal record.

This huge group represents people with a wide range of knowledge, skills, attributes and experience. They may have served a custodial sentence (ie. been to prison) or may have served a community sentence (what used to be called community service), or had a caution or a fine. Many people with convictions have committed relatively minor offences such as low-level shoplifting, or traffic violations. Their conviction(s) may have been decades ago or very recent. Even people who are currently still in prison could become part of your workforce, through a scheme known as Release on Temporary Licence (you can find out more about that on page 18).

THE IMPORTANT THING IS THAT YOU APPROACH YOUR RECRUITMENT WITH AN OPEN MIND AND DON'T WRITE PEOPLE OFF FOR THEIR PASTS.

The important thing is that you approach your recruitment with an open mind and don't write people off for their pasts. *Hiring With Conviction* is here to help you do that – and answer any questions you might have along the way.

Language matters

At Working Chance we prefer the term 'people with convictions' rather than the more common 'ex-offender', which focuses the mind on the offence (ie. the crime) rather than the person. We also tend to avoid the term 'people with criminal records' for the same reason. For the purpose of brevity, we use 'convictions' to include cautions, although technically a caution is not a conviction.

The business case

Increasingly, employers across all sectors are seeing the benefits of proactively and strategically hiring people with convictions. The number of employers who see advantages in hiring someone with a conviction has doubled between 2016-2023 (24% in 2023 compared to 12% in 2016).

The top three potential advantages these employers cited were:

- people with convictions would provide different perspectives
- recruiting from this pool would help to tackle skills and labour shortages
- it would improve the organisation's diversity and inclusion record¹.

These employers are spot on. Hiring people with convictions isn't just about 'doing good' and giving people a chance; it makes sense from a business point of view too.

Over a quarter of the working population in England and Wales has a criminal record. This gives some sense of the incredibly wide range of types of people in this situation, with an equally wide range of skills, experience, talents and personal qualities. Some will have a string of qualifications and have had high-flying careers before their conviction; others may never have worked before. Some will have received a caution, others a community or suspended sentence,

¹ Source: [Progress & Prejudice | Working Chance](#)

while some will have spent time in prison. Prisons teach a variety of industry-level skills, which means that many people in prison achieve professional qualifications while inside. The key message is that people with convictions are a very large, varied group that employers should be tapping into.

WHEN GIVEN A CHANCE, PEOPLE WITH CONVICTIONS NOT ONLY PERFORM WELL IN EMPLOYMENT BUT OFTEN EXCEED THEIR EMPLOYERS' EXPECTATIONS.

When given a chance, people with convictions not only perform well in employment but often exceed their employers' expectations. 86% of employers of people with convictions rate them as good at their job².

Organisations who put values alignment high on the list of things they look for might be concerned about recruiting people with convictions, but there

is no basis for this concern - the fact that someone has a criminal record doesn't mean that their values are necessarily different from those of any other candidate. There are savings to recruiting from this pool too: when an employer uses a specialist charity to recruit people with convictions, or recruits people directly from prison, they reduce or eliminate recruitment costs (the CIPD has calculated that filling the average non-managerial vacancy costs around £2,000).

The government too has recognised the importance of creating employment opportunities for people with convictions, and has a range of policy initiatives that shows they're practising what they preach. These include:

- Changes to the Rehabilitation of Offenders Act 1974 (ROA) which came into effect 28 October 2023, reducing the length of time that people need to disclose their custodial and community sentences to employers.
- Creating [New Futures Network](#), Employment Advisory Boards and Employment Councils to broker partnerships between prisons and employers, and increase employment outcomes for prison leavers.
- Creating [Going Forward into Employment](#), a scheme which provides work placements across Civil Service departments.
- Using the [Public Service \(Social Value\) Act 2012](#) to increase the provision of training and employment opportunities for people with convictions by organisations bidding for certain government contracts.

THE GOVERNMENT TOO HAS RECOGNISED THE IMPORTANCE OF CREATING EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH CONVICTIONS AND HAS A RANGE OF POLICY INITIATIVES THAT SHOWS THEY'RE PRACTISING WHAT THEY PREACH.

The social value case

Hiring people with convictions creates social value across multiple fronts. It means more people are in employment and less likely to require state benefits. It reduces the cycle of poverty and crime that blights families and communities. And it reduces reoffending, which means society is safer and stronger.

Many employers, particularly in the corporate sector, have corporate social responsibility (CSR) or environmental, social and governance (ESG) targets. Social Value Portal, a leading organisation in this field, define social value as "the currency for conducting responsible, sustainable business" and quantify it in terms of benefit to the economy, the community and the environment.

² Source: [Ministry of Justice](#)

**A COMPANY COULD CREATE £55,922
IN SOCIAL VALUE BY HIRING JUST ONE
PERSON WITH A CONVICTION.**

In simple terms, it is the value an organisation contributes to society beyond business as usual. According to Social Value Portal, a company could create £55,922 in social value by hiring just one person with a conviction³.

One of the biggest benefits of hiring people with convictions is to the employer's reputation as a socially responsible organisation. Consumers (in particular millennials, ie people born between 1981 and 1996) put more trust in brands that align with their values.

- 92% of employers say diverse recruitment of this kind has enhanced their reputation, helping them win contracts and even awards⁴.
- 81% of people think businesses employing people with convictions are making a positive contribution to society⁵.
- 3 out of 4 people would be comfortable buying from a business that employs people with convictions⁶.

**92% SAY DIVERSE RECRUITMENT OF
THIS KIND HAS ENHANCED THEIR
REPUTATION.**

Hiring people with convictions as a planned, strategic initiative also has benefits for how employees feel about where they work. People want to feel that the work they do is meaningful and contributes to society, and organisations that have social impact policies and initiatives usually have more engaged workers.

The ethical case

When people with convictions gain decent, sustainable employment, they can support their families (if they have them), pay taxes, eliminate or reduce the need to claim benefits, and contribute positively to society. Crime is reduced, along with the massive cost to the state of reoffending (£23.6 billion per year⁷).

WHEN PEOPLE WITH CONVICTIONS GAIN DECENT, SUSTAINABLE EMPLOYMENT, THEY CAN SUPPORT THEIR FAMILIES (IF THEY HAVE THEM), PAY TAXES, ELIMINATE OR REDUCE THE NEED TO CLAIM BENEFITS, AND CONTRIBUTE POSITIVELY TO SOCIETY.

In addition, it's important to note that many (though not all) people with convictions have experienced trauma, abuse and poverty. In many cases, the pain they have experienced has led to their involvement with the criminal justice system. Some – particularly women and younger people – have been victims of crime before they become caught up in the criminal justice system themselves.

3 The NT5 proxy of £55,922 is derived from the TOM System (Themes, Outcomes and Measures) framework, which standardises social value measurement across the UK. It reflects the estimated social and economic benefit of employing someone with lived experience of the criminal justice system, including increased earnings, reduced reoffending and wider community impact. The calculation combines government data and independent research to provide a robust, evidence-based value.

4 Source: [Ministry of Justice](#)

5 Ibid.

6 Ibid.

7 Source: [The Times](#)

It’s also worth bearing in mind that some disadvantaged or underrepresented groups are disproportionately represented in the criminal justice system, giving some indication of the extent to which society is letting them down and blighting their life chances. This includes groups such as care-experienced people, racially minoritised people, Gypsy, Roma, and Travellers (GRT), people with neurodivergence, people who have suffered traumatic brain injury, and people recovering from addiction.

SOME DISADVANTAGED OR UNDERREPRESENTED GROUPS ARE DISPROPORTIONATELY REPRESENTED IN THE CRIMINAL JUSTICE SYSTEM, GIVING SOME INDICATION OF THE EXTENT TO WHICH SOCIETY IS LETTING THEM DOWN AND BLIGHTING THEIR LIFE CHANCES.

Hiring women with convictions

Women with convictions are statistically more likely to have committed lower-level, non-violent offences and yet often face additional barriers to employment such as limited access to resources and support, or a history of trauma or abuse. These challenges can make it harder for them to move on after contact with the criminal justice system, even when they are motivated and ready to work. Actively including women with convictions in your hiring and EDI efforts can help to address these systemic inequalities.

Quick definitions

Convictions and cautions	As an employer, you have the right to ask about someone’s convictions and cautions – sometimes in this guide shortened to just ‘convictions’ (cautions are still a considerable barrier to employment, but are likely to become spent more quickly).
Criminal record	An umbrella term that includes convictions and cautions. Some people might have a combination of the two, or multiple convictions. Note that as an employer you are entitled to ask about cautions, convictions, and pending prosecutions only, not other interactions with the criminal justice system such as arrests or charges that did not lead to a conviction.



“We’ve always been keen to be an inclusive and diverse employer and offer employment opportunities to people from all walks of life. As part of that, we wanted to help people with convictions, but what was holding us back was that we didn’t have the knowledge of how to go about it. The amazing Hiring With Conviction guide was a massive help to us here because it’s really practical, really clear, and it gave us so much support. That in itself gave us a huge amount of confidence.”

- Cheryl Hathaway, Head of People, Talent and Development, Big Yellow Self Storage

Success story: Virgin

At Virgin, backing people has always been at the heart of their culture - especially those who've been overlooked or underestimated. Virgin calls its approach to hiring people convictions 'Fair Chance hiring', which is a mechanism to put their values into practice. Talent is everywhere, but opportunity often isn't. For many individuals with criminal convictions, barriers to employment persist, not because of a lack of potential, but because of outdated systems and assumptions.

Traditional hiring practices often screen people out without context, reinforcing inequality and wasting talent. Virgin found that this approach doesn't work for businesses or society, and so took steps to 'widen the door', building stronger teams, a more purposeful brand, and a fairer society.

Fair Chance hiring is about seeing the human, not just the history - focusing on skills, potential, and character rather than background checks. It's about creating systems that include, not exclude, and turning values into action.

Virgin introduced a proactive, structured approach:

1. Policy and process
 - Adopted 'Ban the Box' - they no longer ask about criminal records at the application stage.
 - Built a supportive policy framework with clear, fair risk assessments applied on a case-by-case basis, specific to the role.
2. Signalling inclusion from the start
 - Job adverts now include Fair Chance messaging.
 - They advertise through purpose-led partners like Working Chance and Bridge of Hope to reach underrepresented jobseekers.
3. Equipping hiring managers
 - Developed a comprehensive playbook with tools, myth-busting, and process guidance for staff
 - Delivered live training and deep-dive sessions to build confidence and clarity.
4. Storytelling and leadership engagement
 - Shared real stories to reduce stigma and demonstrate the human and business value of inclusive hiring - sharing examples that others can follow.

"Fair Chance hiring isn't just the right thing to do — it's smart business. It strengthens teams, builds loyalty, and reflects who we are as a brand."

The facts about hiring people with convictions

One of the most significant challenges for people with convictions is overcoming misconceptions and stigma. So for clarity and reassurance, let's lay out some of the facts. Each fact below addresses some of the most common and unhelpful myths about people with convictions.

ONE OF THE MOST SIGNIFICANT CHALLENGES FOR PEOPLE WITH CONVICTIONS IS OVERCOMING MISCONCEPTIONS AND STIGMA.

FACT: You do not need to tell staff that a new employee has a conviction – in fact, the opposite is true. This data is sensitive and should be confidential

Criminal convictions, cautions, and criminal offence data are given extra protection under data legislation, specifically UK GDPR (Article 10). That means that the information is sensitive and must not be shared with anyone in the organisation apart from those who have a genuine 'need to know' as part of their duties. The people who 'need to know' will include those directly responsible for making the final recruitment decision - if the offence is relevant to the role. It's good practice to maintain a record of who the criminal record information has been shared with, and the individual should be told who knows about their record.

FACT: Your liability insurance is unlikely to be affected by hiring someone with a conviction

Some employers believe that their insurance is a barrier to hiring people with convictions. But in reality, people with convictions are employed successfully at all levels across all sectors including regulated professions such as education, health, and social care, legal services, taxi drivers and central government. This would simply not be possible if all these organisations were unable to obtain appropriate liability insurance. The vast majority of insurers do not expect organisations to notify them of individual recruitment decisions. In fact, most insurance companies only ask about the unspent convictions of the directors of the company. The first step is to simply check your existing insurance policy in regard to employing people with convictions. It is unlikely that your insurer will consider this an issue, but if they do, there are plenty of other insurance companies that don't and who would welcome your business!

FACT: DBS checks aren't pass or fail – and don't always mean you shouldn't (or can't) recruit someone

Criminal records checks are appropriate in some recruitment scenarios, and can contain helpful information for decision-making. But they aren't pass or fail - they merely detail some information relating to the candidate's offending history (ie. cautions and convictions). Unless someone is legally barred from working in certain roles or with certain groups (ie. children or adults at risk), it is entirely your decision as the employer to determine the suitability of a candidate with a criminal record for the role applied for.

IN MANY CASES, A CRIMINAL RECORD ISN'T RELEVANT TO THE JOB AND SO IS NOT A REASON TO REJECT A CANDIDATE.

In many cases, a criminal record isn't relevant to the job and so is not a reason to reject a candidate. For roles subject to an Enhanced DBS check or Enhanced DBS with Barred List check (see page 26 for more about DBS checks), the police might disclose additional information (police intelligence) which they consider may be relevant to inform your recruitment decision.

FACT: Hiring people with convictions will improve your public image – not hinder it

There is plenty of research showing that these days many people prefer to work for socially progressive employers whose values are aligned with their own, especially in areas such as social impact, the environment, work-life balance, and diversity and inclusion. Recruiting people with convictions helps show that you are a socially conscious and responsible employer. An organisation won't suffer damage to its reputation simply because its policy is to employ people with convictions. In fact, many organisations that publicly recruit people with convictions have

enhanced their reputation, won awards and business contracts and increased the social value they create (and can tell the world about).

FACT: People with convictions can be employed at every level of your organisation – not just entry level roles

It's vital to remember that people with convictions come from a huge range of backgrounds and are looking for work just like all of us, so don't write them off by assuming that they might only be suitable for certain levels or styles of work. A candidate with a criminal record should be given a fair opportunity to compete for jobs in your organisation in line with their ability (including transferable skills) and aspirations – just like anyone else. This is the case for new recruits to an organisation as well as opportunities for progression.

PEOPLE WITH CONVICTIONS COME FROM A HUGE RANGE OF BACKGROUNDS AND ARE LOOKING FOR WORK JUST LIKE ALL OF US, SO DON'T WRITE THEM OFF.

FACT: Employees with criminal records are not more likely to offend at work

No evidence exists that suggests that an employee with a criminal record is any more likely to commit an offence within the workplace than an employee that does not have a criminal record. In fact, employment is one of the surest ways of preventing reoffending. There is evidence, however, that people who abuse their positions of trust in the workplace do not tend to have criminal records when they do so.

FACT: If someone with a criminal record does offend in the workplace, the employer is no more liable than if the employee did not have a criminal record

'Vicarious liability' is a term that refers to the liability of an employer for the actions of its employees during employment. Case law has established that employers can, potentially, be held vicariously liable for the deliberate criminal conduct of employees, or careless/negligent conduct.

However, it's very important to note that:

- As long as the employer has taken a balanced approach to the risk and relevance of a candidate's criminal record and recorded the rationale behind the decision-making, they may be no more liable for any criminal conduct committed by someone they hired with a criminal record, than they are for someone they hired who didn't.
- Employer liability exists regardless of whether or not the employee had a criminal record when they were recruited.
- An employer may decide not to employ a person in **a particular role** where their past convictions may genuinely indicate an increased risk (eg. a candidate convicted on several occasions of dangerous or drink driving may be considered unsuitable for a driver role), but that would not and should not exclude the person from working in other roles within the business.



“Working with people with convictions allows us to diversify the experience of our team and provide more knowledgeable support to our clients. Each individual has been brilliant in their own way and each has a wealth of knowledge that has been so helpful. We've built a team who can really learn from each and build a great service to our clients.”

- Christina Dee, Director, New Connections

Success story: Big Yellow Self Storage

Big Yellow Self Storage is the UK's leading provider self-storage units for homes and businesses. They employ over 450 people nationally across 111 facilities and were recognised in the Sunday Times Top 100 Companies to Work For.

They have taken meaningful steps to make their recruitment practices more inclusive, with a specific, proactive focus on people with convictions. The organisation has undergone a significant transformation in how it approaches hiring, policy development, and workplace culture.

Historically, Big Yellow was committed to diversity but lacked the tools and confidence to actively recruit people with convictions. Concerns around safety and team dynamics were common, largely due to limited understanding among staff. Recognising the need for change, the company began a journey to educate its workforce, challenge assumptions, and build a more inclusive recruitment framework.

One of the first major shifts was the development of two new policy documents: one focused on inclusive recruitment, and another on creating structured work experience placements for people with convictions. These policies provided clarity and consistency, helping the organisation move from informal intentions to formal commitments.

To support new hires, Big Yellow introduced a mentoring scheme, selecting and training staff members to guide and support colleagues with convictions. This initiative not only helped new recruits feel welcomed and supported but also empowered mentors to become champions of inclusive hiring within the business.

The company also invested in education across its workforce. Nearly 150 recruitment and line managers attended workshops designed to address misconceptions, explore the realities of the criminal justice system, and understand the broader context of convictions.

As a result of these efforts, Big Yellow now has a more informed and supportive culture around inclusive hiring. Recruitment processes are more structured, staff are more confident supporting candidates from a diverse range of backgrounds, and the business is actively creating opportunities for people who have faced barriers to employment.

“We now feel a lot more confident and comfortable in terms of our processes for hiring people with convictions,” says Cheryl Hathaway, Head of People, Talent and Development. “The changes we’ve made have had a real impact - not just on our policies, but on our people and our culture.”

SECTION 2: HOW TO RECRUIT PEOPLE WITH CONVICTIONS

So where should you start? This section will walk you through the ‘how’, and answer any questions you might have – including who needs to be involved internally and externally at each stage.

Get a policy in place first

The first thing you need to do is to put in place a recruitment of people with convictions policy which:

1. Encourages people with convictions to apply for roles in your organisation – outlining your **welcoming and inclusive approach**.
2. Explains your approach to disclosure – **whether** you ask about criminal records, **how** you ask, and **when** in the recruitment process you ask (recommendations on this can be found on page 19).
3. Sets out which roles are eligible for a criminal record check and at what level (basic, standard, enhanced or enhanced and barred list check (children, adults or both) or security vetting level (see page 26 for more on DBS checks).
4. Provides guidance to candidates so that they’re aware of what they need to disclose and signposts them to independent confidential advice (eg. [Nacro, Unlock](#)).
5. Outlines your approach to data collection and storage (or directs to your privacy policy, including how you store criminal offence data).
6. Remains under review to ensure it’s up to date with any changes in disclosure law.

THE FIRST THING YOU NEED TO DO IS PUT IN PLACE A RECRUITMENT OF PEOPLE WITH CONVICTIONS POLICY.

A sample policy for recruiting people with convictions can be found in Appendix 1.

Where to get help and advice

MANY EMPLOYERS ASK FOR HELP AND SUPPORT FROM TRUSTED PARTNERS TO MAKE THE PROCESS OF RECRUITING PEOPLE WITH CONVICTIONS WORK SMOOTHLY AND ENSURE IT’S DONE ETHICALLY, FAIRLY AND LEGALLY.

Many employers ask for help and support from trusted partners to make the process of recruiting people with convictions work smoothly and ensure it’s done ethically, fairly and legally.

At [Working Chance](#), we work with over 130 employers of all sectors and sizes and always welcome enquiries from organisations who are interested in recruiting women with convictions. We support these women

to develop their employability and confidence, and to apply for jobs with the employers on our books, or for any other vacancy that they find themselves. We’re very happy to answer questions from employers.

A useful resource is a website called [Recruit!](#) run by the charity Unlock, which has advice for employers who want to treat job candidates with criminal records fairly. Nacro’s [Employer Advice Service](#) provides confidential advice, training and consultancy support to employers and other organisations with queries relating to DBS eligibility, criminal record risk assessment, understanding and interpreting criminal record information and training. You can contact the service on 0845 6003194 or at employeradvice@nacro.org.uk.

There are many employers proactively hiring people with convictions who are happy to share their experiences and offer advice.

We recommend getting in touch with your local Employment Advisory Board (EAB). The boards cover over 90 prisons across England and Wales and each Board is chaired by a business leader from a company such as KPMG, Lotus Cars or Sodexo. Employment Advisory Boards work closely with prison Governors and staff working across education, employment and resettlement to see more people leave prisons and enter sustainable employment

Additionally, the Employers Forum for Reducing Reoffending ([EFFRR](#)) is a collective of local and national employers, chaired by Greggs. The forum provides training and employment opportunities for people with convictions, and many EFFRR members are more than happy to share their knowledge and experience, providing mentoring support to other businesses.

Working Chance is a member of the [Corbett Network](#) which is a coalition of charities, social enterprises, CICs, non-profit organisations and businesses with a social mission who work with those in prison and after release to support them into employment. Some members of the Network offer mentoring, coaching, training, and ongoing support for both the business and the individual. You can also take a look at [the Clinks directory](#) for more organisations to contact.

Developing your organisational culture

Once you've got your policy in place, there's nothing stopping you from hiring people with convictions. You can start small by amending your job adverts and recruitment materials to say that people with convictions are welcome to apply.

YOU CAN START SMALL BY AMENDING YOUR JOB ADVERTS AND RECRUITMENT MATERIALS TO SAY THAT PEOPLE WITH CONVICTIONS ARE WELCOME TO APPLY.

If you want to be more proactive, we recommend looking inwards and generating buy-in from across your organisation. Here are some tips to help you create a welcoming organisational culture.

- You should examine your company culture and values, to ensure that the working environment in your organisation is right to receive people with convictions – many of whom have experienced stigma, pain, trauma, and disadvantage. For example:
 - ◇ Ensure that all staff are made aware that your organisation welcomes people with convictions in your business.
 - ◇ Communicate that bullying, harassment, or gossip about a member of staff due to them having a conviction will not be tolerated.
 - ◇ Ensure adequate support is put in place for staff with convictions who need it.
- Consider finding and appointing 'champions' in your organisation with the right values, skills and attitude who can help spread the word and gather support for the initiative.
- Larger organisations in particular should think about how to communicate your vision of proactively bringing people with convictions into the workforce to hiring managers, legal team, and other staff (and your supply chain, recruitment agencies, and other relevant partners, if applicable). It's important to bring everyone on the journey. Consider holding internal workshops where staff can safely explore their views, feelings, concerns, and any bias they may have towards working with people with convictions.

CONSIDER HOLDING INTERNAL WORKSHOPS WHERE STAFF CAN SAFELY EXPLORE THEIR VIEWS, FEELINGS, CONCERNS, AND ANY BIAS THEY MAY HAVE.

Within these workshops:

- ◇ Explain why recruiting people with convictions would be beneficial to your organisation – explain the business case, and the benefits of inclusive and diverse hiring practices.
 - ◇ Dismantle common stereotypes and perceptions of people with convictions.
 - ◇ Highlight the links between disadvantaged groups and offending circumstances.
 - ◇ Increase your employees’ understanding of the societal and economic value of employment for people with convictions.
 - ◇ Explore both perceived fears and real experiences.
- Consider providing safe and fair recruitment training to relevant staff in the business including those with responsibility for making hiring decisions. (Important: HR must be involved even if you are setting up dedicated entry routes or pilot schemes).

EXPLAIN WHY RECRUITING PEOPLE WITH CONVICTIONS WOULD BE BENEFICIAL TO YOUR ORGANISATION - EXPLAIN THE BUSINESS CASE, AND THE BENEFITS OF INCLUSIVE AND DIVERSE HIRING PRACTICES.

Ensuring buy-in at a senior level

For senior leaders and boards, inclusive hiring involving people with convictions should sit within existing safeguarding, governance and ESG frameworks. Independent guidance and external expertise can provide additional assurance that policies are applied proportionately and consistently.

Attracting and welcoming candidates with convictions

Once you’ve examined your organisational culture, it’s time to make sure your organisational values are reflected in your recruitment processes. Here are our top tips for creating an empathetic approach to recruitment that is judgement-free and responsive to the sort of things people with convictions may feel or may have faced.

People with convictions can be reluctant to apply for roles because of shame and embarrassment about their past, as well as stigma they’ve faced, or anticipate they might face from others. It’s vital that you make it completely clear on your website and in any relevant recruitment materials that you welcome applications from people with convictions and will deal with their applications sensitively and fairly.

You may want to consider advertising your vacancies with stakeholders, including statutory organisations (prisons, probation services, jobcentres), and specialist agencies such as charities and community interest companies (CICs) working with people with convictions to maximise your chances of reaching suitable candidates.

Some candidates with convictions may have a gap in their CV. We advise you to reflect on whether you really need to know what the story is behind any employment history gaps - will it help you to assess whether they have the right skills, experience and aptitude for the job⁸? If you do decide to enquire about this at interview, be sure to do so very sensitively as it may indicate any number of highly personal circumstances, such as caring responsibilities, bereavement, ill-health, or time in prison. It’s also important to steer clear of questions that delve into personal matters and that may inadvertently discriminate based on a protected characteristic, which is illegal under the Equality Act.

⁸ However, some organisations such as health and social care providers have a legal requirement under Regulation 19 of the Health and Social Care Act 2008 to obtain a full employment history and a written explanation of any gaps.

We strongly encourage employers to recognise the value of alternative work histories. Not all CVs neatly fit into the stereotype of a 'normal' career path (ie. education, first job, steady career progression). People who have different histories can bring a wealth of experience and valuable perspectives. Allow candidates to demonstrate transferable skills, for example voluntary work, working in prison industries, community service, hobbies, work-based training and relevant life experience.

We strongly recommend that employers avoid blanket exclusions (ie. ruling out all people who have committed certain offences) wherever possible and instead consider candidates on a case-by-case basis. If there are disqualifying offences that legally prevent a candidate from applying for a certain role, make that clear and transparent to potential candidates so that they do not waste their time or become disheartened by applying.

Embedding these processes

Any organisational changes need endorsement from leadership, and clear processes for staff to follow if things don't go to plan. We also recommend seeking advice or training before final rollout.

Success story: Kier Group

Kier is a leading provider of construction, infrastructure and property developments in the UK. Kier's Making Ground (prison engagement and employment) programme is a long-standing commitment to support people with lived experience of the criminal justice system that's been driven by a blend of ethical responsibility, social value commitments and strategic business benefits. They understand that hiring people with convictions strengthens teams, gives them a wider candidate pool and supports their social value activity.

To demonstrate their commitment as a great employer for people with convictions and to ensure they are as accessible as possible, Kier has focused on activity that results in tangible outcomes. For example, they deliver in-custody training programmes, CV and interview workshops and careers fairs, all with the intention to offer Release on Temporary Licence work placements and employment upon release opportunities.

This approach has led to dozens of prison leavers securing employment each year, with both Kier and their wider supply-chain. As a Ban the Box employer, Kier removes conviction-related questions from early application stages, only raising them when necessary at offer stage and only for roles requiring a form of clearance. With each situation being risk assessed and considered on a case-by-case basis, having a conviction won't automatically exclude anyone from the process. Kier has also provided training for their social sustainability, recruitment and HR teams to ensure they are able to champion the Making Ground programme and understand the nuances of support that people with lived experience may require throughout their employment journey.

Kier would advise employers considering hiring people with convictions to start by thoroughly assessing why and when they ask about criminal convictions; challenging themselves on whether it's required or asked at the correct point in the recruitment process. They also report huge value in leaning into expertise from organisations like Working Chance, as they have a wealth of knowledge and resources that you can use.

Recruiting people directly from prison

As well as employing people with past convictions or cautions, you may want to consider going further and employing people who are still in prison. It is safe, risk assessed, and an incredible way of playing an active role in someone's rehabilitation.

[New Futures Network \(NFN\)](#) is a specialist part of HM Prison and Probation Service (HMPPS) that brokers partnerships between prisons and employers to create training and employment opportunities for people when they leave prison, and also for people while they are still in prison, through a day release scheme known as **Release on Temporary Licence (ROTL)**.

ROTL is a process which enables prisoners coming to the end of their sentence to take up paid or unpaid work placements, volunteering, or specific training opportunities with local employers.

A prisoner working under ROTL conditions will generally leave prison each morning, complete a day's work with the employer, and then return to the prison at the end of their working day.

Get in touch with [New Futures Network](#) directly to find out more about recruiting people serving custodial sentences on ROTL, or prison leavers. They can advise and link you up with prisons local to you. They have also developed [guidance on recruiting from prisons](#).

EMPLOYING PEOPLE WHO ARE STILL IN PRISON IS SAFE, RISK ASSESSED, AND AN INCREDIBLE WAY OF PLAYING AN ACTIVE ROLE IN SOMEONE'S REHABILITATION.



“At P3 Charity we’ve seen first-hand how employing people with previous convictions strengthens our organisation, and we’re proud to support women with experience of the criminal justice system into employment. Lived experience brings perspectives and practical insights that improve service design, build trust with people using our services and foster resilient, empathetic teams. Giving people a chance after their convictions isn’t just fair: it’s good practice, better services and stronger communities.”

- Emma Bukel, Managing Director, P3 Charity

SECTION 3: DEALING WITH DISCLOSURE OF A CRIMINAL RECORD

This section looks at one of the most important things you'll need to consider as an employer: do I need to know whether an applicant has a criminal record, and what do I have the legal right to know? We look here at the approaches employers can take to this and outline the pros and cons.

DO I NEED TO KNOW WHETHER AN APPLICANT HAS A CRIMINAL RECORD, AND WHAT DO I HAVE THE LEGAL RIGHT TO KNOW?

Asking about criminal records during the recruitment process

There is no legal requirement for employers to ask candidates to declare a criminal record for the majority of roles.

Criminal history isn't relevant to many roles and organisations, so ask yourself - do you really need to know, and if so, why? Many employers don't ask at all - they may not consider criminal records relevant to working within their business, or recognise that it can be an unhelpful barrier that prevents many suitable candidates from applying.

Some employers choose to collect this sort of information from the outset of the recruitment process; they may feel that this will help to inform their decisions and risk assessments. However, there is no objective justification for this practice. Ban the Box is a campaign led by the charity Business in the Community that calls on UK employers to remove questions about criminal records from job application forms and online portals, and instead to ask about criminal convictions later in the recruitment process (if they feel it's necessary to ask at all). Asking about criminal records at the first stage of the process can prevent people with convictions from getting past the initial sift as it's often used to screen applicants, and it doesn't give people a chance to explain the context of the offence (which can often put a different light on an offence). Asking at the first stage can also risk indirect discrimination because, as we saw on page 8, some groups are disproportionately likely to have a conviction or caution.

YOU NEED TO MAKE A DECISION BASED ON WHAT IS MOST SUITED TO YOUR ORGANISATION.

Ultimately, there's no one perfect approach to whether to ask if job applicants have a criminal record. Your chosen approach should seek to recruit effectively while doing the least harm, and should set up both employer and applicant to succeed.

Using the information below, you need to choose an approach based on what is best suited to your organisation.

Whatever your chosen approach, you must be transparent with candidates from the outset what disclosure you require (including if a DBS check is needed, and at what level). The table on the following page outlines the implications of each approach to help you decide what you want your process to be.

Note: if it's a requirement of someone's licence conditions to disclose their offences to you, then candidates may let you know about their criminal record unprompted.

APPROACH	IMPLICATIONS
<p>Don't ask for a disclosure of criminal history at any stage of the recruitment process</p>	<p>You may well decide that you don't need to know anything about a candidate's criminal history. This approach is non-judgemental and is common in industries such as hospitality.</p> <p><i>(Note: This approach is not suitable for roles where criminal record checks are legally or contractually required, eg. regulated activity, criminal justice sector roles.)</i></p> <p>Benefits:</p> <ul style="list-style-type: none"> • Demonstrates to candidates that your organisation is open to hiring people with convictions, which can open up vacancies to talented candidates. • Avoids the need to process criminal offence data, so UK GDPR Article 10 and Data Protection Act 2018 conditions do not apply. • Allows candidates to focus on their skills, experience, and achievements without disclosing potentially traumatic personal history. <p>Drawbacks:</p> <ul style="list-style-type: none"> • If a conviction comes to light during employment and no process exists for handling it, you may face operational, legal, or reputational risks - including the individual losing their job. • You cannot directly measure whether your recruitment activity is encouraging applications from people with convictions. • You may miss opportunities to offer in-work support to help candidates succeed and remain in the role.
<p>Require declaration of a criminal record on application form or online recruitment portal</p>	<p>Evidence shows that this approach deters people with convictions from applying for roles. This approach is exclusionary and not recommended, despite being fairly common. Removing this from application forms is known as 'ban the box'.</p> <p>Drawbacks:</p> <ul style="list-style-type: none"> • GDPR compliance risk – Collecting criminal offence data at application stage makes it harder to meet the requirements of UK GDPR Article 10 and the Data Protection Act 2018, which require a lawful basis, a Schedule 1 condition, and appropriate safeguards (e.g., an Appropriate Policy Document, data minimisation, and retention limits). • Bias risk – Asking early can prevent candidates from being assessed on their skills, qualifications, and ability to do the job, and may allow conscious or unconscious bias to influence shortlisting decisions.
<p>Require written disclosure of a criminal record from all candidates shortlisted for interview</p>	<p>If you decide that you need to know about candidates' criminal history because it's relevant to the role, this approach gives you the information but only after you have made a shortlisting decision, to minimise bias creeping into the decision-making. You will need to think very carefully about who in your organisation sees this information, where it is stored and for how long.</p> <p>Benefits:</p> <ul style="list-style-type: none"> • A written declaration means the candidate doesn't have to speak about their convictions and traumatic elements of their past (unless they would like to, to demonstrate the steps they have taken to move away from offending). • If you require a DBS check, or will need to conduct a risk assessment, you may want to find out as early as possible in the process. <p>Drawbacks:</p> <ul style="list-style-type: none"> • You still run the risk of writing off qualified applicants due to their convictions. • Requires a disclosure from candidates you may not wish to appoint, which is emotionally taxing for the candidate.

<p>Asking about someone’s criminal history during an interview</p>	<p>If you choose this approach, we strongly recommend that you let candidates know ahead of their interview that you will ask this question, so that they can prepare accordingly. We also very strongly recommend that if you ask during an interview (or a candidate discloses to you verbally), that you ask that the candidate also provide a short written disclosure to ensure there is a formal record of the information they provided. Tell them who will have access to this and how long it will be stored.</p> <p>Benefits:</p> <ul style="list-style-type: none"> • Some candidates might appreciate the opportunity to control their narrative, explain their circumstances, and the progress they have made since their conviction. • Allows you to see the whole person, not just their offence on paper. <p>Drawbacks:</p> <ul style="list-style-type: none"> • Some candidates may find this upsetting and embarrassing and would prefer to only supply a written statement. • Asking can put the candidate on the spot or shift the focus of the interview away from their skills. Think about using the interview to see the candidate at their best, and not requiring or encouraging them to divulge anything too personal.
<p>Require criminal record declaration as part of a conditional job offer</p>	<p>This approach means that you only ask successful candidates to disclose, once you know they are qualified for the job and would be a good fit for the organisation.</p> <p>Benefits:</p> <ul style="list-style-type: none"> • Requires only successful candidates to make a disclosure, so you only collect sensitive information about people you intend to hire and not everyone who is shortlisted. • Some people with convictions feel this creates a safer space to disclose, as they know that they are considered capable of doing the job. <p>Drawbacks:</p> <ul style="list-style-type: none"> • The risk with asking at this late stage is that if you learn of someone’s criminal history late on in the process, this can cause delays – this may trigger additional risk assessments or discussions about someone’s suitability for the role after a conditional offer has been issued. • If you decide to rescind the job offer due to something they disclose, this can be devastating for the candidate, given how much time and energy they have put in to the process (and they may even have resigned from their previous job). • You may lose other suitable candidates during that time. • If you rescind the offer, you could be criticised for claiming to be open to people with convictions, but not following through.
<p>Ask once a candidate is in post whether they have any cautions or convictions</p>	<p>If you decide that you do not want to ask about criminal records during the recruitment process as you don’t think it’s relevant, and you want to hire people with convictions as a means of increasing diversity within your organisation, it is likely that you will want to track progress on this objective.</p> <p>We would recommend that you ask your staff sensitively in the context of a survey about other key demographics or protected characteristics, in line with your EDI monitoring work. Bear in mind that sharing this information in a survey should be voluntary for your employees, and it would be highly unethical to dismiss anyone who you discover in the process of collecting this data has a criminal record.</p>

Success story: YMCA St Paul's Group

YMCA St Paul's Group (SPG) is one of London's largest providers of supported housing, delivering a wide range of services including supported accommodation, health and wellbeing programmes, education and training through their centres, and children, youth, and family services such as nurseries, after-school clubs, and soft play facilities. They recently overhauled their hiring process to become much more inclusive to people with convictions, while maintaining a balanced and practical approach to risk – particularly important given their work with vulnerable young people.

They began this journey after a painful experience (for the candidate) where they made the decision to withdraw a job offer due to the candidate's convictions. Following this, they felt that their risk assessment process and guidance to hiring managers needed a review. They began with a workshop delivered by Working Chance to strengthen their understanding of best practice and ensuring procedures remained fair and transparent, but also consistent and compliant. SPG was challenged on how to assess risk proportionately, and considered common challenges organisations face when balancing safeguarding responsibilities with inclusive hiring. Following the workshop, they undertook a comprehensive review of our current practices and as a direct outcome they:

- Revised the questions used in their risk assessment to ensure they supported hiring managers to overcome any misconceptions regarding convictions whilst still being fully aligned with their safeguarding principles.
- Initiated a rewrite of applicant information materials to provide clearer guidance on what candidates can expect regarding DBS checks, with the hope to promote transparency and confidence in their recruitment process.
- Further raised awareness at internal events and safeguarding conferences.

Deciding if you require a disclosure

For many roles and sectors, whether or not to ask candidates if they have a criminal history is up to you.

If you decide that you would rather **not** know about candidates' criminal history, we recommend that you outline your approach in your policy, as well as decide the steps you will take if a candidate makes a disclosure, or a conviction comes to light through another route (for example, if a colleague finds out). You should treat the person fairly and give them the opportunity to explain the circumstances, considering only whether the information is relevant to the role or to any legal or safeguarding requirements.

If your policy is not to ask, it would be inappropriate to dismiss someone solely because a conviction later comes to light, unless there is a clear and legitimate reason related to the role.

It's important that you ask the correct question(s) for the role applied for (ie. ROA, ROA Exceptions Order, Security Vetting – see pages 27-29 to know which of these is right for you) and point candidates to where they can get help and support to answer the question correctly.

Talking about criminal records in job interviews

Disclosing criminal records to an employer can be challenging or emotional for a candidate. For many people, the context behind their convictions relates to a difficult time in their life, or background circumstances such as mental ill-health, substance misuse or homelessness.



“It’s one tiny bit of my past, a blip, but I’m going to have to go over it all again every time I apply for a job.”
- Hannah, Working Chance client

Hearing disclosures in interviews can sometimes be challenging for hiring managers. In some cases, interviewers may become emotional, but it is important to stay professional to avoid making the experience awkward or uncomfortable for the candidate.

ALL OF THIS POINTS TOWARDS THE IMPORTANCE OF DEALING WITH CRIMINAL RECORD DISCLOSURES OBJECTIVELY, SENSITIVELY, AND WITH EMPATHY.

All of this points towards the importance of dealing with criminal record disclosures objectively, sensitively, and with empathy. Create an environment that encourages honesty and gives the applicant the opportunity to explain the context, mitigation, circumstances, and any positive steps taken since the offence. Aim to minimise distress for both the candidate and the interviewer. Where disclosures are made, ensure any information recorded is processed in compliance with UK GDPR Article 10 and the Data Protection Act 2018.



“I want employers to see I’m a human, and humans make mistakes.”
– Ellen, Working Chance client

What to do if someone discloses a conviction verbally

If someone discloses a conviction during an interview, keep these points in mind:

- **Thank them for their openness:** the shame and perceived stigma of having a criminal record can make disclosure very difficult. Acknowledge that it takes a lot to be open and share this information.
- **Show empathy, stay professional:** maintain a supportive tone without losing focus on the purpose of the interview.
- **Watch your body language:** be aware of your visible reactions and non-verbal cues.
- **Manage over-sharing:** remind the candidate that they don’t need to go into detail. If the candidate begins to share excessive personal detail that could affect their emotional wellbeing, gently and diplomatically guide the conversation back on track.
- **Maintain confidentiality:** treat disclosure details as strictly confidential. Share them only with those who need to know (eg. HR) under a lawful, documented process, and process all information in line with UK GDPR Article 10 and the Data Protection Act 2018.
- **Handle notes carefully:** record only what is necessary, remembering that notes may be accessed by the candidate and could be used as evidence in legal proceedings. Keep them secure and retain them only for as long as necessary (often up to 12 months for recruitment purposes, unless there is a clear reason to keep them longer).
- **Focus on strengths:** remind the candidate you’re interested in their skills, achievements, and transferable experience, and that you want them to succeed in the interview.
- **Avoid internet searches:** don’t look up media coverage of their convictions; news stories are often incomplete, sensationalist, and not a full or fair representation.
- **Don’t treat them as fragile:** a disclosure should not result in the candidate being handled with unnecessary caution; they are there to be assessed fairly on their suitability for the role.

**REMINDE THE CANDIDATE THAT
 YOU’RE INTERESTED IN THEIR SKILLS,
 ACHIEVEMENTS, AND TRANSFERABLE
 EXPERIENCE, AND THAT YOU WANT
 THEM TO SUCCEED IN THE INTERVIEW.**



“When I started applying for jobs, I was overwhelmed with the shame of having to admit what I had done.”
– Femi, Working Chance client

Disclosure and interviews: top dos and don'ts

DO	DON'T
Appreciate that disclosing personal information is a difficult and unnatural thing to do for someone in an interview setting. Try to be sensitive and respectful of this and create a safe space.	Interrogate candidates about their criminal record. Your role is to assess any relevant information in relation to the role - not retry them for their past mistakes.
Outline the type of interview that the candidate will face and what they can expect.	Single candidates with convictions out or treat them differently in front of staff.
Ensure that the candidate/member of staff's criminal record and the circumstances behind their offending are treated confidentially.	Do not share details of the candidate/member of staff's criminal record with anyone who does not genuinely need to know.
Consider a candidate's criminal record on a case-by-case basis, giving them the opportunity to explain the context, circumstances, any mitigation, and the positive steps they have taken since the offence before you make a decision.	Request a higher level of DBS than necessary or ask candidates to disclose 'all convictions' if the role is subject to ROA 1974 (see page 24) and only requires disclosure of unspent convictions.
Make interviews accessible and flexible and consider childcare, travel costs or other barriers.	Operate automatic exclusions for certain offences (eg. arson, sexual offences) unless genuinely necessary for the role.
Allow flexibility for those that have appointments eg. probation or psychotherapy.	Leave the candidate waiting for a long period of time without an update.
Value relevant transferable skills and experience when reviewing applications.	If adverse information comes to light, do not panic, or make decisions in haste. Reach out to the expert advice and support that is available to you.
Give a clear timeframe of when the candidate can expect to hear the outcome of an interview and update them promptly if this changes.	
Keep a candidate updated on the onboarding process (for example if carrying out risk assessments etc.) and don't leave the candidate in the dark or force them to ask for an update.	
Provide candidates with constructive feedback both positive and negative. Ensure that any negative feedback is delivered sensitively.	
Get expert advice and support if you need help to make an informed decision about a candidate/member of staff's criminal record or adverse information.	
If you have concerns about a criminal record or other adverse information, meet with the candidate to explain and give them an opportunity to respond before making a decision.	

SECTION 4: CRIMINAL RECORDS AND THE LAW

Quick definitions

TYPE	WHAT THIS MEANS
Basic DBS check	Can be used for any purpose, including employment. Basic DBS checks are the only checks that can be requested by an individual as well as an employer. Will contain details of convictions and conditional cautions that are unspent (under the terms of the ROA).
Standard DBS check	Relevant for roles such as regulated financial professionals, lawyers, traffic wardens and SIA licensed positions. May contain details of both spent and unspent convictions, and adult cautions, that are held on the Police National Computer, which are not protected (ie. subject to DBS filtering rules).
Enhanced DBS check	Relevant for roles working with children or adults in settings such as healthcare. The Enhanced DBS certificate contains the same information as a Standard certificate and may also include police intelligence — non-conviction information supplied by police if it is deemed relevant and ought to be included
Enhanced with Barred Lists DBS check	Contains the same information as an Enhanced DBS certificate and also includes a check of one or both DBS Barred Lists. These lists identify individuals barred from working with children and/or vulnerable adults.

DBS checks and how they work

The Disclosure and Barring Service (DBS) is the public body that carries out DBS checks. Formerly known as CRB checks, or criminal record checks, there are different levels depending on the type of role – for example, if the candidate will be working with children or vulnerable adults. Remember that DBS checks aren't pass/fail. They merely detail information relating to a candidate's offending history (ie. cautions and convictions). It's a condition of the DBS Code of Practice that organisations that carry out higher level DBS checks must have a policy for the recruitment of people with convictions in place. You should also ensure that your policies comply with data protection laws which require data to be processed fairly and minimise the risks of discriminating against candidates.

If you intend to carry out a DBS check for a role, you should make this clear in your recruitment documents and job advert, so that candidates are aware that a disclosure will be necessary as part of their application. It is hugely important to only carry out higher level DBS checks if the role in question is legally eligible for one. There are still some employers that carry out ineligible checks – **which is a criminal offence**. To get a basic DBS check carried out, an employer needs to choose a company from the list of '[responsible organisations](#)' registered with the DBS to process checks. They will carry out the check and tell you the outcome once it's complete. The applicant will receive their certificate by post and they can also set up a [DBS online account](#) to view the certificate online. Higher-level DBS checks are carried out by DBS Umbrella Bodies on behalf of organisations that do not have Registered Body status. If you believe the role is eligible for a higher-level DBS check, you should first use the DBS [eligibility guidance](#) and [DBS eligibility tool](#) to help determine what level of DBS check the role may be eligible for. If it is an NHS role, then you can use the [NHS DBS eligibility tool](#).

If you are still unsure after using the eligibility guidance and tools, then you can contact DBS customer services on 03000 200 190 / customerservices@dbs.gov.uk or Nacro's Employer Advice Service on 0845 600 3194 / employeradvice@nacro.org.uk.

Understanding the Rehabilitation of Offenders Act 1974

In order to leave offending behaviour in the past and move on, the Rehabilitation of Offenders Act 1974 (ROA) was designed to give people the right not to disclose 'spent' cautions and convictions when applying for most jobs - and in some other contexts, such as housing applications, some college courses, or buying insurance. This means that once someone has paid their 'debt to society', they are free to move on with their lives. This section outlines what this means for you as an employer.

ONCE SOMEONE HAS PAID THEIR 'DEBT TO SOCIETY' THEY ARE FREE TO MOVE ON WITH THEIR LIVES.

Quick definitions

Rehabilitation of Offenders Act (ROA)	Legislation designed to protect jobseekers and give them the right not to disclose 'spent' convictions and cautions when applying for most jobs, housing, or purchasing insurance.
ROA Exceptions Order	A limited number of roles that are exempt from the ROA, as they are considered more sensitive and/or positions that require a higher level of trust. These roles may be eligible for higher-level DBS checks - standard, enhanced, or enhanced DBS check with barred list checks.
Security vetting	A small number of roles are subject to national security vetting , such as police officers and police cadets. These roles require candidates to declare their full criminal history including all reprimands, final warnings, youth cautions, spent and unspent convictions from the age of 10.
Barred Lists	Barred Lists are databases that contain details of individuals that have been barred from working with children or vulnerable adults due to the nature of their past behaviour or offences.

The vast majority of roles in England and Wales are covered by the [Rehabilitation of Offenders Act 1974 \(ROA\)](#) which allows conditional cautions and convictions to be considered spent ('legally ignored') after a specified period of time. This is legally known as the 'rehabilitation period'; in practice it is a disclosure period.

The length of the disclosure period is determined by the sentence (or out-of-court disposal¹) the person received. If the person is reconvicted within this disclosure period, the general rule (there are limited exceptions) is that none of their unspent convictions will become spent until they all are.

Once the person's criminal record is considered spent:

- The law treats the person as if they'd never committed the offence and they no longer have to disclose the conditional caution or conviction when applying for most jobs.
- If the employer finds out about it, it's unlawful for an employer to consider that conviction when making a decision about the person's suitability for a job.

Full [guidance on the ROA is available here](#).

1 Out-of-court disposals allow the police to deal quickly and proportionately with low-level, often first-time offending which does not merit prosecution at court. Community resolution orders, cannabis warnings, penalty notices for disorder and cautions are all examples of out-of-court disposals.

Disclosure periods vary hugely from person to person, but you don't need to worry too much about it as an employer. It is for the candidate, and the relevant agency or a partner referring them (eg. prison, probation, charity, or specialist organisation, if applicable), to work out what criminal record information needs to be disclosed to you.

DISCLOSURE PERIODS VARY HUGELY FROM PERSON TO PERSON, BUT YOU DON'T NEED TO WORRY TOO MUCH ABOUT IT AS AN EMPLOYER. IT IS FOR THE CANDIDATE TO WORK OUT WHAT NEEDS TO BE DISCLOSED TO YOU.

Understanding the actions you need to take

As the employer, if you decide to ask about convictions or cautions, you simply need to ask the candidate the right question:

We strongly recommend signposting candidates to sources of help and support so they can answer disclosure questions accurately. There are several disclosure calculators — including

Do you have any unspent cautions or convictions under the Rehabilitation of Offenders Act 1974?

those from the [Ministry of Justice \(MoJ\)](#), [Unlock](#), and [Offpaly](#) — which can help individuals work out exactly which offences they are legally required to disclose if asked. We advise including links to these in all relevant recruitment materials. If the candidate, or relevant agency/partner needs further advice on what they need to disclose and how to disclose, they can contact [Nacro](#) and [Unlock](#).

Note: an employer is allowed to ask a candidate about pending prosecutions, but the candidate is not legally required to declare that they have been arrested – unless they have also been charged with the offence(s).

Roles that are covered by the ROA are eligible for [Basic DBS checks](#) if the employer chooses to carry out criminal record checks. A template criminal record declaration form for ROA 1974 roles is available as one of the appendices to this guidance.

Exemptions to the Rehabilitation of Offenders Act

There are a limited number of roles that are **exempt from the ROA**, as they are considered more sensitive roles and/or positions that require a higher level of trust. That means that you are entitled to ask about cautions and convictions that would otherwise be considered 'spent'.

The legislation covering this is called the **ROA 1974 (Exceptions) Order 1975**, and was amended in 2020. This section covers what the exemptions are, and what changes arose in 2020.

Some offences must always be disclosed when applying for positions under the ROA Exceptions Order. These are known as 'specified offences': which are mainly sexual or violent offences, or those relevant to safeguarding. They are listed in the [DBS list of specified offences](#). Specified offences must always be disclosed when applying for higher level DBS checks and can never be filtered from standard or enhanced DBS certificates. The term 'filtering' applies to the automatic process of removing historic or protected cautions and convictions from the DBS certificate, protecting candidates' privacy.

If you have established that the role is eligible for a higher-level DBS check, then you must be able to demonstrate the rationale behind your decision to potential candidates both within your recruitment materials, or if they ask you for the rationale for the role being subject to a higher-level check.

New self-disclosure and DBS filtering rules came into effect on 28 November 2020. As a result of these changes, it is extremely important to amend all relevant recruitment materials and change the questions that you ask candidates.

If the role is exempt from the ROA (and therefore eligible for a higher-level DBS check) then it is important to ask candidates BOTH the following questions:

The self-disclosure rules for roles that are subject to higher-level DBS checks are more complex

1) Do you have any unspent cautions or convictions under the Rehabilitation of Offenders Act 1974?

2) Do you have any adult cautions or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

than for roles that are subject to the ROA, but as mentioned earlier, it is for the candidate, and the relevant agency or partner referring or supporting them (eg. prison, probation, charity, or specialist organisation if applicable) to work out what they must disclose.

As the employer, you simply need to ask the correct questions – and then signpost the candidate to where they can get help and support to answer these questions correctly (ie. [Nacro](#) and [Unlock](#)).

AS THE EMPLOYER, YOU SIMPLY NEED TO ASK THE CORRECT QUESTIONS – AND THEN SIGNPOST THE CANDIDATE TO WHERE THEY CAN GET HELP AND SUPPORT TO ANSWER THESE QUESTIONS CORRECTLY.

The flowchart in Appendix 4 details the steps that a candidate must follow to work out which offences they legally need to disclose to you.

If the candidate or relevant agency/partner needs more advice on what to disclose and how to disclose then they can contact [Nacro](#) or [Unlock](#). Further information about filtering is available in the [Nacro guide on DBS filtering rules](#).

A template criminal record declaration form for roles subject to ROA Exceptions Order is available as Appendix 5 to this guidance.

Understanding security vetting

A very small number of roles are subject to [national security vetting](#), a process which is limited to sensitive recruitment scenarios such as police officers and police cadets, and certain government contractors.

These roles require candidates to declare their full criminal history including all reprimands, final warnings, youth cautions, spent and unspent convictions from the age of 10. Make sure that candidates are aware what level of security vetting the role they have applied for is subject to – and whether they are required to disclose their full criminal history.

Security vetting scenario

Kim has worked for her employer for 5 years. She received a youth caution for possession of Class A drugs in May 2015 (spent immediately), and a 12-month youth rehabilitation order in June 2015 (which became spent in June 2016). She did not need to disclose her offences when she was initially recruited because they are both spent.

Kim now works regularly in schools and is subject to an Enhanced DBS check. She has a clear DBS certificate as her offences are both spent and protected (ie. filtered). However, the company has recently secured a government contract which requires national security clearance.

For this vetting process, all of Kim's offences must be disclosed for this security clearance even though they occurred when she was a child, and they can be considered when determining her security clearance. Note: this new level of disclosure should not in itself be used as a reason to dismiss Kim, unless in very exceptional circumstances, for example there is no work that Kim can do for the organisation due to not being able to work in a role requiring security clearance.

Overseas convictions

The self-disclosure requirements under the ROA, ROA Exceptions Order and Security Vetting apply to a person with a criminal record **regardless of where they were convicted**. If someone has been convicted of a criminal offence overseas which has an equivalent (or similar) offence in England and Wales, they're still legally required to disclose their criminal record when applying for roles in England and Wales.

An overseas applicant would need to apply the disclosure law as applicable in England and Wales when applying for a job in England and Wales - not the law in their country of origin or where they were convicted, and you must apply a consistent approach to all applicants. That said, DBS checks and security checks do not generally show overseas convictions, unless the offences involved a UK national convicted overseas and the relevant FCO office placed the convictions on the Police National Computer (PNC).

Details of how to obtain overseas criminal record checks [are available here](#).

Overseas convictions scenario

Ash is a Spanish national who was convicted of murder in Spain as a juvenile. Ash's conviction would not be disclosed on a DBS check or even a Spanish criminal record check; under Spanish law, as all crimes committed by juveniles can be expunged after 10 years once the individual reaches the age of 18.

However, in England and Wales, a conviction for murder is never considered spent and must always be disclosed.

Therefore, if the employer asks them to declare their criminal record, Ash must disclose his conviction when applying for a job in England or Wales.

How to assess the risk and relevance of criminal records

If a candidate suitable for a job has a criminal record, it's not automatically a reason to exclude them. There are two things to consider as the potential employer: potential **risk** and **relevance** to the role.

A candidate's criminal record is often completely irrelevant to the role applied for. In general, employers should not apply automatic, blanket exclusions for types of offences (eg. arson, or sexual offences), and instead consider candidates on a case-by-case basis. The most important thing is whether that person can do the job, and would be an asset to your organisation.

THE MOST IMPORTANT THING IS WHETHER THAT PERSON CAN DO THE JOB, AND WOULD BE AN ASSET TO YOUR ORGANISATION.

If you have any concerns (about any offences disclosed either through self-disclosure or in a DBS criminal record certificate) then you should conduct a risk assessment, giving the candidate a meaningful opportunity to address your concerns.

You should gather any relevant information (eg. criminal record declaration, disclosure statement, references, or a supporting statement from a prison officer, probation officer or support worker if they've got one) that you need to inform your risk assessment. An assessment of the candidate's skills, qualifications, experience, and offence circumstances should be considered alongside:

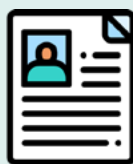
- the environment they will be working in
- the nature of the work to be carried out the tasks the person will perform
- the level of supervision they will receive.

Important: risk assessment in cases involving convictions is rarely mechanical. Context, role-specific safeguarding considerations and consistency across hiring managers are critical. Many organisations choose to apply this framework through facilitated training and case-based discussion to ensure confident and proportionate decisions.



TASK

What will this person do for you, what responsibility will they have for others, or for confidential work?



INDIVIDUAL

What do you know about the person, their character, attitudes, skills and abilities?



THE ROLE

How senior or high-profile is the role? How much pressure or accountability will they carry? How will they work? In a team on their own, at home, or in an office?

Take a look at Appendix 1 (page 41) for a template risk assessment to get you started. Some additional resources to help as you develop your risk assessment can be found here:

1. [Criminal record assessment template](#) (developed by the charity Unlock).
2. [Pre-employment checks risk assessment template](#) (taken from A Better Hiring toolkit).
3. Dominic Headley & Associates also offers free expert advice and support on risk assessment and dealing with safeguarding related conduct concerns. [Get in touch for support](#).

Offence circumstances

The most important question is whether the offence is relevant to the role in question. If – and only if – the conviction is relevant, you should then consider the following potential mitigating factors:

- Was there anything else happening in their life at the time? How long ago did the offence(s) happen? Was the candidate a child/young person at the time?
- Were there any mitigating factors (eg. trauma, addiction issues, domestic abuse, loss of a loved one etc.)?
- What was the nature and seriousness of the offence(s), and was it an isolated incident or a pattern?
- Has the candidate been given the chance to demonstrate the efforts they have made to address past issues, not reoffend, and make a change for the better?

IF THE CONVICTION IS RELEVANT, YOU SHOULD THEN CONSIDER THE FOLLOWING POTENTIAL MITIGATING FACTORS.

Fareen's story

Fareen's criminal record (fictional):

Offence	Sentence
Arson	Youth caution
Theft	Absolute discharge order
Possession of Class A drugs with intent to supply (Cocaine)	Youth rehabilitation order - 2 years
Actual bodily harm (ABH)	Imprisonment - 15 months

Fareen is applying for a role that is covered by ROA 1974. She has a youth caution for arson and convictions for theft, drugs, and violent offences.

A criminal record certificate would not provide any context in regard to the circumstances in her life at the time at the time she committed these offences, or how she has moved on from her offending.

Fareen uses a Disclosure Calculator to work out what she needs to disclose for the role and with advice and support from a criminal justice charity (eg. Working Chance, Nacro or Unlock), she completes a criminal record self-declaration form (see Appendix 3) or disclosure statement during the application process.

Learning from Fareen's circumstances

The information in Fareen's disclosure statement **and a sensitive follow-up conversation** helped the employer to establish the following:

- Fareen was placed in foster care as a teenager, she struggled in mainstream education and ran away often as a teenager due to bullying and abuse.
- During this time, she experienced homelessness, substance misuse and struggled with her mental health.
- As a teenager, she was also coerced into selling drugs.
- Her assault conviction related to her ex-partner who had subjected to her appalling domestic abuse. She was pregnant at the time of sentencing.
- The youth caution for arson related to setting fire to a litter bin at age 14 while in foster care. It was spent immediately and so it was not subject to disclosure for the role applied for. The conviction for theft related to stealing food from a supermarket at age 15 while she was street homeless. The magistrate considered her mitigating circumstances and sentenced her to absolute discharge order which was spent and was not subject to disclosure for the role applied for.
- The drugs conviction and the conviction for ABH were unspent at the time of applying for the role – so they were both subject to disclosure.
- Fareen had received support to turn her life around and had been volunteering for a local charity and studying part-time while raising her young daughter.

Context is everything. Fareen's offences look serious on paper, but considering the circumstances, someone looking to employ Fareen may well decide that they more than outweigh the severity of the offences, particularly as she was a child when many of the incidents occurred. It is always worth considering that many people who have committed offences have experienced hardships, but so many are dedicated to creating a brighter future and a career.

IT IS ALWAYS WORTH CONSIDERING THAT MANY PEOPLE WHO HAVE COMMITTED OFFENCES HAVE EXPERIENCED HARDSHIPS, BUT SO MANY ARE DEDICATED TO CREATING A BRIGHTER FUTURE AND A CAREER.

Excluding applications from people with certain types of offences

We strongly recommend that employers consider the **relevance** and potential risk of a candidate's criminal record for the role applied for on a case-by-case basis – rather than operate an automatic exclusion policy for certain offences.

In reality, some employers do choose to exclude offences such as arson, terrorism and sexual offences. But it's worth noting that offence categories cover a broad range of behaviours which vary wildly in terms of their seriousness. As Fareen's story on page 32 shows, offences are rarely self-explanatory and some offences can sound more serious than they were.

Important note: if the employer in Fareen's story on page 32 operated an automatic exclusion policy for anyone convicted of arson, Fareen may not have applied if she wasn't aware that her youth caution for arson was spent. Also, if the employer considered the youth caution for arson when making a decision about Fareen's application – they would have broken the law.

The Google effect: the impact of online coverage of candidates

One area that can present challenges for both employers and candidates is someone's criminal history appearing online. This could be the case for new recruits or existing employees.



“If I didn’t hear back from jobs, I wasn’t sure if they’d googled me. It stopped me from applying to jobs and closed me off from opening up to new people.”

- Eva, Working Chance client

Nowadays, it is common for (often highly sensationalised and inaccurate) news stories, blogs, videos, programmes etc. about individuals with convictions to be available on the internet. It can be hugely damaging to individuals and their families for information about their crime(s) to be on the internet for the rest of their lives. If your organisation does undertake general internet searches as part of the recruitment process, we strongly advise that you do not make recruitment decisions based on coverage of an offence, for these reasons:

1. Media coverage or social media posts are often sensationalised, incomplete and inaccurate.
2. Convictions may have become spent since the articles were written (meaning that the candidate does not have to disclose them to you, and it would be illegal to base a hiring decision on that conviction under the ROA).
3. It doesn't give the candidate a fair chance to provide context or explain their side of the story.

You can also provide opportunities for candidates to avoid the Google Effect if they wish, a simple example being to use a surname other than their legal name at work.

If adverse information on the internet or on social media comes to light about a candidate or existing member of staff, it is important to have a meeting with them and give them a fair opportunity to provide context about the information and address any concerns that you may have. Additionally, if colleagues are searching online, gossiping, or sharing information about an employee's conviction, this may constitute bullying or harassment, and you should consider whether disciplinary action is appropriate.



“Articles online said I was convicted of an offence that was actually thrown out in court. The information wasn’t even correct, but they were still allowed to publish it.”

- Jade, Working Chance client

Success story: KPMG

KPMG is committed to supporting the communities they serve and improving social mobility across the UK. The New Futures pilot programme aims to offer prison-leavers the opportunity of permanent employment, teaching transferable workplace skills to individuals who may not have worked at a professional services firm like KPMG. To do this, they worked closely with the New Futures Network (within the Ministry of Justice) who have provided advice and guidance on how to build this programme as well as finding appropriate candidates that meet the criteria they were looking for. They developed a targeted entry scheme and robust governance structure within the firm which considered a candidates' background and provided targeted support for people to join the company through this route. They work with charity partners throughout the recruitment process, assessing candidates' attitude, work readiness and rehabilitative journeys and continue to support the individuals needs and journey throughout the programme – from mentoring and accessing appropriate accommodation to emotional resilience and readjusting to life in the community.

KPMG reports meeting and employing incredible individuals through this programme, who brought diverse perspectives and insight into the firm. They strongly believe that not only is it the right thing to do, it also aligns to their social impact and commitments to government, providing a fair chance to some of the most excluded members of society – often from lower socio-economic backgrounds.

Outside of the New Futures programme, their public sector team also works in collaboration with Key4Life – a third sector organisation that aims to reduce youth reoffending with an innovative rehabilitation programme – through mentoring, impact coach workshops and meet the employer/work taster sessions. Since 2017, over 100 KPMG volunteers have delivered over 1,000 hours of volunteering time through mentoring and workshops. This provides a great opportunity to take colleagues on the journey too, providing meaningful opportunities for them to share their skills and experience. KPMG's active volunteering efforts over the years provided them with the insight and network to develop the pilot programme.

SECTION 5: INDUCTION AND SUPPORT FOR NEW RECRUITS

Employee induction

Employee induction is one of the most important stages in someone's employment journey with you. The main purpose of an induction is to help a new employee integrate into the organisation and show them the systems, procedures, culture, values, ways of working etc. which govern the organisation. It also helps a new employee ease into their new job, as the first few weeks are key in ensuring they settle in well and feel supported.

THE FIRST FEW WEEKS ARE VITAL TO ENSURE THE PERSON FEELS SUPPORTED AND KNOWS WHO TO SPEAK TO IF THINGS DON'T GO TO PLAN.

You should aim to equip new employees with all the information, training, procedures, and knowledge required to perform their job to the required standard, without overwhelming them.

So, what do people with convictions need to get off to a great start? They might have been out of the workplace for a while, or be worried about being outed or gossiped about. The first few weeks are vital

to ensure the person feels supported, and knows who to speak to if things don't go to plan.

The New Employee Induction Checklist in Appendix 6 contains a list of non-work-related issues including:

- obtaining ID
- bank accounts
- in-work benefits (eg. [Universal Credit](#), [Budgeting Loans/Advances](#), [Access to Work](#), [Discretionary housing payments](#))
- managing personal finances
- substance misuse
- gambling
- mental health.

Additional support for employees with convictions

Everyone is different, but most people will deal with personal issues or a crisis at some point in their life. It's important to bear in mind that many employees will not need or want any special treatment, so be very mindful not to inadvertently patronise them.

However, some may need light-touch support, and others may need something more intensive. Any support provided should be tailored according to the individual's needs. There is no one-size-fits-all approach. If you have employees who have recently left prison and who seem to be facing challenges, you may want to signpost them to good sources of advice, information, and guidance including the [Nacro](#) and [Unlock](#) helplines. This can help them to better manage these issues, get their lives back on track and more effectively integrate into their new role.

Providing clear access to external support networks and working with specialist charity partners that provide support can be helpful. For example, employers hiring women with convictions through [Working Chance](#) benefit from the offer of light-touch support, including navigating obstacles or concerns that arise.

MANY EMPLOYEES WILL NOT NEED OR WANT ANY SPECIAL TREATMENT, SO BE VERY MINDFUL NOT TO INADVERTENTLY PATRONISE THEM.

Mentoring for employees with convictions

Many employers of people with convictions (as well as other marginalised groups) have found that putting in place a work buddy or mentoring scheme can be effective ways of helping people settle into their new role and progress their careers. This applies more to people whose conviction is relatively recent.

Mentoring – key principles

Mentoring is a mutually beneficial partnership between two people (mentor and mentee) – based upon common trust and respect. Here are some key principles.

A MENTOR IS	A MENTOR IS NOT
a guide	a saviour/social worker
a critical friend	a parent/guardian
a listener	a therapist
a person with experience	a manager/teacher
a facilitator	a cool peer
a confidant	a babysitter
a resource-broker	a font of all knowledge
a questioner	a disciplinarian

The mentor will be a more experienced person, and independent voice, outside the employee's direct sphere of experience who imparts knowledge, expertise, and wisdom to a less experienced person (the mentee).

- They will try to help the mentee to find the right direction and help them to develop solutions to issues.
- The mentee can share ideas, without fear of comeback, or criticism for failure.
- Every mentoring relationship is different, but it will generally be a long-term relationship and should last for a specified minimum period – it is not a one-off volunteering opportunity. It demands time, patience, commitment, and a genuine interest in people.
- The mentor will have scheduled meetings with their mentee, supporting them into their new role and/or helping them develop and apply the essential life skills needed when interacting with fellow colleagues, customers, the public etc.
- Mentors will also assist their mentee in obtaining additional resources and should signpost them to relevant guidance on addressing some of the practical challenges they may face.
- Mentoring relationships are confidential by nature, but there may be circumstances when a mentor might not be able to keep information confidential, eg. because it needs to be investigated further as a potential breach of conduct or where there are concerns for welfare of mentee or other employees.
- If a member of staff shares personal information with a mentor about their mentee, the mentor should keep the information to themselves. Failure to do so may be a violation of the law, and it is a definite violation of trust.

If you need training for staff on how to be an effective mentor get in touch with the [Chrysalis Foundation](#).

FREQUENTLY ASKED QUESTIONS

1. Can I refuse to hire anyone with a criminal record?

If the only reason you are **not** hiring them is because they have a criminal record, this does not legally count as discriminatory practice, though you should reflect carefully on whether your decision arises from prejudice or because the person poses a genuine risk. If, however, the individual has a characteristic protected by the Equality Act 2010 (such as race or sex) then they could make a legal claim of discrimination against you if they believe that their protected characteristic was why they were turned down for the job.

When making a decision about an applicant's suitability for a particular post, you can take into account unspent conditional cautions and convictions (and adult cautions and spent convictions that are not protected if the role is subject to ROA Exceptions Order). You should avoid blanket exclusion policies that rule out candidates with certain types of offences. Suitable candidates should not be refused employment because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

2. There are discrepancies between the information provided by the applicant and the information on their criminal record check. What should I do?

Many applicants and employers struggle to understand how and when a caution or conviction becomes spent (for jobs covered by the ROA), or both spent and protected (if the job is subject to the ROA Exceptions Order). See page 27 of this guidance for more information. This sometimes leads to applicants over-disclosing or under-disclosing their criminal record. There may be discrepancies between the information provided by the applicant and the information on their criminal record certificate. The DBS [code of practice](#) states the employer should request a meeting with the applicant to discuss these discrepancies before making a final decision about their suitability for the role.

It's important that you do not assume that a candidate is being deliberately dishonest or trying to conceal their offences, but instead may not know or understand what needed to be disclosed. Instead of assuming the worst about the candidate, you should open up the conversation and allow them the chance to explain the circumstances.

3. Can an individual with a criminal record be employed in health or social care roles?

Yes. A criminal record isn't an automatic barrier to working in health or social care. Many people with convictions have moved on from their past mistakes to work in significant positions of trust including doctors, nurses, social workers, and other healthcare professionals.

4. Do I have to do my own risk assessment if I have recruited someone from prison, through probation or a charity partner?

Yes. As the employer, you have legal responsibility for any recruitment decision that you make. You cannot discharge this responsibility to a third party. Information received from the prison, probation, charity partner or other agency can certainly inform your risk assessment (and indeed their insights are valuable as they will know the person). But only you can make the final decision about any candidate's suitability for the role applied for based on all the information you have gathered through the recruitment process.

5. Should we carry out random drugs and/or alcohol tests on people with convictions?

No, you should not do this specifically for people with convictions – that would be prejudicial. Some employers in certain sectors (eg. transport and built environment) conduct random drugs and alcohol testing on the whole of their workforce, including staff that do not work in safety critical roles; some even operate zero tolerance drugs and alcohol policies.

Care is essential when taking disciplinary action against someone on the grounds of drug or alcohol misuse, as employers still have legal obligations towards their staff in this respect. Employment tribunals have sometimes viewed such cases as a medical issue rather than one of conduct. This will normally depend on the exact circumstances and nature of the employee's work – for example, whether potential harm to others is involved. If you are worried we recommend you seek employment law advice.



“At Co-op we believe that business has a key role to play in creating a more equitable society. We can't fix everything, but there are things in our power that we can change - such as supporting people who face barriers entering the workplace, including those with convictions.”
- Claire Costello, Chief People and Inclusion Officer, Co-op

CONCLUSION

Confident inclusive hiring does not happen by accident. It is built through structured policy, manager capability and governance alignment. Working Chance partners with organisations to audit current practice, deliver training and support complex case decisions to ensure this work is implemented safely and sustainably.

LIST OF APPENDICES

- **Appendix 1:** Sample recruitment policy for people with convictions
- **Appendix 2:** Risk assessment template
- **Appendix 3:** Criminal record self-declaration form ROA 1974
- **Appendix 4:** Self disclosure rules - ROA Exceptions Order self-disclosure flowchart for candidates
- **Appendix 5:** Criminal record self-declaration form ROA Exceptions Order
- **Appendix 6:** New employee induction checklist

APPENDIX 1: SAMPLE POLICY – RECRUITING PEOPLE WITH CONVICTIONS

Working Chance says...

Getting this policy in place is the first step on your journey towards a strategic, proactive approach to hiring people with convictions.

This example could provide a useful starting point, but it's important to stress that your policy must be designed by you to reflect your organisation and that time and thought should go into making sure it works for all parts of your organisation.

Read with:

- Section 2: How to recruit people with convictions
- Section 3: Dealing with disclosure of a criminal record

SAMPLE POLICY STATEMENT – RECRUITING PEOPLE WITH CONVICTIONS

[Organisation Name] 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.

We recognise the valuable contribution that people with convictions can make to our organisation as employees or volunteers and we welcome applications from them. We understand that obtaining gainful employment helps people to put their past behind them.

We consider applicants first and foremost on the grounds of their skills, qualifications, experience and ability to do the job.

[INSERT YOUR CHOSEN APPROACH TO DISCLOSURE HERE, INCLUDING RATIONALE, AND WHAT CANDIDATES CAN EXPECT FROM THE PROCESS]

We also ensure that all those in [Organisation Name] who are involved in the recruitment process have received appropriate guidance and training in the relevant legislation relating to the employment of people with convictions, and suitably trained to identify and assess the relevance and circumstances of offences.

We comply fully with the Disclosure and Barring Service (DBS) code of practice and undertake to treat all applicants fairly. All information disclosed will be treated in the strictest confidence; suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and will take the following into consideration:

- Whether the conviction is relevant to the position applied for
- The seriousness of any offence revealed
- The age of the applicant at the time of the offence(s)
- The length of time since the offence(s) occurred
- Whether the applicant has a pattern of offending behaviour

- The circumstances surrounding the offence(s) and the explanation(s) offered by the person concerned
- Whether the applicant's circumstances have changed since the offending behaviour

In line with the Code of Practice requirements, we will notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision; and ensure that we discuss any matter revealed through a disclosure with the individual – before withdrawing an offer of employment.

[IF YOU DECIDE YOU DO REQUIRE A DISCLOSURE AT SOME POINT IN THE RECRUITMENT PROCESS YOU CAN USE THE FOLLOWING SECTIONS.]

Applying for roles that are covered by the Rehabilitation of Offenders Act 1974 (ROA)

If the role applied for is covered by the Rehabilitation of Offenders Act 1974, (ROA) we will require applicants to disclose any 'unspent' cautions and convictions. We will make it clear in any job advert, recruitment brief and application form if a basic criminal record check will be requested from the DBS – upon conditional job offer.

Further information about which roles are covered by the Act and when a conditional caution or conviction becomes 'spent' can be obtained from MoJ's/Unlock's/Offploy's disclosure calculator or from Nacro's website - www.nacro.org.uk

Applying for roles that are 'exempt' from the Rehabilitation of Offenders Act 1974

If the role applied for is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended (ROA Exceptions Order) - and where appropriate Police Act 1997 Regulations as amended - we will require applicants to complete a confidential declaration in relation to all unspent cautions and convictions; and also any adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

For further information on criminal record self-declaration for roles that are exempt from ROA and eligible for standard or enhanced DBS checks please refer to Nacro guidance, MoJ guidance and DBS guidance.

We will make it clear in any job advert, recruitment brief and application form that a criminal record check appropriate to the role applied for (ie. standard, enhanced or enhanced and barred list check) will be requested from the DBS – upon conditional job offer.

Regulated activity roles

Important note: Applicants need to be aware that it is a criminal offence to apply for a post that is subject to an enhanced DBS with barred list check (i.e., children, adults or both) if they have been barred from engaging in regulated activity with the relevant group (i.e., children, adults or both).

We will include a statement in any job advert, recruitment brief or application form making it clear whether the role in question involves engaging in regulated activity with a particular group (ie. children, adults or both). Further information on regulated activity and DBS barring can be obtained from DBS.

APPENDIX 2: RISK ASSESSMENT TEMPLATE

Working Chance says...

As mentioned, the most crucial thing to consider when a conviction or caution comes to light is the risk and relevance to the role. Your motivation for what comes next should be: what can you do to get the candidate into the role, in a considered and sensible way (as opposed to how can you keep someone out). The risk assessment document template on the next page will help you to keep a clear record of how you reach your decision.

We recommend completing this template during a risk assessment meeting, to record the discussion between hiring manager and candidate, after a DBS certificate has been returned.

Read with:

- Section 2: How to recruit people with convictions
- Section 3: Dealing with disclosure of a criminal record

RISK ASSESSMENT TEMPLATE

To be completed during risk assessment meeting, to record the contents of a discussion between the hiring manager and candidate, after a DBS certificate has been returned

Name of applicant	
Post applied for	
Team/department	
Name of assessor one (hiring manager)	
Name of assessor two (HR)	
Date of assessment	

Level of DBS check conducted	Enhanced and barred	Enhanced	Standard	Basic

CONVICTIONS OR POLICE INTELLIGENCE DISCLOSED

Firstly, gather and record the facts. This should be aligned with what is returned on the DBS check. Add more rows/continue on a separate sheet if necessary.

You must fill this in according to the level of DBS check relevant to the role. Spent convictions should not be recorded if it's a Basic check.

Offence: Date of conviction: Sentence: Spent date:	
Offence: Date of conviction: Sentence: Spent date:	
Offence: Date of conviction: Sentence: Spent date:	
Offence: Date of conviction: Sentence: Spent date:	
Has any other relevant information been disclosed by the police? (Police intelligence)	
Is the conviction(s) relevant to the role applied for?	

Next, it's time to gather the context. Try to think about how the candidate has made efforts to move away from offending and so minimise the risk. This section should be filled in in partnership with the candidate, allowing them to share their thoughts and views.

Age at time of offence(s)	
Length of time since the offence(s)	
What was happening in the candidate's life at the time of the offence?	
Was this an isolated incident or a pattern of offences?	
What has the candidate done to move forward and leave offending behind them?	
Has the candidate taken part in specific remedial/ action programme? E] Eg. drug and alcohol treatment	
Have the candidate's circumstances changed since the offence(s)? If so, how?	

Finally, once the context has been gathered, after the meeting has taken place, you can assess the risk and make a decision accordingly.

What is the nature of risk? Eg. to safety, to property					
Who/what might be harmed?					
What will be done to minimise the risk?					
What is the likelihood of the risk happening?	1	2	3	4	5
What would be the impact of the risk happening?	1	2	3	4	5
What further action is required? Who is responsible for taking this action?					

Declaration:

The information above has been assessed and considered, and we are satisfied that it is safe and appropriate for the candidate to commence work.

Signed (1)	
Signed (2)	
Date	

APPENDIX 3: CRIMINAL RECORD SELF-DECLARATION FORM FOR JOBS COVERED BY THE ROA

Working Chance says...

Collecting criminal record data sounds daunting, but don't worry. The form below can help you gather the data and ensure you're asking the right questions in the most supportive way.

Take care over who sees this information, treating it in line with your GDPR policy and only share it with people who have a genuine 'need to know'. Make sure you let candidates know that suitable applicants will not automatically be refused posts because they have a criminal record, and that you will conduct a fair risk assessment if you need to.

Most roles in England and Wales are covered by the ROA, which allows convictions to become legally spent (which means they no longer need to be disclosed). For roles that are exempt from the ROA because they are considered more sensitive/require a higher level of trust, see the example form in Appendix 7.

Read with:

- Section 3: Dealing with disclosure of a criminal record
- Appendix 5: Criminal record self-declaration form for jobs exempt from the ROA

CRIMINAL RECORD SELF-DECLARATION FORM FOR JOBS COVERED BY THE ROA

Policy statement on recruiting applicants with criminal records

We recognise the contribution that people with convictions can make as employees and volunteers and welcome applications from them. A person's criminal record will not in itself, prevent a person from being appointed to this post. Any information given will be treated in the strictest confidence and only shared with those who have a genuine need to know. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and may take the following into consideration:

- The seriousness of any offence revealed
- The age of the applicant at the time of the offence(s)
- The length of time since the offence(s) occurred
- Whether the applicant has a pattern of offending behaviour
- The circumstances surrounding the offence(s) and the explanation(s) offered by the person concerned

APPENDIX 4: SELF-DISCLOSURE RULES – ROA EXCEPTIONS ORDER SELF-DISCLOSURE FLOWCHART FOR CANDIDATES

Working Chance says...

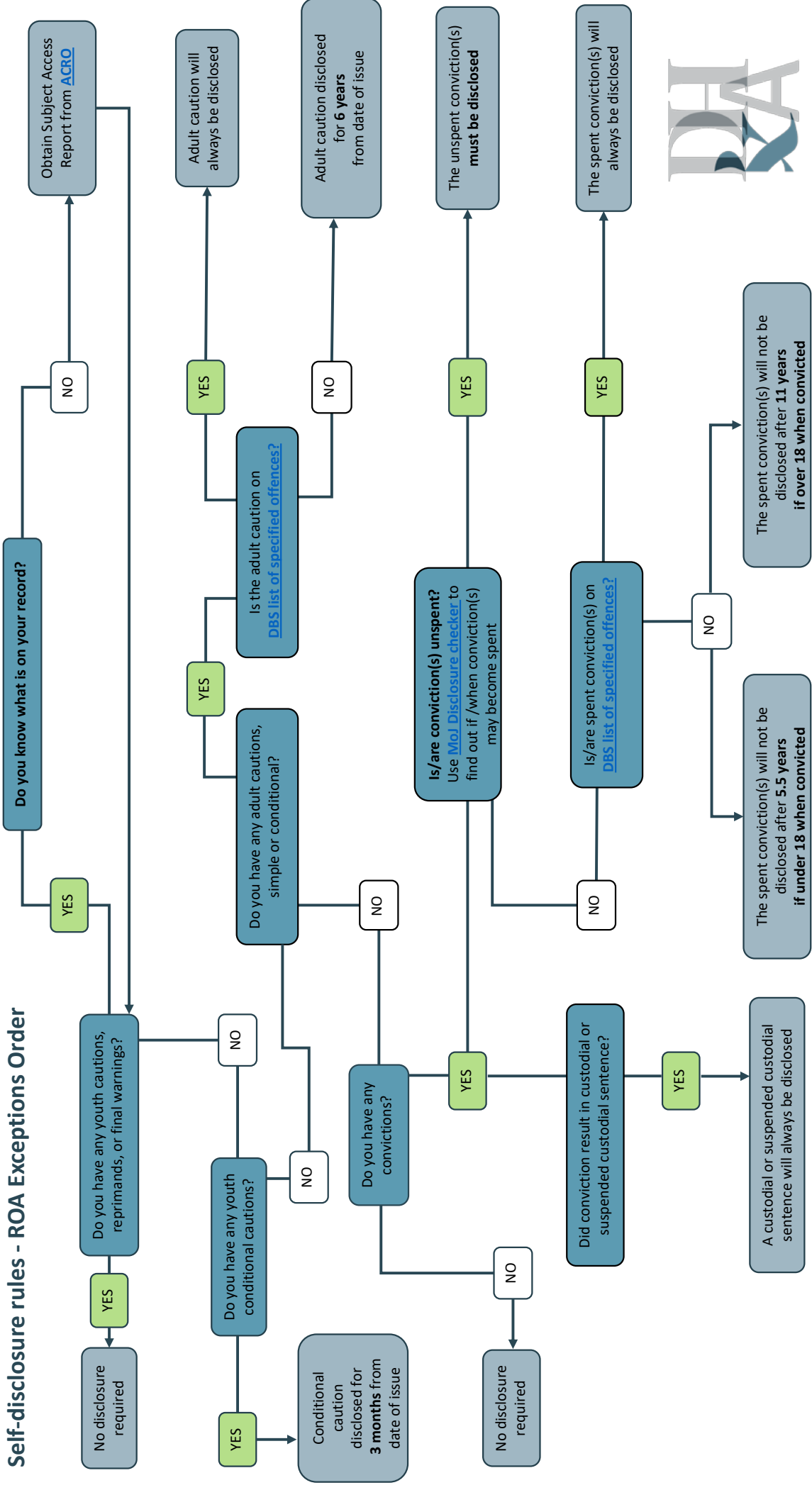
Disclosing a criminal record when asked is the responsibility of the applicant, not the employer (and it can be a bit complicated!). You can make sure applicants are telling you the right information – and not too much or too little – by making sure they have access to the right tools.

The flowchart below can be shared with applicants to help them navigate what needs to be disclosed and what doesn't - for example youth cautions, or historic offences which are no longer deemed relevant.

Read with:

- Section 3: Dealing with disclosure of a criminal record
- Appendix 3: Criminal record self-declaration form ROA 1974
- Appendix 5: Criminal record self-declaration form ROA Exceptions Order

Self-disclosure rules - ROA Exceptions Order



APPENDIX 5: CRIMINAL RECORD SELF-DECLARATION FORM FOR JOBS EXEMPT FROM THE ROA

Working Chance says...

If a role requires a standard or enhanced DBS check, use this form below.

Most roles in England and Wales are covered by the ROA, which allows convictions to become legally spent (which means they no longer need to be disclosed). You can find more help on which category roles in your organisation fall under in the DBS eligibility guidance.

A reminder: the level of checks must be proportional to the role in question - you must only carry out higher level DBS checks if the role in question is legally eligible for one. There are still some employers that carry out ineligible checks – which is a criminal offence.

Read with:

- Section 3: Dealing with disclosure of a criminal record
- Appendix 3: Criminal record self-declaration form for jobs subject to the ROA
- Full guidance on the ROA

CRIMINAL RECORD SELF-DECLARATION FORM FOR JOBS EXEMPT FROM THE ROA

This form must be completed by all applicants for jobs, activities or posts that are eligible for standard or enhanced DBS checks. The information disclosed on this form will not be kept with your application form during the application process.

Policy statement on recruiting applicants with criminal records

This post is exempt from the Rehabilitation of Offenders Act 1974 and therefore applicants are required to declare all unspent conditional cautions and convictions and also any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020.

For further information on criminal record self-declaration for roles that are eligible for standard or enhanced DBS checks please refer to Nacro guidance, MoJ guidance and DBS guidance.

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not in itself, prevent a person from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and will take the following into consideration:

- whether the caution or conviction is relevant to the position applied for

APPENDIX 6: NEW EMPLOYEE INDUCTION CHECKLIST

Working Chance says...

Induction is an important period for any new employee, but if you're recruiting someone with a criminal record, they might need a bit of additional support. Here you can find some suggestions about how to tailor their onboarding process to what each person needs – remember people with convictions are not a homogeneous group, and many won't need any additional support at all.

Thanks to the Chrysalis Foundation for sharing this resource for you to repurpose/use.

Read with:

- Section 5: Induction and support for new recruits

NEW EMPLOYEE INDUCTION CHECKLIST

Name of employee:			
Job title:			
Employee start date:		Date of induction:	
Welcomed by:			
Inductee signature:			
Introduction to the organisation			Completed
Show new employee where they will be working. Work area/desk/locker/office etc			
Introduce them to their line manager, colleagues, senior managers, including their 'buddy' and their mentor			
Show new employee building layout/facilities including access, fire assembly points, evacuation, fire toilets, rest areas etc			
Deal with any key matters such as their P45, National Insurance number and security ID			
Outline key health & safety requirements, safe systems of work, first aid, manual handling etc. Detailing H&S training in the organisation			
Who's who (people), our purpose (mission), what we do, how we do it and our outcomes			
Organisation future plans (vision) and developments			
Brief history of organisation			

New employee's job		Completed
Explain new job role fully, how it fits in the organisation & work practices		
Outline expected performance and how it will be assessed		
Job specific training and development that will be given		
Possible opportunities for future development and career progression		
New employee's terms and conditions of employment (using Job Description) Run through: <ul style="list-style-type: none"> • T&Cs to ensure they are understood and give them a copy of the job description • details of any probationary/trial period • work hours, breaks, holidays and when they will get paid • pension information 		
The organisation's important rules on: <ul style="list-style-type: none"> • job performance • discipline • absence, including because of illness and sick pay • complaints against staff, such as bullying and harassment • where more details can be found • other important rules such as use of the company internet, email and phones etc • periods of notice to be given • maternity/paternity/ parental leave/shared parental provisions • details such as dress code, parking, no smoking policy, and rest room, kitchen, refreshment/restaurant/canteen facilities • complete documentation on new employee's appointment for their personnel file to be kept securely • our commitment to being an equal opportunities employer • details of any employee representation, including any trade union membership 		
Induction given by:		
Inductee signature:		
Reviews		Completed
At four/six weeks date: Line manager or mentor to hold an informal meeting with new employee to assess how they are adjusting to their role and whether they have any training needs or other concerns		
Given by:		
Inductee signature:		
At three months date: Line manager or mentor to review with the new employee, how they are settling in and performing This is also an opportunity to pinpoint any training/development needs, set timescales for achieving them and adjust work targets if required		
Given by:		
Inductee signature:		





<p>At six months date: If the new employee is on trial/probation, then it's decision time – will they stay or go?</p> <p>If they're staying, it's time for the line manager to look to the next six months, to consider setting any new/revised work objectives, training or development needs for the individual</p>	
<p>Given by:</p>	
<p>Inductee signature:</p>	
<p>At 12 months date: Ask the employee for give feedback on how useful and relevant they found their induction.</p> <p>What worked well?</p> <p>What could be improved?</p>	
<p>Given by:</p>	
<p>Inductee signature:</p>	



WORKING CHANCE

Unlocking women's potential

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