WORKING CHANCE

HIRING WITH CONVICTION

AN EMPLOYERS' GUIDE TO RECRUITING AND SUPPORTING PEOPLE WITH CONVICTIONS

SUMMER 2023

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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. 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.

"For some organisations it can be daunting to consider hiring people with convictions. This guidance will be an invaluable resource for employers who are setting out to create recruitment pathways to hire talented and motivated new recruits."
– Duncan O'Leary, Chief Executive, New Futures Network

INTRODUCTION

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

UK employers are becoming increasingly open-minded and changing their recruiting practices for the better. 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 can often go 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.

12.3 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 losing out by failing to tap into this under-utilised talent pool.

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 it's not just employees who care about this – it's consumers 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
June 2023

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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.

"There was a lot of red tape and nervousness when we started to discuss hiring people with convictions, and that was an education piece within the business that we needed to do first. But there was a willingness to do something different, which was a good start."
- Leigh Maxfield, Employment & Skills Partner, Thames Water

SECTION 1: WHY TO RECRUIT PEOPLE WITH CONVICTIONS

In England and Wales, there are around 12.3 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 16).

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 in the last seven years (24% in 2023 compared to 12% in 2016).

THE NUMBER OF EMPLOYERS WHO SEE ADVANTAGES IN HIRING SOMEONE WITH A CONVICTION HAS DOUBLED IN THE LAST SEVEN YEARS.

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 record[1].

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 job[2].

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:

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.

- Changes to the Rehabilitation of Offenders Act 1974 (ROA) due to come into effect by the end of 2023, which reduce the length of time that people need to disclose their custodial and community sentences to employers.
- Creating New Futures Network to broker partnerships between prisons and employers.
- 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 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 £24,269 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 £24,269 in social value by hiring just one person with a conviction[3].

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 awards[4].
- 81% of people think businesses employing people with convictions are making a positive contribution to society[5].
- 3 out of 4 people would be comfortable buying from a business that employs people with convictions[6].

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 (£18 billion per year).

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.

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.

3 The £ value is calculated as per the NT5 (people with convictions (FTE) hired on the contract) proxy value of Social Value TOM System 2022. A business can count this as social value only in the first year of employing a person with a conviction.
4 Source: Ministry of Justice
5 Ibid.
6 Ibid.

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.

"KERB has always been driven by a social purpose to incubate new food talent and create opportunities through great food. Since launching our Coaching for Work programme, we've employed four individuals with previous convictions into roles such as commis chef, kitchen porter and customer service assistant. Each has settled well in their roles and into their new teams and working environments, and we're excited to be able to work with them not only to meet their immediate need for secure employment but also on their future career plans, including options for apprenticeships and further learning and development opportunities."
– Lisa Donohue, Head of Coaching, KERB

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 and certificates are appropriate in some recruitment scenarios, and can contain helpful information for decision-making. But they aren't pass or fail - they merely detail 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 23 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

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 PUT IN PLACE A RECRUITMENT OF PEOPLE WITH CONVICTIONS POLICY.

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 17).
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 23 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 sensitive criminal records data).
6. Remains under review to ensure it's up to date with any changes in disclosure law.

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 100 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 and 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 on weekdays between 9am and 5pm.

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

For example, 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.

The Exceptionals is a campaign that provides a knowledge hub which aims to inform and connect employers looking to employ people with convictions with organisations and charity partners that can support them. Their site includes useful information on how to get started, including attending employer events or going on a prison tour.

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 reach out to.

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.

- Lead from the top – secure support from the highest level of your organisation.
- 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.

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.

- 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).

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 Wstigma 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 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 job[7]? 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.

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

RECOGNISE THE VALUE OF ALTERNATIVE WORK HISTORIES. NOT ALL CVS NEATLY FIT INTO OUR IDEAS OF A 'NORMAL' CAREER PATH.

7 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.

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.

Success story: Tideway

Tideway is one of the largest infrastructure projects of its type in Europe, created to deliver a new tunnel to protect the River Thames from sewage pollution. They are a member of the Employers Forum for Reducing Reoffending (EFFRR) leadership team.

As a socially responsible project, Tideway aims not just to clean up the Thames, but to leave a skills and employment legacy for people, including those with convictions, who may have been marginalised by society and who are struggling to gain new skills. Tideway understands that breaking the cycle of addiction, homelessness, and crime for people with convictions determined to put their past behind them benefits the individual, their families, the community, and wider society.

To drive their vision, Tideway created a dedicated and specialist group to lead their work on recruiting people with convictions which consisted of key HR colleagues, champions across the business and sponsorship within the Executive Leadership Team.

Tideway recognised the importance of bringing the existing workforce on the journey: they ensured they communicated their vision to staff and partners and worked hard to implement the necessary cultural shift within every level of the organisation to ensure it aligned with the overarching values.

They appointed a Risk Board and developed recruitment policies for people with convictions (while in custody on Release on Temporary Licence and in the community) to take up varied roles throughout all areas of the organisation. The policies contained no automatic offence exclusions, and they considered each candidate on a case-by-case basis.

Tideway also commissioned a programme of safe and fair recruitment training for hiring managers, which was later rolled out to supply chain partners. They signed up for the Ban the Box campaign and partnered with specialist charities and statutory partners to help them.

Recognising that offering a training placement or secure job was only one part of the jigsaw, Tideway also created a mentoring programme for people with convictions, which provided individual tailored support, based on their needs. Some of the support was light-touch; for others, it has been intensive.

Tideway recognises that people with convictions sometimes face intersecting challenges, so people could choose from a suite of support if they needed it, including:

- Payment of travel expenses, housing deposits, help to find accommodation.
- Budgeting advice and interest-free loans to help furnish properties.
- Support with purchasing work clothes, winter coats and mobile phone credit.

Recruiting people directly from prison

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

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 the prison service 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.

At the end of this guidance, you'll find some appendices that will help you if you think you might want to become an employer that offers ROTL employment to people still in prison:

- Appendix 2 is a list of important ROTL considerations
- Appendix 3 is a sample ROTL procedure
- Appendix 4 is a copy of Paid ROTL Memorandum of Understanding

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.

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 the criminal records tick box from job application forms 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
Don't ask for a disclosure of criminal history at any stage of the recruitment process	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. Benefits: • By advertising that you take this approach, you are demonstrating to candidates that you are open to hiring people with convictions. • Candidates do not need to share potentially traumatic elements of their personal history, and can focus on putting their skills and achievements to the forefront. Drawbacks: • There is a risk that the individual could face losing their job if you do not have in place an effective process for dealing with convictions that come to light during the employment relationship. • You won't know if your efforts to encourage people with convictions to apply for your vacancies have been effective. • You might not be able to offer support while in work (if a candidate would benefit from it).
Require declaration of a criminal record on **application form or online recruitment portal**	Evidence shows that this approach deters people with convictions from even 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'. It would also be difficult to demonstrate compliance with UK GDPR requirements about gathering criminal offence data. This approach also risks that you do not properly assess candidates on their skills, qualifications, and ability to do the job, allowing bias to come into play.
Require written disclosure of a criminal record from **all candidates shortlisted for interview**	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. Benefits: • 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. Drawbacks: • 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.

Asking about someone's criminal history **during an interview**	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. Benefits: • 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. Drawbacks: • 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.
Require criminal record declaration as part of a **conditional job offer**	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. Benefits: • 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. Drawbacks: • 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.
Ask **once a candidate is in post** whether they have any cautions or convictions	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. 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.

Deciding if you require a disclosure

WHETHER OR NOT TO ASK CANDIDATES IF THEY HAVE A CRIMINAL HISTORY IS UP TO YOU.

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 allow the individual to explain the circumstances if you do learn about a criminal record and you feel it is appropriate to ask them about it.

If your policy is to not ask for a disclosure, then it would be inappropriate to dismiss someone if a conviction came to light later on.

It's important that you ask the correct question(s) for the role applied for (ie. ROA, ROA Exceptions Order, Security Vetting – see pages 25-27 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 is usually very hard for a candidate. In many instances, the circumstances behind their offending may relate to a very 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**

It's also the case that hearing disclosures in interviews can be difficult for hiring managers: we are aware of instances where interviewers have cried or temporarily had to stop an interview. While this may be relatable, it is unprofessional and makes the experience for the candidate even more awkward.

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. When gathering information about criminal offences, you should do it in a way that encourages honesty, provides the applicant with plenty of opportunity to explain the context, circumstances and any mitigation surrounding their offences, but that also minimises any potential distress for the candidate or you as the interviewer.

What to do if someone discloses a conviction verbally

If someone discloses a conviction verbally at interview, here are some important points to remember:

- The shame and perceived stigma of having a criminal record is really difficult to talk about. Thank them for being open and sharing with you.
- Feel free to show empathy but stay professional.
- Be aware of your visible reactions and body language.
- If someone is over-sharing the details of their conviction (in a way you feel is detrimental to their emotional wellbeing) try to gently and diplomatically intervene.

REMIND THEM THAT YOU'RE INTERESTED IN HEARING ABOUT THEIR STRENGTHS AND YOU WANT THEM TO DO WELL AT INTERVIEW.

- Keep details of a disclosure strictly confidential unless someone else (eg. in HR) has to be informed.
- Consider what notes you take. Bear in mind that your notes can be seen by the candidate (if they ask to see them) and can be used as evidence in tribunals, so should be retained for 12 months.
- Remind them that you're interested in hearing about their strengths and you want them to do well at interview. Take into account relevant transferrable skills and value these.
- Resist the temptation to google news stories about someone's convictions, as the coverage is likely to be sensationalist and may be inaccurate in some respects. It certainly won't give a full and fair picture.
- Don't treat them as fragile.

"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. You are not there to 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 and give them opportunity to provide context about their criminal record and the circumstances before making 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 / flexible and consider childcare, travel costs etc.	Operate automatic exclusions for certain offences (eg. arson, sexual offences) unless absolutely necessary.
Allow flexibility for those that have appointments eg. probation or psychotherapy.	Leave the candidate waiting for a long period of time without an update.
Take into account relevant transferable skills and value these in candidate 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 timeframe of when the candidate can expect to hear the outcome of an interview and update them if this is delayed.	
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 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.	
Meet with the candidate and give them an opportunity to respond to any concerns that you may have about their criminal record or any adverse information that has come to light.	

"I want employers to see I'm a human, and humans make mistakes."
– Ellen, Working Chance client

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 and traffic wardens. 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 circumstances such as healthcare. The DBS certificate will contain the same details as a standard certificate and may also contain non-conviction information supplied by relevant police forces, if it is deemed relevant and ought to be contained in the certificate.
Enhanced with Barred Lists DBS check	The DBS certificate will contain the same information as an Enhanced DBS certificate, but will also include a check of one or both Barred Lists. The DBS is in charge of two Barred Lists – one is for individuals that are unsuitable to work with children and the other for 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

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

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' convictions and cautions when applying for certain jobs - and some other contexts too, such as housing applications, 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.

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 certain jobs (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 working in prisons, 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.
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 disposal[1]) 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.

If you want to know more about the ROA 1974 and ROA Exceptions Order, then check out these free 'Understanding criminal records masterclasses' developed by Dominic Headley & Associates for Skills for Care which are 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.

Full guidance on the ROA is available here.

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:

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

We strongly recommend you signpost candidates to where they can get help and support to answer the question correctly, if they need it. Either Unlock's disclosure calculator or the MoJ's disclosure calculator will help them to work out exactly which offences they are legally required to disclose to you if asked, so we advise you include a link to it 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 here 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 convictions and cautions 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 relevant to safeguarding, and these are contained on 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 offences from DBS checks. It removes any protected cautions or convictions from the DBS check, protecting candidates' privacy and ensuring a fair and unbiased job hunt.

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:

> 1) Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?
>
> 2) Do you have 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.

The self-disclosure rules for roles that are subject to higher-level DBS checks are more complex 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 them (eg. prison, probation, charity, or specialist organisation if applicable) to work out what criminal record information needs to be disclosed to you.

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.

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).

The flowchart in Appendix 6 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.

A template criminal record declaration form for roles subject to ROA Exceptions Order is available as Appendix 7 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 prisons, 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 2013 (spent immediately), and a 12-month youth rehabilitation order in June 2014 (which became spent in December 2015). 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 working in prisons which requires high level security clearance.

As a result, all of Kim's offences need to be disclosed to work in the prison environment despite the fact they occurred when she was a child – and the offences can be taken into account when determining her security clearance. Note: this new level of declaration should not be used as a reason to dismiss Kim, unless in very exceptional circumstances eg. there is no work that Kim can do for the organisation due to not being able to work in a prison.

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.

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?

Here are some resources to help as you develop your risk assessment:

1. Criminal record assessment template (developed by the charity Unlock).
2. Pre-employment checks risk assessment template (taken from A Better Hiring toolkit).
3. Carrying out risk assessments (Nacro's Employer Advice Service can provide a template and further advice).
4. 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:

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?

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 the 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 5) 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 whilst raising her young daughter alone.

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.

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.

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 29 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 29 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. 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.

"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

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:

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.

1. Media coverage or social media posts are likely to be sensationalist and may be 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 offer their side of the story.

"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

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 bring information about an employee's conviction to your attention, this may constitute bullying or harassment, and you should consider whether disciplinary action is appropriate.

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 8 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.

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.

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.

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

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.

MENTORING IS A MUTUALLY BENEFICIAL PARTNERSHIP BETWEEN TWO PEOPLE BASED ON COMMON TRUST AND RESPECT.

- 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 bounce ideas off their mentor, 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.

MENTORING 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 themself. 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.

Success story: Thames Water

Thames Water began to proactively recruit prison leavers in 2021 as part of their Skills Strategy driven by their Board. They aim to address skills gaps and tap into the talent pools that reflect the communities they operate in – including people with convictions.

Thames Water communicates the fact they are proactively recruiting people with convictions to other staff within their business through case studies and human stories delivered at 'Values Sessions'; staff engagement sessions that are delivered every six months that aim to embed the organisation's values – "be respectful and value everyone".

They appointed a small team that works closely with Working Chance, other charity partners and New Futures Network[1] to lead their project. A member of this team acts as an advisor: they meet informally with potential candidates in custody or the community and support them on their whole journey from pre-employment screening stage, during the application stage, right through to onboarding (if they are successful at interview), induction, and their first six months of employment. The advisor experiences the ups, downs, and wobbles with the candidate/employee while they are on their journey. The new recruit is able to build up trust and rapport with their advisor who will contact them before their first day at work, and again on their first day at work. They complete the same induction as all other new starters, but their advisor checks in with them every day during their first week at work to ensure that they settle into their new role. The advisor will then keep in touch with the individual throughout their first six months of employment and have informal check-ins with their line manager, to ensure the employment relationship can remain on track.

Thames Water operates a person-centred tailored approach to supporting the individual based on their needs. The advisors develop their knowledge and skills to help the people with convictions that they employ by leveraging support from their charity partners, New Futures Network and other employers that have been willing to share their experiences. They also have a Mental Health First Aider within the team who can provide support around mental health challenges.

The project has been a great success and many managers have come forward as a result of the staff engagement and 'values sessions' wanting to support and provide opportunities for people with convictions.

1 The New Futures Network (NFN) is a specialist part of HM Prison and Probation Service (HMPPS). It brokers partnerships between prisons and employers in England and Wales. These partnerships help businesses to fill skills gaps and prison leavers to find employment.

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 24 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 also needed 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, in the past, viewed this 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.

LIST OF APPENDICES

- **Appendix 1:** Sample recruitment policy for people with convictions
- **Appendix 2:** List of important Release on Temporary Licence (ROTL) considerations
- **Appendix 3:** Sample ROTL procedure
- **Appendix 4:** Copy of Paid ROTL Memorandum of Understanding
- **Appendix 5:** Criminal record self-declaration form ROA 1974
- **Appendix 6:** Self disclosure rules - ROA Exceptions Order self-disclosure flowchart for candidates
- **Appendix 7:** Criminal record self-declaration form ROA Exceptions Order
- **Appendix 8:** New Employee Induction Checklist

APPENDIX 1: SAMPLE POLICY STATEMENT – 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 dependants, 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' convictions and conditional cautions. 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 Unlock's disclosure calculator, from Nacro's website www.nacro.org.uk. or by using the Ministry of Justice (MoJ) Disclosure Checker.

Any data held by [ORGANISATION NAME] on convictions or cautions will be deleted once the conviction has become spent.

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 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 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: LIST OF IMPORTANT RELEASE ON TEMPORARY LICENCE (ROTL) CONSIDERATIONS

Working Chance says...

This section covers best practice on Release on Temporary Licence (ROTL), which is when you hire someone who is still serving their custodial sentence. It's a fantastic way to prepare someone for life on the outside, so is well worth considering. ROTL is not open to everyone in prison: the decision to allow ROTL is made following rigorous risk assessment, so the risk to you as an employer is minimised.

Alongside these recommendations you'll need a Memorandum of Understanding (MOU) with the prison and the person you wish to hire – this replaces a standard employment contract. You will also need an organisational procedure outlining your position for ROTL (see Appendix 4) and also your policy for employing people with convictions more broadly (see Appendix 1).

Read with:

- Section 2: How to recruit people with convictions
- Appendix 1: Sample Policy Statement: recruiting people with convictions
- Appendix 3: Sample ROTL procedure
- Appendix 4: Copy of Paid ROTL Memorandum of Understanding

LIST OF IMPORTANT RELEASE ON TEMPORARY LICENCE (ROTL) CONSIDERATIONS

- The employer should provide the prison with a clear job description and person specification for the role or work with the prison to develop these. They should also detail what skills are required and work with the prison to look at what steps can be put in place to help applicants acquire these skills.
- A risk assessment will be carried out by the prison, with the final review and recommendation being carried out by the prison governor.
- Suitable ROTL applicants should be identified and/or approved by the prison and then referred for an initial meeting and/or interview with the employer at the prison.
- A review of the interview should be carried out by the interviewers and an update given to the prison as to the success of applicants.
- A disclosure statement should be provided to the employer by the ROTL applicant accepted onto the work placement. The statement should include details of all unspent convictions – not just the details of the offence(s) for the sentence the prisoner is currently serving.
- A reference for the ROTL applicants should be written by the Head of Resettlement at the prison.
- A site visit should be carried out by someone from the prison to confirm that it is suitable. This should include a risk assessment for public and prisoner safety.
- A separate risk assessment should be carried out by the employer on the ROTL applicant, in line with their own policies and procedures. They should assess the environment and role to be undertaken, the risk and relevance of the applicant's criminal record and any support

needs they may have. They should put any necessary safeguards in place.

- A professional boundaries agreement should be completed between the employer and the new ROTL member of staff.
- Details of the ROTL member of staff's criminal record should only be shared with those who have a need to know. All information should be stored securely in compliance with data protection laws.
- The ROTL member of staff's line manager should be responsible for any training and induction and supervision at the start of the placement.
- Risk assessments should be reviewed every few weeks for the ROTL member of staff by the employer.
- Where an incident of any type occurs, the risk assessment must be reviewed immediately by the employer.
- Once every couple of weeks the employer should speak to the designated person at the prison to talk through any issues, concerns and success. Visits to the placement are likely to be carried-out by prison staff from time-to-time.
- Any serious concerns need to be raised immediately by the employer (depending on the nature and severity) with the ROTL member of staff, with the potential for the placement to end with immediate effect.
- In addition, the prison should be informed of the serious concerns and the outcome that is desired by the employer.

APPENDIX 3: SAMPLE ROTL PROCEDURE

Working Chance says...

This policy should be tailored to suit your organisation with advice from the relevant prison(s), and your approach to Release on Temporary License (ROTL). ROTL is a great way of preparing someone for release from prison and setting them up to succeed on the outside. It is risk assessed by the prison, and these placements are only available to people who have demonstrated that they are ready for the responsibility.

There are some actions you need to take which differs from hiring other employees – as payments are processed by the prison rather than an individual's bank account. But don't let this deter you, it allows you to offer training and work experience to a serving prisoner while you assess if they are right for your business, before possibly offering them a job on their release. Thank you to Tideway for sharing their example, on which this sample procedure is based – for more Tideway best practice, see their case study on page 15 of the guidance.

Take into account how ROTL employees access other benefits that you offer employees, such as access to volunteering or social events that you run. Activities will be at the discretion of the Governor, but you should aim to make ROTL employees feel like part of your team and its culture as much as possible.

Consider also the transition from ROTL placement to employment after the person has been released from prison. Can you keep them as part of your organisation? What support can you offer during this transition?

Read with:

- Section 2: How to recruit people with convictions
- Appendix 2: List of important ROTL considerations
- Appendix 4: Copy of Paid ROTL Memorandum of Understanding

SAMPLE ROTL PROCEDURE

Overview

An employee working under a ROTL will be treated differently to other employees in respect of payroll and benefits in order to comply with the Memorandum of Understanding issued by the Prison Service. [organisation]'s Project Manager co-ordinates with the Activities team at the appropriate prison establishment to agree placement terms. The employee travels to work from their place of custody each day under a day release license. Consideration should be given to the employee regarding timekeeping as they must take care to follow the rules of their license and must leave work on time each day. The Activities team will send [organisation] a Prisoner Earnings Form which should be completed with the details of the placement and returned.

Responsibilities

There are various people involved in the process from [organisation]'s perspective;

- Project Manager – Sets up the placement and manages communications with the prison establishment.
- Resourcing & Reporting Manager – Works with Project Manager to identify opportunities and run selection process.
- Payroll Co-ordinator – Ensures correct payment and benefits entitlements
- HR Administration

Process stages

1.1 Recruitment

1.1.1 STARTING PLACEMENT

Shortlisting for the role happens at the institution. The employee attends a 'paid work board' meeting to tender their intentions. The probation officer will investigate the proposed location and assess the proximity, where appropriate, to ROTL individual's victims.

The institution will shortlist potential candidates, that [organisation] will then interview before offering a placement. The employee will then attend a second 'paid work board' to confirm the placement. The external probation officer has the right to veto the placement, without giving grounds.

1.1.2 MEMORANDUM OF UNDERSTANDING

This is a HMPPS document setting out the terms of the placement and is agreed between the Activities team at the establishment and [organisation]. This replaces the usual employment contract.

1.1.3 PROOF OF RIGHT TO WORK

The passport is held by the prison whilst the employee is in custody. A 'prison passport' is obtained from the activities team and held on the employee's record as proof of their right to work in the UK. The NI number is confirmed via the job centre.

1.1.4 PRISON PASSPORT

The prison passport shows the employee's basic personal data such as date of birth and National Insurance number. Whilst in custody the employee is not permitted to carry their passport. This is a legal document, verified by police and CPS (note that this is used by many serving offenders to open bank accounts).

1.2 Onboarding

1.2.1 The co-ordinators for onboarding should be made aware of the employee's circumstances, restrictions on travel, etc. IT use is dependent upon the role and in line with the licence conditions. There is no exception to the drug and alcohol screening rules.

1.2.2 COMPLIANCE FORMS

The employee's Line Manager will sit down with the employee and help them to complete the forms on the employee's first day. Alternatively, a day's release can be arranged for pre-employment administration/induction.

1.2.3 INDUCTION CONFIRMATION EMAIL

This email, with forms should be sent to the Project Manager and the employee's Line Manager.

1.2.4 PAYROLL

Whilst the employee is in custody, their salary is subject to the usual tax, National Insurance and pension deductions, and paid via BACS into a HMPPS account, details as below:

Name of employee (offender)
Prison number (if available)
Name of Employer

Sort code: [ ]
Account Number: [ ]
Account Name: [ ]

Being an employee

2.1 Pay

2.1.1 The employee is paid at a rate no lower than minimum wage, and the terms of their employment must be no less favourable than those of other employees.

2.1.2 NOMS then deduct a 40% levy for the Victims Support Fund and pay the remainder into the employee's personal prison account on a weekly basis. The employee receives a weekly pay statement from NOMS detailing the deductions. However, it is good practice to print a copy of the employee's payslip and hand it to them on pay day.

2.1.4 Overtime: Advance notice should be given to the prison establishment at least seven days before any overtime is worked. However, it should be noted that many establishments require prisoners to remain in the prison for at least one consecutive 24 hour period.

2.2 Expenses
2.2.1 Expenses are not expected to be required, due to the nature of the role. It is the responsibility of the Line Manager to ensure that expenses are not incurred.

2.3 Pension Contributions
2.3.1 The usual pension rules apply whilst the employee is working under ROTL. There are no restrictions on salary sacrifice deductions for people employed under ROTL, if the reduced salary is not below the National Minimum Wage.

2.4 Sickness Absence
2.4.1 Prison will report sickness absence to the designated point of contact, who will then notify the Payroll team. The relevant Return to Work Form/Fitness to Work form is attached by the Line Manager
2.4.2 For more information, refer to the Sickness Absence policy.

2.5 Annual Leave
2.5.1 The employee can request annual leave in the normal way. The Line Manager is responsible for communicating the dates to the prison before confirming the employee's request. They must email the activities team confirming the following; Name, annual leave days/half days/ hours authorised.

2.7 Employee Benefits
There are no restrictions on ROTL individuals taking up salary sacrifice schemes.
2.7.1 Childcare vouchers: Not available until the placement has finished.
2.7.2 Ride to Work scheme: Not available until the placement has finished.
2.7.3 PMI: Not available until the placement has finished.
2.7.4 Life assurance: Applies in same way as other employees.
2.7.5 Wellbeing activities: Dependent on location and work schedule.
2.7.6 Season ticket loans: Not available until the placement has finished.

2.8 Transferring from ROTL
2.8.1 HR Analyst sends the new starter documents to be completed.
2.8.2 HR Co-ordinator arranges a time with the employee to complete the forms in the Welcome Pack.
2.8.3 Not all employees will have a valid passport, [organisation] will work with the employee to help them through the application process, the cost the passport will then be deducted from their pay.

2.9 Disciplinary & Grievance
2.9.1 While this can be a stressful time for the employee as they are transitioning from a prison environment into paid employment, they are still expected to adhere to [organisations]'s policies and procedures.

2.9.2 The Governor must be notified of any serious incidents, this may then result in the employee being grounded.
2.9.3 There are organisations the employee can speak to if they need additional support;

Unum LifeWorks: 08000482702 | Samaritans: 116123 | Mind Infoline: 0300 123 3393 or text 86463

Leaving [organisation]

3.1 Leaving during ROTL
3.1.1 In this instance, refer to the Project Manager to advise and liaise with the Prison.

3.2 Leaving after ROTL
3.2.1 The employee would be processed as a normal leaver.

APPENDIX 4: COPY OF PAID ROTL MEMORANDUM OF UNDERSTANDING

Working Chance says...

For any ROTL placement, a memorandum of understanding (MOU) will need to be drawn up – this example should get you off to a good start. This replaces a standard employment contract and is agreed by you (the Placement Provider), the Offender (the person in prison you are offering the placement to), and the Establishment (the prison).

Note that 'Offender' and 'Establishment' are the terms used in this case, as it's the language used by prisons. In your conversations we recommend using more person-centred, friendlier language.

Read with:
- Section 2: How to recruit people with convictions
- Appendix 2: List of important ROTL considerations

COPY OF PAID ROTL MEMORANDUM OF UNDERSTANDING

Model Memorandum of Understanding – Paid Placement

(This model placement Memorandum of Understanding is designed to cover situations in which an offender undertakes any paid external placement. A separate model Memorandum of Understanding covers unpaid external placements).

MEMORANDUM OF UNDERSTANDING
(PAID EXTERNAL PLACEMENT)

INTRODUCTION

1. The purpose of this Memorandum of Understanding is to ensure that all those who are party to it (the Offender, the Placement Provider and the Establishment) are aware of the arrangements under which the placement will take place.
2. The purpose of the placement is to progress the offender's rehabilitation and nothing in this Memorandum of Understanding shall create or shall be deemed to create a contract of employment, a contract for services or a partnership between any of the parties hereto, nor any rights or obligations that are legally enforceable.
3. Nothing in this memorandum should be taken to prevent the Placement Provider separately entering into a written contract of employment with the offender where the contract comes into effect once the offender has been released after serving the custodial element of the sentence.

THE OFFENDER

4. [Name of offender] is reminded that:

i. As a serving offender, he/she will be subject to Prison Rules throughout the duration of the placement. Payments for work will, if above the specified threshold, be subject to a levy under the Prisoners' Earnings Act 1996. For further details, please see PSI 76/2011.

ii. He/She will be released on Resettlement Day Release (RDR) to undertake the placement. The RDR licence will specify the time, location and purpose of the release. The terms of the RDR

licence may be varied only on the authority of the governor.
iii. A copy of the RDR licence will be given to the Placement Provider by the establishment at the start of the placement.
iv. He/She must comply fully with the terms of the RDR licence and that any breach of the terms of the licence may lead to disciplinary action and the cancellation of the placement.
v. He/she is not employed by the Placement Provider. In the event that the Placement is terminated that does not constitute a dismissal for the purposes of the Employment Rights Act 1996.

5. [Name of offender] agrees to the disclosure of previous convictions, that are not prohibited by the Rehabilitation of Offenders Act, to specified persons within [name of Placement Provider] for use solely by [name of Placement Provider] in the management of the placement, including checks on [name of offender] behaviour by persons authorised to act on behalf of [name of establishment].

THE PLACEMENT PROVIDER

6. [Name of Placement Provider] is reminded that:
i. They will ensure that the placement complies with all relevant health and safety and equal opportunities legislation..
ii. They will be clear about the range of work activities entailed in the placement, and engage with [name of establishment] about any proposed changes to those activities before they occur.
iii. They will monitor the timekeeping, performance and general conduct of [name of offender] and provide [name of establishment] with reports at intervals of [ ] weeks or as required.
iv. They will facilitate a programme of checks by staff from [name of establishment] to check on [name of offender]'s adherence to the terms and conditions of their temporary release
v. They will participate in meetings (on a timescale to be agreed with [name of establishment] to review the progress of the placement.
vi. In the event of any breach or suspected breach of the terms of his/her RDR licence by [name of offender] or any breach of the Placement Provider's own rules governing the conduct of its employees, [name of Placement Provider] will inform [name of establishment] immediately.
vii. They will not ask [name of offender] to do or not to do anything which might constitute a breach of any condition(s) of his/her RDR licence.
viii. They must not divulge to a third party any information about [name of offender], and must immediately report any approaches from a third party. They must comply in all respects with the provisions of the Data Protection Act 1998 and the two organisations will agree in writing the names/positions
of [name of Placement Provider]'s staff who will have access to confidential information about [name of offender] who must in turn have a copy of these details.
7. [Name of Placement Provider] certifies that serving offenders do not constitute a majority of its workforce and that its business is not dependent on offender labour.
8. The amount of remuneration agreed between the governor and [the Placement Provider] is [insert amount per hour].

9. When setting the rate it is critical that due consideration is afforded to the risk of the perception of under cutting the local workforce. Accordingly, there is an explicit expectation that the level of remuneration is no lower than the level which a member of the public would be expected to receive for the same task. Where a wage lower than the National Minimum Wage is considered appropriate in the initial stages of a placement, there should be a clear path towards paying the National Minimum Wage by the three month point of any placement or, if appropriate, at an earlier stage.

10. [Name of Placement Provider] agrees to apply, so far as is possible and subject to licence

conditions, similar terms and conditions relating to pay, holiday entitlement, sickness and other benefits, grievance and disciplinary rules and procedures, and notice periods as apply to others doing the same work.

11. Where the Placement Provider is providing meals or transport or other expenses which an employee would normally be expected to fund themselves, the Placement Provider may make appropriate deductions for these costs where these costs are agreed with both the prison and the offender.

12. [Name of Placement Provider] further confirms that gross pay less the deductions which they make, such as income tax and National Insurance, to [name of offender] will be made into HMPPS Bank Account, details of which are set out below:

BACS PAYMENTS

[Bank details for HMPPS]

Please note the same information applies if cheque are cash payments are required.
Payments must not be made direct to the offender
13. [Name of Placement Provider] should provide the following information when making payment which will enable Shared Services staff to identify the relevant offender:

Name of offender
Prison number (if available) Name of Placement Provider
14. [Name of Placement Provider] will provide pay advice direct to the offender

THE ESTABLISHMENT

15. [Name of establishment] is reminded that it will:
i. Agree with the Placement Provider the criteria of offender with regards to current and previous offences. Due consideration must be given to the suitability of engagement in the activity, e.g. sector, interface either directly or indirectly with children or other vulnerable groups etc.
ii. Risk assess [name of offender] in relation to the nature of the placement before RDR can be approved.
iii. Monitor [name of offender] compliance with the terms and objectives of his/her RDR licence by means of site visits and telephone checks.
iv. Inform [name of Placement Provider] if [name of offender's] RDR licence is suspended or withdrawn. This information will be provided as soon as possible and, in the case of a suspension, information on the reinstatement of the RDR licence will be supplied.
v. Provide information on [name of offender] criminal record to [name of Placement Provider] in confidence. (See paragraphs 4 and 5 viii, above).

(points vi to ix are applicable to Public Sector Prisons only)

vi. Provide the following information to the Shared Services:

- Offender Name
- Offender Number
- Offender Release Date
- Establishment
- Placement Provider
- Value of payment to offender (net of PAYE)
- Frequency – Weekly/monthly
- Date Paid

- Period Worked

vii. Ensure offenders have completed personal bank account details and submit to the Shared Services.
viii. Ensure deduction statements prepared by the Shared Services are issued to offenders.
ix. Act as an intermediary between offender/Placement Provider and the Shared Services.

GENERAL

16. [Name of offender] will commence his/her placement at [ ] on [date].
17. His/Her hours of attendance will be [ ].
18. His/Her supervisor will be [ ].
19. His/Her main duties will be [ ], and he/she will receive appropriate training before undertaking these tasks.
20. No special clothing/equipment will be required / the following special clothing/equipment will be required. [Identify whether special clothing/equipment will be provided by the placement organisation, the establishment or the offender].
21. In the event of a dispute about the terms of this Memorandum of Understanding, any resolution or variation of the terms must involve all those who are party to it.
22. The placement defined by this Memorandum of Understanding may be terminated at any time by anyone who is a party to it.

CONTACT POINTS

23. For the Establishment:
[Name]
[Position/Role]
[Telephone number]
[email address]

24. For the Placement Provider:
[Name]
[Position/Role]
[Telephone number]
[email address]

SIGNATORIES TO THE AGREEMENT

25. For the Establishment:
[Signature]
[Name]
[Position/Role]
[Date]

26. For the Placement Provider:
[Signature]
[Name]
[Position/Role]
[Date]

27. Offender:
[Signature]
[Name]
[Date]

APPENDIX 5: 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 7: 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

- Whether the applicant's circumstances have changed since the offending behaviour.

It's important that applicants understand that failure to disclose all **unspent conditional cautions or convictions** could result in disciplinary proceedings or dismissal. Further advice and guidance on disclosing a criminal record can be obtained from Nacro or Unlock.

Criminal record self-declaration form ROA 1974

Full name	
Post applied for	

This post is covered by the Rehabilitation of Offenders Act 1974. We only ask applicants to disclose conditional cautions or convictions which are not yet spent under the Rehabilitation of Offenders Act 1974. To work out whether your offences are spent, please use the MoJ Disclosure Calculator and/or contact Nacro or Unlock for further advice.

Do you have any unspent conditional cautions or convictions?

Yes ☐ No ☐

If you have answered yes, you now have two options on how to disclose your criminal record.

Option A: Please provide details of your criminal record in the space below.

Option B: You can disclose your record in a written statement provided that you tick the box below and attach the disclosure statement to the form.

I have attached details of my criminal record separately: ☐

DECLARATION

I declare that the information provided on/with this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role at [Insert organisation name]

Signed:		Date:	

Please return this form to: [ ]

APPENDIX 6: SELF-DISCLOSURE RULES – ROA EXCEPTIONS ORDER SELF-DISCLOSURE FLOWCHART FOR CANDIDATES

Working Chance says...

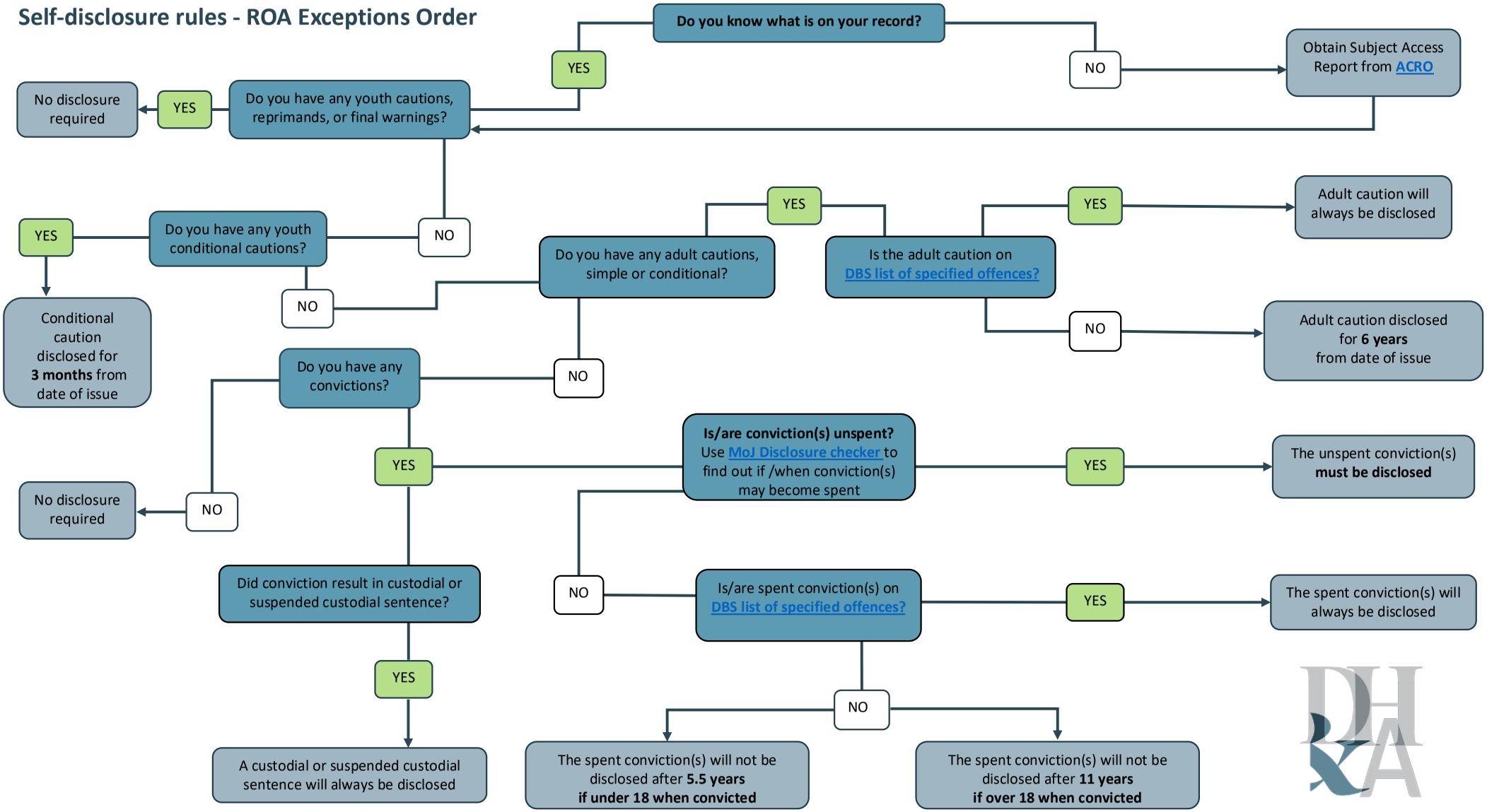
Disclosing a criminal record when asked is the responsibility of the applicant, not the employer (and it can be a bit complicated!). You can make sure applicants are telling you the right information – and not too much or too little – by making sure they have access to the right tools.

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 5: Criminal record self-declaration form ROA 1974
- Appendix 7: Criminal record self-declaration form ROA Exceptions Order

Self-disclosure rules - ROA Exceptions Order



APPENDIX 7: 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 7: Criminal record self-declaration form for jobs exempt from 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

- 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.

Full name	
Post applied for	

Do you have unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?
Yes ☐ No ☐

Do you have 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?
Yes ☐ No ☐

To work out whether your caution(s) or conviction(s), should be disclosed please use our self -disclosure guide. You can also contact Nacro or Unlock for further advice or support.
If you have answered yes, you now have two options on how to disclose your criminal record.

Option A: Please provide details of your criminal record in the space below.

Option B: You can disclose your record in a written statement provided that you tick the box below and attach the disclosure statement stapled to this form in an envelope. The envelope should be marked CONFIDENTIAL and state your name and the details of the post you are applying for.

I have attached details of my criminal record separately ☐

DECLARATION
I declare that the information provided on/with this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role at [insert organisation name]

Signed:		Date:	

Please return this form to: [ ]

APPENDIX 8: 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 4: 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: • 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: • 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:	

At six months date: If the new employee is on trial/probation, then it's decision time – will they stay or go? 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	
Given by:	
Inductee signature:	
At 12 months date: Ask the employee for give feedback on how useful and relevant they found their induction. What worked well? What could be improved?	
Given by:	
Inductee signature:	

WORKING CHANCE

Unlocking women's potential

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