

Guidance for hiring prison leavers



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2 Guidance for hiring prison leavers

Introduction

This guide is for employers that are interested in hiring prison leavers. Whilst New Futures Network and our teams work exclusively with serving prisoners, employers from businesses of all types/sizes will find this advice useful if looking to hire people in the community who have a criminal record.

You may be considering hiring people with criminal records because it is a great way to:

1. Find talent: Your organisation can tap into a pool of talented people with a wide range of life experiences. People with criminal records have a wide range of skills to suit almost any sector, including English, Maths, ICT and industry level qualifications.

2. Save money: Businesses that recruit people with criminal records can earn their loyalty by offering them a chance to realise their potential through employment. Prison leavers tend to stay with employers for longer than average, often progressing within organisations and thereby reducing recruitment costs and staff turnover.

3. Make a difference: Recruiting someone with a criminal record benefits the individual and has a wider societal benefit. It can help the individual transform their future, and being in work has the potential to change the lives of their families and wider communities.

This guide will help you:

- develop HR policies for hiring people with criminal records
- understand if disclosure of a criminal record is needed, and when and how to ask for it
- write job descriptions and application forms, and conduct interviews in a tailored manner
- consider how to onboard individuals with criminal convictions.

We also include templates and practical steps to consider when seeking disclosure at different stages of recruitment.

New Futures Network

The publication was developed by New Futures Network, with input from our partners.

New Futures Network is the specialist part of the Her Majesty's Prison and Probation Service (HMPPS) that brokers partnerships between prisons, probation and employers. These partnerships can help you fill skills gaps and help prison leavers find work. We broker three types of partnership:

- Prison industries: when a business sets up workspaces in prisons, staffed by serving prisoners.
- Release On Temporary Licence (ROTL): when risk-assessed prisoners leave prison each day to work in the community. The offer can include for prisoners to take up apprenticeships.
- Employment on release: when employers offer work to prison leavers. This could be following direct recruitment, or after seeing a prisoner work in a prison industry or during work-based ROTL.

The New Futures Network team of specialist Regional Employment Brokers and Senior National Employment Managers will work with you every step of the way to support and inform you. This guide can be used as a prompt during discussions with your dedicated New Futures Network team member.

If this is the first time your organisation has recruited people with criminal records, consider using the following external resources alongside this guidance:

| Resource | Description |
|---|--|
| <p>Rehabilitation of Offenders Act 1974 legislation.gov.uk/ukpga/1974/53/resources</p> <p>Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975</p> <p>Police Act 1997 (specifically, Part V) legislation.gov.uk/ukpga/1997/50/contents</p> | <p>The law governing disclosure.</p> <p>The Police Act 1997 governs what appears on criminal record certificates.</p> |
| <p>Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974</p> | <p>Government guidance.</p> |
| <p>Disclosure and Barring Service gov.uk/government/organisations/disclosure-and-barring-service</p> | <p>Information about criminal record checks.</p> |
| <p>Unlock www.unlock.org.uk</p> | <p>Information for employers and candidates about disclosure. Unlock offers training courses about disclosure.</p> |
| <p>Nacro's Criminal Record Support Service (CRSS) https://www.nacro.org.uk/nacro-services/advice/</p> | <p>Employer and employee advice service, and information for employers and candidates.</p> |
| <p>New Futures Network newfuturesnetwork.gov.uk</p> | <p>Information about our work, including our offer to employers about working with prisoners and prison leavers.</p> |
| <p>Business in the Community – Ban The Box Campaign bitc.org.uk/fact-sheet/why-ban-the-box/</p> | <p>Information about the campaign to remove the 'criminal convictions' tick box from application forms.</p> |
| <p>Working Chance workingchance.ams3.cdn.digitaloceanspaces.com/media/documents/Hiring_With_Conviction_.pdf</p> | <p>Working Chance support women to develop the confidence, self-belief, and skills they need to succeed in the world of work and offer guidance on hiring people with convictions.</p> |

Disclosure – what is it and should my organisation consider it?

Disclosure is the process through which you can find out about a candidate's criminal convictions – sometimes referred to as a criminal record.

The scheme of legislation governing disclosure is set out in:

- The Rehabilitation of Offenders Act 1974
- a 1975 'Exceptions Order' to that Act
- the Police Act 1997.

The 1974 Act is designed to help rehabilitated offenders return to life in the community. Under the Act, depending on the sentence passed, **most cautions and convictions are treated as 'spent' following a specified length of time**. After this, the person is regarded as rehabilitated and for most purposes they do not usually have to tell employers about their spent caution(s) or conviction(s).

However, there are **certain jobs and activities which are exempt** from the protections of the Rehabilitation of Offenders Act 1974 Act, which means that employers are permitted to ask applicants to disclose their full offending history, including both spent and unspent convictions.

The provisions for this exception are laid out in the Rehabilitation of Offenders Act Exceptions Order 1975. This is in recognition that there are certain jobs for which fuller disclosure of a person's criminal record history is relevant, for example, where there is a real risk to children, vulnerable adults or some other particularly sensitive area of work.

In October 2023, changes to the 1974 Act came into effect which reduce the length of time that some individuals are required to disclose their convictions (custodial and community) and allow some sentences of over 4 years to become spent (serious violent, sexual or terrorist offences are excluded from these changes).

Organisations should consider:

Is disclosure needed at all?

This depends on the job/role and the legislation it comes under – this is explained in the Resources table.

If disclosure is needed:

- When should disclosure take place? Timing is key to ensure candidates are judged on their skills, experience and capability rather than their convictions.
- How should disclosure be made? Informally at the interview, or through a formal criminal records check after interview.
- Who will collect and keep this sensitive personal information secure (in line with GDPR)?
- How will the information disclosed inform decisions about the candidate's progression through the recruitment process?

What you should consider:

Disclosure can be approached in different ways – the approach your organisation adopts will depend on several factors, including the size of your business, the nature of the roles and the scale of the recruitment exercise. For many organisations a light touch approach will be sufficient.

Developing your recruitment policy

Your recruitment policy should communicate why your organisation hires people with criminal records.

It will inform your staff, candidates and, if relevant, the public about your organisation's attitude. The policy could be stand-alone or included as part of your equality and diversity policies in hiring practice. It should be specific to your organisation and be reviewed periodically to take account of changes in legislation or practice. If your organisation does not have a formal recruitment policy, having a written ethos or statement setting out why your organisation hires people with criminal records that can be shared with candidates would also be helpful.

Being clear on the reasons why you employ prison leavers is a fundamental first step in understanding how to inform and influence others internally or externally. To challenge perception, you need to start with how your culture and values resonate with your reasons why.

HR executive responsible for 5,000+ employees



The policy should also outline your organisation's practical approach to hiring people with criminal records. Feelings of shame or embarrassment could mean an ideal candidate does not apply. So, your policy should express understanding of the concerns they may be feeling, and state how recruiters will consider their convictions and how your organisation uses personal information.

Language is a strong indicator of your organisation's approach to inclusivity. For example, using phrases like 'ex-offender' can create negative labels that people with a criminal record may want to leave behind. We suggest using 'people with criminal records/criminal convictions'.

You could create a communication plan to inform your staff about changes to your recruitment practices and communicate successes when appropriate.

See page 22 for our Sample: Inclusive recruitment policy template.

What and when to disclose

Once a conviction is 'spent', the 1974 Act treats the person as if they had never committed the offence. As such, the person has no obligation to disclose it unless the job/role is exempt from the 1974 Act. This means that many people with criminal records can legally withhold this information from employers.

A simple flow-chart can help staff and candidates understand: if and when disclosure will happen; or whether successful candidates will undergo a criminal record check through the Disclosure and Barring Services (DBS).

We support Business in the Community's **campaign to remove the criminal record tick box** from job application forms, preferring to ask about criminal convictions later in the recruitment process.

Disclosure at point of application or interview

If you decide to ask for disclosure at the application or interview stage, guidance is given in this guide. Both NACRO and Unlock provide guidance to employers and candidates about disclosure.

NACRO also provides **sample disclosure statements**.

Disclosure after interview

If you decide to perform a formal criminal record check following a successful interview, your policy must state what level of check (basic, standard or enhanced) is needed and why. If the jobs/roles would always fall under legislation that require a standard or enhanced check, or disqualifies barred people from applying, the recruitment policy should say so.

Anyone can get a basic criminal record check on themselves, but standard and enhanced DBS criminal record checks are only available to those registered employers who can legally ask a candidate for their full criminal history. It is illegal to ask for a standard or enhanced criminal record check or request information about spent convictions if the job/role does not require disclosure.

Access to disclosed information

Your policy should state who will have access to disclosed information, DBS certificates and certificate information.



It's important for the individuals' direct reporting lines to know but beyond that you are just complicating matters. If you have buy-in from the top you shouldn't have to discuss every single hire, you don't disclose information about your other employees, do you?

Financial services employer



In most instances HR will know the finer details of the offence, will carry out references, and take forward DBS checks if relevant. The person's line manager would ordinarily know [the nature of convictions], so they will provide additional pastoral care.

Manufacturer with 2,000+ employees, including prison leavers



Disclosure and hiring decisions

Your policy should state how your recruiters use disclosure information in their hiring decisions, including any criteria your organisation has set for assessing the relevance of criminal histories.

It should also explain how disclosure information may affect the candidate's progression through the recruitment process.

Risk assessment criteria

A risk assessment should inform the hiring decision, i.e. of the risk the individual poses in undertaking the responsibilities in the job description.

The following example shows the criteria that could form the basis of a risk assessment.

Disclosure and decision-making

| Principle | Criteria | What to consider |
|--|--|--|
| Relevance of the conviction(s) to the role's responsibilities. | <p>Offence type, sentence type and length. Crucially, the candidate's behaviours and circumstances at the time of the offence(s).</p> <p>What did the offence involve, such as:</p> <ul style="list-style-type: none"> • Financial offences: Theft or fraud? • Violent offences: Against a vulnerable person? Level of harm caused? • Drug offences: Possession or supply? <p>Who was involved?</p> <p>What did the candidate do?</p> | <p>Is this behaviour likely to affect the candidate's ability to do the job?</p> <p>Is there anything you can modify in the job description or any other mitigation that would enable the candidate to progress while minimising risk? For example, training, supervision, and contact with probation services (to discuss support and progress).</p> |
| Context of the offence(s). | <p>Candidate's circumstances at the time of the offence(s):</p> <ul style="list-style-type: none"> • Why it happened • Age when offence(s) committed • Accommodation • Education/employment status • Personal finances • Lifestyle and associates • Relationships • Drug/alcohol use • General health • Emotional/mental well-being <p>Were any of these addressed during the prison sentence?</p> | <p>Has the candidate addressed the reasons for their offending (in your opinion and theirs)?</p> <p>When working, will the person receive any support, and how will this be arranged?</p> <p>Depending on the above answer, ask your New Futures Network lead for details of voluntary sector or other professionals that could support you/your organisation and/or the candidate.</p> <p>Where possible and if the candidate agrees, set up links with the probation services involved in their supervision.</p> |
| Frequency/ duration of offending. | <ul style="list-style-type: none"> • Time since offence(s) committed • Is there a pattern of offending over time? | <p>While the number of offences and pattern of behaviour to date may not indicate what the future holds, this can be useful in the context of the candidate's circumstances.</p> |
| What has changed? | <p>What is the candidate most proud of now?</p> <p>When they start work, what are they looking forward to?</p> | <p>This is an opportunity to assess distance travelled and the broad changes in attitude, behaviour and experience.</p> |

Writing a job description

Like any job description, the key areas to focus on are what the candidate can do for you and how they can contribute to your organisation's success.

What you should consider

- Include essential attitudes/behaviours, skills, qualifications and experience required for the job.
- Highlight where your organisation will support further training/qualifications.
- Describe your organisation, the kind of work it does and its sector/industry (candidates will struggle to conduct research themselves).
- Limit jargon and acronyms.
- Include information about team culture or describe the working environment, where possible.
- State the job's location, any travel requirement and working hours, highlighting any flexibility.
- If the job/role is exempt from the 1974 Act, you can conduct a criminal record check. The job description must tell the candidate that a check is required, and at which level.
- Outline the timeframe for recruitment and the steps involved. If there will be an informal interview, say so and outline if it will be skills or competency based.
- Avoid stigmatising language, such as 'offenders' (prison leavers are no longer offenders) – instead use 'candidate', 'individual'.
- Use neutral language and do not directly/indirectly discriminate against people with protected characteristics.



Consider adding a statement such as:

"We welcome and encourage applications from everyone, including groups currently under-represented in our workforce. We pride ourselves as being an employer of choice. We select candidates for interview based on their experience, skillset, relevant training and qualifications, and on their willingness and capability to succeed. People with a criminal record can make a valuable and meaningful contribution to our business."

Unspent convictions and exemptions

Some employers may have a policy to exclude people with certain unspent convictions or a conviction excluded from rehabilitation from applying for specific jobs/roles; such a policy is not unlawful.

However, we think that eliminating someone solely because of a criminal conviction may exclude someone who is a perfect fit for your organisation.

When deciding if you should restrict people with certain convictions from applying, best practice is to:

- Understand the wide range of behaviours and severity of particular offences within offence groupings, e.g. the 'violent offences' grouping covers common assault through to serious bodily harm.
- Assess the risk posed by someone with a specific criminal conviction, in light of the duties in the job description.
- Review the 1974 Act and DBS guidance to understand any legal barriers to appointment.
- Outline exclusions within the job description to enable self-exclusion from the hiring process.



Creating an application form

Prison recruitment should replicate as far as possible standard practice across your organisation and industry.

Our recommendations

- Create an application form that can be printed and completed by hand, as most prisoners cannot submit electronic forms. (Discuss this with your New Futures Network point of contact if this will be a problem.)
- Use a simple design that allows candidates to present further detail at interview.
- Include direct questions related to the job description that are relevant for assessment.
- Consider asking for a personal statement where candidates can explain why they want the job and why they are a good fit for the role.
- Remember: candidates will have limited access to computers and may not have easy access to advice on recruitment processes, including writing applications, personal statements and undertaking interviews.
- Consider if you need references and how easy it will be for a prisoner to access these. If they are required, consider whether a reference from a prison tutor, employee or contractor rather than employment or personal reference is acceptable.
- Be aware that application forms will be completed by prisoners coming to the end of their sentence, so personal details – including address, education and work history – could appear as HMP establishments.

Recruiting people in the community who have a criminal record should also replicate your organisation's standard practice.

See page 24 for our Sample: Job application template.



Conducting interviews

When interviewing a serving prisoner, you can be certain the candidate has unspent convictions. However, interviews in prisons should follow the same format as interviews conducted in the community.

When conducting interviews inside the prison, interviewers may feel anxious/intimidated by the setting. This is a normal reaction to a prison environment, so it is a good idea to visit the prison beforehand – your New Futures Network lead can arrange this. You can also ask them about the availability of video or telephone interviews.

Also, consider the make-up of the interview panel – are people with protected characteristics represented? If possible, we also recommend including a panel member with lived experience of the criminal justice system.

During the interview:

- Ask questions you would ask any candidate about their skills, qualifications, experience and suitability for the role. Avoid questions that are timebound or about activities that are restricted for many prisoners – for example, avoid “When you went into a shop recently, what struck you as positive skills demonstrated by customer service staff?”
- Remember: specific questions about education, training and work done within the prison are relevant and, if not asking these directly, be ready for answers about work experience that use examples from within the prison.

- Remember: where a person gained their experience is not as important as the experience itself and the quality of the candidate.
- Be prepared to talk about why you are asking something, for example if your standard recruitment practice requires asking for financial information, know the reasoning behind it. For example, reassure the candidate that such questions are not to scrutinise spending but to have an informed view of whether a third party could exploit their financial situation.
- Remember: most interviews are nerve-wracking experiences – candidates may be even more self-conscious about being interviewed in prison.
- Be aware that the candidates' understanding of your recruitment process could be limited, so it may need explaining.

We expect organisations' hiring practices to be robust. They should know the role, the skills and type of person they want. All recruitment is about managing risk so hiring a person from prison should be no different.

Founder of a charity placing prison leavers into work

Disclosure at interview

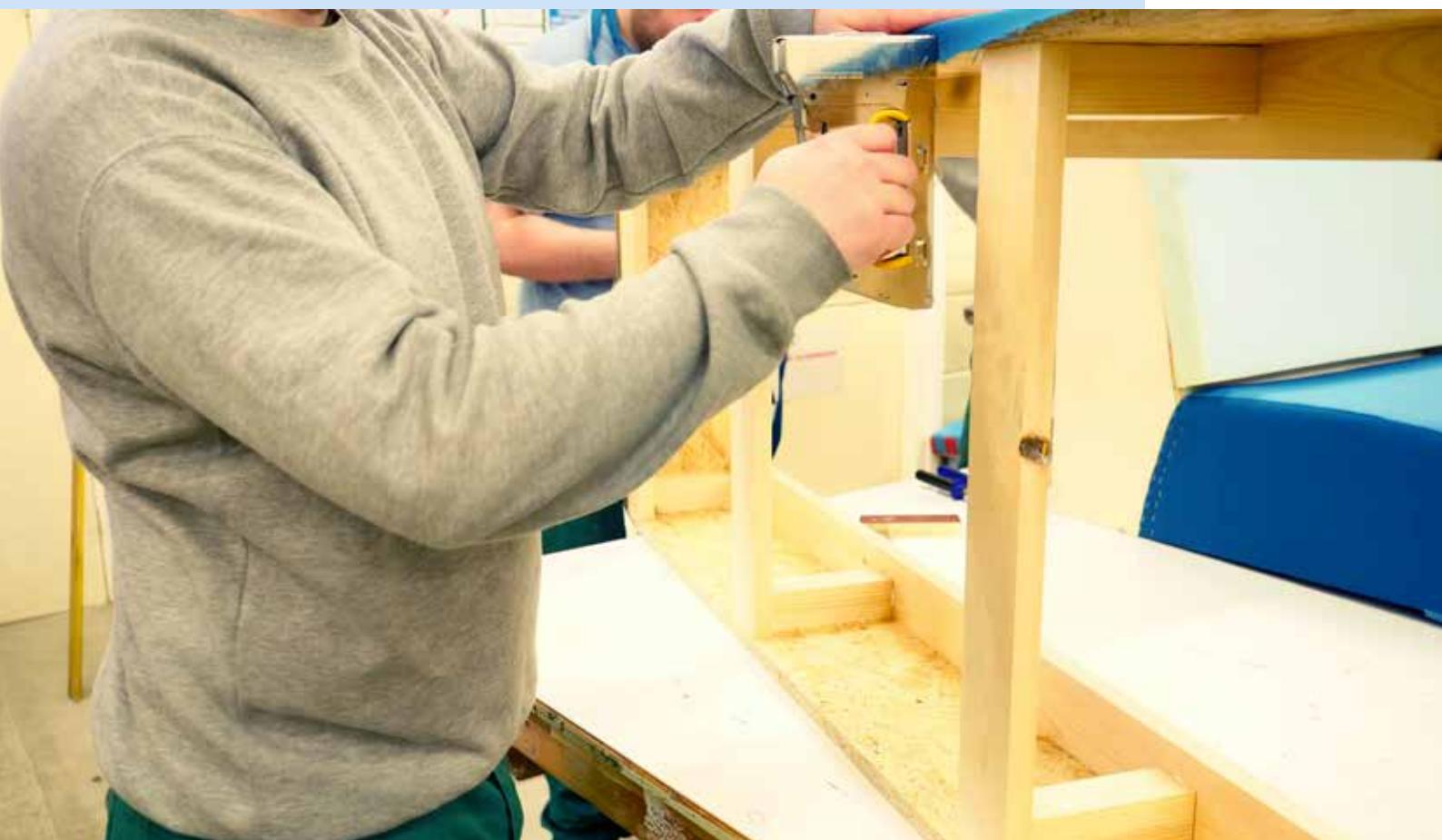
If you are considering talking about disclosure at the interview, start by putting yourself in the candidate's shoes. Imagine how they might be feeling and their worry about how they may come across when asked to disclose offences. The candidate may be concerned about the interviewer's reaction to being told what they have done and the potential prejudice they may face. They may give simple or matter-of-fact accounts to avoid becoming emotional. The discussion may also disclose painful personal

circumstances and/or other sensitive information, e.g. illness, addiction, bereavement or domestic violence.

If you decide to proceed, questions about unspent convictions must only be asked by the person conducting the risk assessment. It is otherwise far better to ask for a written disclosure statement that the risk assessor can use and then be kept securely by HR for a limited time, following your organisation's policy for storing confidential information. DBS certification should also be handled under the same policy.

It's a natural urge for both interviewer and candidate to discuss the conviction. The main benefit of disclosing at interview stage is for you to see the person behind the conviction. It takes a lot of confidence for the candidate to disclose at this stage.

Employer from a manufacturing company in Wales



Our recommendations

- Put the person at ease. Aim to replicate your standard recruitment process/principles as far as possible.
 - As with any interview, ask about what the candidate can offer your organisation.
 - You may decide to broach the candidate's unspent conviction(s) once you have developed rapport and gone through standard interview questions.
- Bear in mind your organisation's recruitment policy and tell the candidate the reason behind asking about unspent conviction(s), and how this will inform decision-making.
 - Give the candidate enough time to tell their story. This is the candidates' opportunity to provide the context of their offence(s).
 - Ask relevant questions in an open and measured way.
 - Listen carefully to discern information about the candidate's circumstances and attitude towards their offence(s).



It's natural for an interviewer to be curious, but let the candidate own their story. Avoid Googling candidates, be respectful, acknowledge how difficult it must be for the person to share something so personal. The interview is not the right place to discuss your concerns. If you need to do more fact finding, then do so with consent and on the basis the information is relevant to the hiring process.

Employer from a manufacturing company in Wales

Suggested interview questions related to disclosure

Aim for open questions such as 'Can you tell me about what led you to prison?', that allow the applicant the chance to explain.

Suggested follow-up questions if needed:

- How old you were at the time of the offence?
- Were there any other circumstances that you would like to share?

- Have the circumstances around the offence(s) changed? If so, how?
- Have you taken part in any rehabilitation or support programmes? (Please tell me about these.)
- What other steps have you taken to address your previous offending?
- What support might you need when starting work, if successful at this interview?

For more information about formal criminal records checks that are conducted after the interview, visit:

gov.uk/government/organisations/disclosure-and-barring-service

Feedback to unsuccessful interviewees

We recommend providing feedback to candidates that are unsuccessful at interview. The candidate can reflect on this before subsequent interviews. Feedback is known to help individuals remain positive and reinforces your organisation's values.

A candidate recalled being rejected at interview but receiving outstanding feedback.

Previously, every time the candidate did not get a job offer, they were convinced it was because of their conviction. That is, until a hiring manager asked the person to join them for an informal chat. Over a coffee, the hiring manager explained why the candidate had not been selected. They highlighted their key strengths and areas for development. This quality of feedback in a relaxed environment reassured the candidate the rejections were not about their previous offence or related to their disclosure.

“Their feedback encouraged and inspired me at a time I wanted to give up. Lucky I didn’t, because at my next interview I got the job.”

Such was the impact of this quality feedback, the candidate recalls it almost 10 years later with a warm smile on their face.



FAQs – about new joiners

Question: How do I onboard my new joiner and support them from day one?

- Plan an induction full of rich experiences, including introducing them to a wide range of colleagues.
- Where possible consider appointing a ‘buddy’ to help settle them into their new role quickly and reduce the chance of them feeling isolated or unsupported. The buddy can be a key point of contact to introduce the new joiner to existing members of staff, and provide informal support and guidance on working practices and activities.

We've found that successful onboarding doesn't require an overcomplicated playbook. All it takes is an organised manager and a dedicated onboarding buddy to ensure a positive, supportive, and productive start. That means being there on the first day, signing them in, showing them around, and being a friendly face throughout.

**Specialist recruiter
from a charity**



Your buddy should be a trusted individual, enthusiastic, engaging and someone experienced in the role that understands the person's background. We help our joiners take the stress out of the situation by meeting them off-site on day one for a coffee before arriving at the office.

They then help them sign in and answer any relevant question to get them started, they introduce them to the team and make things happen from day one.

Employer from the hospitality sector



Question: What else should I consider to support a new joiner?

- The Probation Service for England and Wales is a statutory Criminal Justice agency, responsible for the supervision of people with criminal records. All sentenced prison leavers are subject to a period of statutory supervision by a probation practitioner when released on licence or post sentence supervision (which will last for at least a year, although the frequency of probation appointments will reduce in frequency over time).
- The responsible probation practitioner will monitor compliance with the prison leaver's **licence conditions**. They also support the prison leaver's rehabilitation and resettlement - a key priority is to support people into employment and to remain in work. You can find more information at [this link](#).
- If travel outside of the UK is required as part of their work, permission can be requested. One of the main reasons why permission is given to travel outside the UK during a licence is for confirmed work purposes. Further information can be found at [this link](#).

Consider asking the new joiner whether you can have their probation practitioner's details or any other source of support they receive,, in case you need to contact them for pastoral reasons.

Question: What if my new joiner wants to tell their team about their conviction?

Information about a joiner's criminal record should not be disclosed to anyone other than staff who have a genuine need to know.

However, as part of onboarding your new joiner and before they start, you should discuss their preferences around telling the team about their criminal convictions, in case they want to let colleagues know. The discussion should end with a shared understanding of who it is appropriate to tell, when and how.

If the joiner wants to proceed, review your recruitment policy to ensure you can explain your organisation's stance on recruiting people with criminal records.

One specialist recruiter recalls that an employer rang in a panic saying their joiner wanted to disclose to the team and they thought this was a bad idea.

A prison leaver had been working with a team for seven months and wanted to tell everyone about their situation.

The line manager agreed it was the person's story to tell and supported them in telling it. The employee first took their closest colleagues aside and spoke to them as a team. The line manager answered any questions and explained why the organisation recruited prison leavers. The manager was there to support the individual and their colleagues' concerns.

This highlights the importance of agreeing appropriate messaging to avoid last-minute rushed choices and awkward conversations.

Question: What happens if our clients and customers find out we employ prison leavers?

Challenging misunderstanding or perception is a day-to-day occurrence for any organisation. In fact, many businesses

recognise the benefits of having a recruitment policy that encourages diversity.

See our website and review your organisation's hiring policy to ensure you can clearly state your organisation's reasoning for recruiting people with criminal records.

When a hospitality employer became the subject of news headlines after a customer recognised an employee as a prison leaver, the first thing they did was to check the well-being of that employee. They agreed the employee should take a few days' annual leave to avoid the limelight while they addressed any potential risks.

"The way we approached this was like our communication with employees, we spoke about why we were doing this, our process of discovery, what we found when visiting prisons. We spoke about our interviewing techniques and the selection process.

"We also spoke about our past successes and how our employees are constantly assessed and those hired from prison had proven to be some of most dedicated and hard-working employees.

"The result reduced the salaciousness of the story and the news moved on quickly."

Another employer told customers about their approach to hiring prison leavers.

"We simply hire the best person for the job. If that person happens to have been in prison then so be it. Our customers and staff know this is what we do.

"It's been embedded in our culture for so long. I am sure we have lost some customers because of this, but equally I am certain we have gained some too."

Question: When is the right time to discuss career progression?

There is no 'right time' to discuss progression. Regular performance reviews are essential and encourage employees to reach their full potential. Many prison leavers are keen to succeed and welcome discussion about how they can gain further skills and move up within the business.

As with any conversation about development, it is important to understand and have an open conversation about a persons' ambition and any barriers they must overcome.

One prison leaver told us that whilst she was happy in her current role, she felt she was being held back. She had been in the same role for over five years.

"I blame myself – I didn't tell them how I felt or apply for roles when they came up. I just couldn't face doing the disclosure all over again."

This demonstrates the genuine fear people sometimes have about their past and the importance of line managers recognising when to encourage progression and not unintentionally hold employees back by assuming they are happy where they are.

It is also essential to have a clear communication and hand-over plan for when/if staff that hold information about disclosure move on.



Appendices

Sample: Inclusive recruitment policy template

Introduction

This organisation is committed to considering applications from people with a criminal record. We welcome and encourage applications from everyone, including groups currently under-represented in our workforce. We recruit new staff based on their experience, skillset, relevant training and qualifications, and on their capability to succeed.

We train our recruiters to ensure they have the skills and knowledge to support fair recruitment of people with criminal convictions.

If you have any questions about this policy, please contact: [...]

Legal compliance and purpose of disclosure

Disclosure is the process through which an employer can find out about a candidate's criminal convictions – sometimes called a criminal record.

The legislation that governs disclosure is set out in the Rehabilitation of Offenders Act 1974, a 1975 'Exceptions Order' to that Act and the Police Act 1997. The 1974 Act exists to support the rehabilitation of reformed offenders. Under the Act, depending on the sentence passed, most cautions and convictions are regarded as 'spent' after a specified period of time. As a result, the person is regarded as rehabilitated and for most purposes they do not have to declare their spent caution(s) or conviction(s).

During our recruitment process we only ask candidates to disclose information about convictions and/or cautions that we are legally entitled to be told about.

We only ask candidates to disclose details of unspent convictions. Spent cautions and convictions only need to be disclosed where:

- the job or role is exempt from the Rehabilitation of Offenders Act 1974 and outlined within the candidate's Exceptions Order, or
- a judicial or regulating authority deems it necessary for the job/role.

What and when to disclose

We are a 'Ban the Box' employer. This means we do not ask for any disclosure of criminal convictions during the application stage. This way we ensure we shortlist applicants based entirely on their merit.

What we ask candidates to disclose is dependent on the role they are applying for. The job description will make it clear what the role involves and what must be disclosed, when and in which format.

Disclosure and decision making

When any criminal record is disclosed, we will assess cases on an individual basis and take into consideration such details as:

- Whether the conviction(s) pose a risk – and at what level – when assessing the candidate's aptitude to safely undertake the responsibilities outlined in the job description.

- The context of the offence(s), and what has changed since.
- The frequency and duration of offending, and the length of time since the offence(s) was committed.

Information about a candidate's criminal history is held in the strictest confidence and will be considered before any offer of employment.

Further resources for candidates

These resources may help you understand the law about disclosure and your rights.

| Resource | Description |
|---|---|
| <p>Rehabilitation of Offenders Act 1974 legislation.gov.uk/ukpga/1974/53/resources</p> <p>Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975</p> <p>Police Act 1997 (specifically, Part V) legislation.gov.uk/ukpga/1997/50/contents</p> | <p>The law governing disclosure.</p> <p>The Police Act 1997 governs what appears on criminal record certificates.</p> |
| <p>Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974</p> | <p>Government guidance.</p> |
| <p>Disclosure and Barring Service gov.uk/government/organisations/disclosure-and-barring-service</p> | <p>Information about criminal record checks and disclosure policy templates.</p> |
| <p>Unlock unlock.org.uk</p> | <p>Information for employers and candidates about disclosure.</p> <p>Unlock offers training courses about disclosure.</p> |
| <p>NACRO nacro.org.uk/quick-guide</p> | <p>Employer and employee advice service, and information for employers and candidates.</p> |
| <p>New Futures Network newfuturesnetwork.gov.uk</p> | <p>Information about our work, including our offer to employers about working with prisoners and prison leavers.</p> |
| <p>Business in the Community – Ban The Box Campaign bitc.org.uk/fact-sheet/why-ban-the-box/</p> | <p>Information about the campaign to remove the 'criminal convictions' tick box from application forms.</p> |

This template is an example that you can tailor to meet the needs of your organisation and the job being advertised within prisons.

The sections included are not mandatory and are not exhaustive.

When creating an application form, make sure there is sufficient space for applicants to write their answers, or include an instruction to complete answers on a separate sheet if needed.

Sample: Job application template

Introduction

We welcome and encourage applications from everyone, including groups currently under-represented in our workforce. We are proud that so many people choose to want to work for us.

Our organisation welcomes job applications from everyone with the right experience, skills, training and qualifications, and the capability to succeed. This includes people with criminal records, who can often make a valuable contribution to our business.

- Read the person specification and job description carefully to make sure this job is right for you. Where required, give examples of your experience – this can be from within prison.
- Make sure your application form gets to us before the closing date – aim for it to reach us at least the day before the deadline.
- If you need help filling in any part of the form, including the section on disclosure, contact your Offender Management Unit, Resettlement Team or keyworker.

Guidance sheet for applicants

Please read through the following list before you complete this form.

- Type or write clearly in black ink.
- Make sure the form is tidy. Think about writing your answers on a separate piece of paper first – this way you can be sure you are happy with the information you give us and avoid making mistakes on the form itself.
- When you are finished, check for spelling mistakes before sending the form to us.
- The information you give in the form must be true.

References and qualifications

If we shortlist you for this job, we may ask for proof of your qualifications and membership to professional bodies.

We will ask for references after we interview you if needed. If you have no work references, staff at the prison may be able to give you one if you have studied or done work experience/training in the prison. Please do not put down family members or people you live with as referees.

Finally, good luck with your application and thank you for your interest in working for us.

Job application form

Job title:

1. Personal details

First name:

Last name:

Address:

Postcode:

2. Education

Note: If any of your education was done in prison, write the name of the prison in the school/further education column.

| School's name (only include those after age 11) | Dates of attendance | Qualification received , such as GCSE or A-level | Date passed |
|--|---------------------|---|-------------|
| | | | |

| Name of further adult education | Dates of attendance | Qualification received , such as NVQ, OND/ONC, degree | Date passed |
|--|---------------------|--|-------------|
| | | | |

3. Training

Use this space to give details of any training (including on-the-job training and training for which you did not get a formal qualification) which is relevant to this job and supports your application. This can also include training you have done in prison and non-accredited courses.

| Name of course and where you did it | Course details (include how long the course took and what the training was) |
|-------------------------------------|--|
| | |

4. Your past jobs and work experience

Include any work experience (paid or unpaid) you have done inside or outside prison, starting with the most recent.

If any of your work or work experience was done in prison, write the name of the prison as the employer.

Name of employer:

Address:

Postcode:

Your job:

Date you started:

Date you left:

Reason for leaving:

What did your job involve?

5. Other information to support your application

Skills, abilities and experience

Use this space to tell us why you think you are suitable for this job. Refer to the job description we sent with the application form. Include all the information you think will help us make a decision. It is important to give brief examples of paid jobs you have done, your voluntary or prison work experience, or from your other life experiences.

Before including the following section, review your organisation's inclusive recruitment policy:

- **Is disclosure necessary?**
- **Does the policy enable disclosure in this format?**
- **Is this the correct point at which to request disclosure?**

6. Convictions/disqualifications

We consider all applications fairly, including those from people with a criminal record. When making our decision, we will think about the circumstances of your offence(s) and your personal circumstances, as well as the law outlined in the 1974 Rehabilitation of Offenders Act.

We sent our inclusive recruitment policy with this application form. The policy includes information about how disclosure of your criminal record helps us decide whether your convictions create a risk – and how big a risk – for you to safely do this job.

Use this space to tell us about any unspent convictions you have (ask your Offender Management Unit if you need help with this).

We may ask for more information about your unspent convictions if we invite you to an interview.

8. Reasonable adjustments/arrangements for interview

Many organisations operate guaranteed interview schemes for disabled people (as defined by the Equality Act). Consider if you want to include this option.

If you have a disability or any other needs and you would like us to make special arrangements or changes if we invite you to an interview, use this space to tell us what you would need.

9. Arrangements for interview

If you have a confirmed release date and have been told the area where you will live after release, give details in this space.

10. Declaration

Please read the following declaration. If you are happy that it is true, sign and date it in the boxes. Note: If you do not complete this declaration, we cannot consider your application.

I confirm that all the information given by me on this form is correct. I understand that if any of the information I have given is later found to be false or misleading, any offer of employment may be withdrawn, or employment terminated.

Signed:

Date: