

## **EMPLOYMENT OF EX-OFFENDERS POLICY**

### **1. BACKGROUND AND OBJECTIVES**

- 1.1 This document sets out the Alliance Homes Group approach towards employing people who have criminal convictions.
- 1.2. Alliance Homes Group will pay particular regard to the principles of equality and diversity stated in the Equality & Diversity Strategy and in the Equality Act 2010.
- 1.3 Alliance Homes Group will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction. The organisation will consider ex-offenders for employment on their individual merits. The organisations approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.
- 1.4 This policy will be made available to all applicants on our website, or a paper copy will be made available on request.

### **2. POLICY DETAIL**

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

- 2.1.1 As part of the application process, we will ask job applicants to disclose any unspent convictions. We will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions. (For more information on spent convictions please see Appendix 1).
- 2.1.2 If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.

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

- 2.2.1 When the nature of the position falls under the “exception order” of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 Acts, it allows us to ask questions about the applicant’s entire criminal record. We also require applicants to disclose cautions, reprimands

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

- 2.3.2 The organisation will request a basic, standard or enhanced disclosure (as appropriate) through the Disclosure and Barring Service (DBS).
- 2.3.3 Even if a conviction is disclosed, the organisation may choose to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.
- 2.3.4 We will make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and can make a copy available on request.
- 2.3.5 The organisation will ensure that all information provided about an individual's criminal convictions, is used in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

## **2.4 Recruitment**

- 2.4.1 For those positions where a Disclosure is required, all job adverts will contain a statement that a disclosure will be requested.
- 2.4.2 Alliance Homes Group ensures that all those involved in the recruitment process will receive suitable guidance in the relevant legislation relating to employment of ex-offenders.
- 2.4.3 Alliance Homes Group will ensure that an open and measured discussion takes place with the applicant regarding any offences or other matter that might be relevant to the position. Failure to reveal information at any stage of the process that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- 2.4.4 Where a conviction is disclosed Alliance Homes Group will conduct a risk assessment before making a conditional offer of employment.

## **2.5 Current Staff**

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

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

### 3. MONITORING, CONSULTATION AND REVIEW

- 3.1. The Assistant Director (HR) is responsible for the implementation and review of this policy.
- 3.2 The Executive Team and Performance Management Group have been consulted on the policy. Recognised Trade Unions have also been consulted.
- 3.3 This policy will be reviewed every 2 years or earlier if required.

### 4. EQUALITY AND DIVERSITY

- 4.1 This policy is subject to a periodic Equality Impact Assessment.
- 4.2 The purpose of such an assessment is to consider the effect of the policy with regard to the recognised protected characteristics of equality and ensure that it does not unfairly impact any individual or group. The protected characteristics are; age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity or other grounds set out in our Equality and Diversity Strategy and Single Equality Scheme. Remedial action will be undertaken if a detrimental effect is identified.
- 4.3 This policy and any other related Alliance Homes publications can be provided in other formats for those with visual, literacy or language difficulties.

### 5. ASSOCIATED DOCUMENTS

- 5.1 Recruitment Policy
- 5.2 Manager Guidelines to the Recruitment Procedure and Agency Workers
- 5.3 Declared DBS Convictions - Risk Assessment Form

### 6. VERSION CONTROL AND APPROVAL DATES

Version no.	Name and date
1	SF / FB May 2014
2	
3	
4	

Approval stage	Date completed
Tenant Panel/Recognised Trade Union Approval	August 2014
ET/Board approval	October 2014
Review date	March 2016

## APPENDIX 1

A spent conviction is a conviction which, under the terms of Rehabilitation of Offenders Act 1974, can be effectively ignored after a specified amount of time. The amount of time for rehabilitation depends on the sentence imposed, not on the offence. The more serious the conviction, the longer the period of rehabilitation.

### Rehabilitation periods

<b>Sentence</b>	<b>Rehabilitation Period</b>
Custodial sentence over 4 years or a public protection sentence (a custodial sentence for specified sexual and violent offences)	Never spent
Custodial sentence (over 2½ years, up to 4 years)	7 years (beginning with the day on which the sentence, including any period on licence, is completed)
Custodial sentence (over 6 months, up to 2½ years)	4 years (beginning with the day on which the sentence, including any period on licence, is completed)
Custodial sentence (up to 6 months)	2 years (beginning with the day on which the sentence, including any period on licence, is completed)
Fine	1 year (beginning with the date of the conviction in respect of which the fine is imposed)
Absolute discharge	No rehabilitation period.

(correct as of 10<sup>th</sup> March 2014)