

Rehabilitation of Offenders Act (ROA) 1974 Policy

1. Purpose

The aim of this policy is to outline our approach towards employing people who have criminal convictions.

We are committed to equality of opportunity for all job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

We will therefore consider ex-offenders for employment on their individual merits. Our 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 (The Act).

2. The Rehabilitation of Offenders Act

The Act was designed to prevent individuals being rejected for employment on account of a criminal offence committed in their past, provided that they have not subsequently re-offended. Under the Act, a conviction becomes "spent" after the elapse of a defined period of time with the result that the individual becomes "rehabilitated". The relevant periods of time are set out in the Act and depend on the type of offence committed. An individual whose sentence exceeded 30 months can never become rehabilitated under the Act.

The effect of these provisions is that people whose convictions are "spent" and who are therefore "rehabilitated" must (with some exceptions - see below) be treated for all purposes as if their conviction had never occurred. Job applicants are therefore entitled to conceal details relating to spent convictions from a prospective employer. If the employer nevertheless finds out about a job applicant's spent conviction, the employer must disregard it when making the decision as to whom to employ. A refusal to employ a rehabilitated person on the grounds of a spent conviction is unlawful.

3. Jobs covered by the ROA

We will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

When applying for a job we will ask all applicants to disclose any unspent convictions but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

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.

4. Jobs that are exempt from the ROA

If the job into which we are seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, we will require the applicant to disclose all convictions, whether spent or unspent. Even in these circumstances we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which they have applied.

If the job is exempt, we will, once we've selected the person who we wish to offer employment, seek documentary evidence about that person's criminal convictions. We will seek the applicant's agreement to make a joint application to the Criminal Records Bureau (CRB) for a standard or enhanced disclosure (as appropriate). You'll find more information in the CRB policy.

5. Data Protection

Information regarding a person's criminal convictions is regarded as "sensitive data" under the Data Protection Act 1998. We are committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act. 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.

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