

Recruitment of Ex-Offenders Policy
HR Policy 25
Reviewed May 2022

1 Introduction

The purpose of this policy is to ensure that ex-offenders are treated fairly when applying for vacancies, while ensuring that Ipswich Housing Action Group (ihAg) meets its obligations to service users and complies with relevant legislation and best practice in this area.

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. The rehabilitation period is automatically determined by the sentence, and starts from the date of the conviction. After this period, if there has been no further conviction, the conviction is 'spent' and, with certain exceptions, need not be disclosed by the ex-offender in any context such as when applying for a job.

2 Employee Rights

The Act does not provide any means of enforcing a person's right not to be refused employment (or entry into a profession) on the grounds of a spent conviction. If, however, an employee can prove that they have been dismissed for a spent conviction and they have been in employment 1 year or more, they may be able to claim unfair dismissal under employment legislation.

The Act's purpose is that people are not subject to discrimination due to a past offence.

3 ihAg Exempt from The Act

Because of the nature of ihAg's work, it is exempt from the provisions of the Act, and all cautions, reprimands, final warnings, and convictions (both spent and unspent) **must** be declared.

For further information go to:- [Rehabilitation-of-Offenders-Act-1974-Guide-2018.pdf](#)

4 Policy

ihAg aims to provide equality of opportunity for all applicants who meet the requirements of the personal specification, and select all candidates for interview based on their skills, qualifications and experience, including those with criminal records. This policy applies to all employees, workers, trustees and volunteers who undertake roles where police checks will be required.


5 Requirement to Declare

All candidates on the application form and, if applicable, during an interview will be asked about details of any caution, reprimands or youth caution, as well as convictions as ihAg has a legal obligation to protect children and vulnerable adults from people who have committed serious offences and as such, meet the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974.

Having an 'unspent' conviction will not necessarily bar a candidate from employment. This will depend on the circumstances and background of the candidate's offence(s). However, any 'unspent' convictions, which the candidate does not declare and subsequently reveal, may result in dismissal. Therefore, ihAg requires candidates to declare any and all convictions, unspent or not and declare them in cases where the candidate is unsure if the conviction/s are unspent or not.

6 DBS Checks Required

Applicants who are offered employment, a volunteer role or trustee role, will be subject to a criminal record check from the Disclosure and Barring Service (DBS). For more information regarding DBS requirements, see ihAg's 'Disclosure and Barring Service (DBS) Policy'.

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| Signed by CEO on behalf of the Trustees : |  | Date: May 2022 |
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| Review carried out on behalf of the Trustees by: CEO | Review Frequency: 3 Years | Next Review: May 2025 |
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CHANGES:-

March 2020: Approved by Trustees

May 2022: Reviewed by CEO: all law and guidance still current, therefore, no changes; updated review date