

# ActionAid UK

## Recruitment of Ex-Offenders Policy

### Policy Statement

ActionAid UK is committed to the fair treatment of its staff, potential staff, other representatives<sup>1</sup>, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability, or offending background.

ActionAid UK actively promote equality of opportunity for all throughout the recruitment and selection process and welcome applications from a wide range of candidates, including those with criminal records. ActionAid UK will base recruitment and selection decisions on job-related criteria only.

Note on policy language: The term 'Ex-Offender' is used throughout this policy, in keeping with the legislative terminology. The term 'Ex-Offender' is not ActionAid UK's preferred terminology with regard to individuals impacted by the justice system, and does not represent our attitude towards persons with prior convictions. We believe in and strive for fair, equitable treatment for *all* people.

Please see the [Disclosure and Barring Service \(DBS\) Glossary](#) for an explanation of legal and other terms.

### Purpose & Scope

ActionAid UK will take every possible step to ensure we do not discriminate unfairly against any subject of a criminal record check, based on a conviction or other information revealed. Having a criminal record or 'unspent' conviction will not necessarily bar an individual from working with ActionAid UK. This will depend on the nature of the position and the circumstances and background of the offences.

The decision to apply for a criminal record check is only submitted to DBS, Access NI and Disclosure Scotland after a thorough risk assessment of the role has indicated that one is both proportionate and relevant to the position concerned.

All ActionAid UK staff, and other representatives (such as Trustees, volunteers and any external partners), are required to undergo pre-employment safeguarding and security checks. The level of checks will vary, dependent upon the role.

Some positions at ActionAid UK require Disclosure and Barring Service (DBS), Access NI or Disclosure Scotland checks, which provide access to sensitive criminal record information about candidates.

As an organisation using criminal record checks where required, ActionAid UK must comply fully with the relevant legislation and [DBS Code of Practice](#), and undertakes to treat all applicants fairly.

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<sup>1</sup> Other Representatives working with ActionAid UK include (but are not limited to) partners, volunteers (including board members), consultants, contractors/suppliers/vendors, interns, visitors (e.g. donors), dependents accompanying staff while working for ActionAid, and other individuals acting as representatives of ActionAid

For those positions where a criminal record check is identified as necessary, all application packs, job adverts and recruitment briefs must contain a statement that an application for a disclosure certificate (DBS check) will be requested in the event of the individual being offered the position.

All criminal record checks will be carried out via the following services:

- [Disclosure and Barring Service \(DBS\)](#)
- [Access NI](#)
- [Disclosure Scotland](#)

Where posts do not involve working with children and young people, or adults at risk, ActionAid UK will only require applicants to disclose 'unspent' criminal convictions as part of their application. Posts that do not involve direct access to children and young people, or adults at risk, are covered by the Rehabilitation of Ex-Offenders Act 1974. Laws & Regulations.

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a given 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention their conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

The Rehabilitation of Offenders Act 1974 (England and Wales), Rehabilitation of Offenders Order 1978 (Northern Ireland) and Offenders Act Exceptions Order (Scotland 1974 - Amendment 2003) were introduced to ensure that ex-offenders who had not re-offended for a period since their conviction are not discriminated against when applying for jobs. Unless a position is exempted from the Acts, it is illegal for employers to discriminate on the grounds of spent convictions.

## **Roles & Responsibilities**

### **Obtaining a DBS Check**

For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position, which will be paid for by ActionAid UK.

This will enable any person who objects to the vetting process, for whatever reason, to withdraw their application early in the recruitment process.

ActionAid UK will make every subject of a criminal record check aware of the existence of the [DBS code of practice](#) and makes a copy available on request.

ActionAid UK can only ask an individual to provide details of convictions and cautions that ActionAid UK are legally entitled to know about.

Where a DBS certificate at either standard or enhanced level can legally be requested<sup>2</sup>, ActionAid UK can only ask an individual about convictions and cautions that are not protected.

The [DBS Filtering Guide](#) provides guidance on the filtering rules for DBS checks.

Successful applicants will be required to consent to subsequent criminal record checks during employment as deemed appropriate by AAUK or regulatory bodies, such as the Charity Commission.

## **Managing DBS Check Information**

Where a criminal record check is part of the recruitment process, applicants will be encouraged to provide details of any criminal record at an early stage in the application process. Such information can be provided confidentially on AAUK's recruitment platform, Reach, and is seen only by those directly involved in the recruitment process for that role. For information on the Storage, handling, use, retention and disposal of DBS Check data please see AAUK External Privacy Policy.

ActionAid UK ensures that all persons involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstance of prior offences, and that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g., the Rehabilitation of Offenders Act 1974.

The relevance of convictions should be judged against the following criteria<sup>3</sup>:

- The person's age at the time of the offence
- How long ago the offence took place
- Whether it was an isolated offence or part of a pattern of offending
- The nature of the offence
- Relevance to the post or position in question, and
- What else is known about the person's conduct before and since the offence

Only convictions relevant to the role for which an individual applies can be taken into consideration. Past convictions which are spent, and which would not impact on an individual's ability to perform a role competently and safely must not bar an individual from taking up a position at ActionAid UK.

At interview, or in a separate conversation with the HR Manager, ActionAid UK ensures that an open and measured discussion takes place about any prior offences, or other related matter, that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment, or volunteering. A thorough discussion between the recruiting manager, and/or HR, and the candidate should take place before any offer is withdrawn.

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<sup>2</sup> where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and, where appropriate, Police Act Regulations as amended

<sup>3</sup> [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975.docx \(publishing.service.gov.uk\)](#)