



RECRUITMENT OF EX-OFFENDERS POLICY

PURPOSE OF POLICY

The aim of this policy is to state the Soil Association's approach towards employing people who have criminal convictions.

The Soil Association is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. The Soil Association will therefore consider ex-offenders for employment on their individual merits. The Soil Association's 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.

A Disclosure and Barring Service (DBS), Access NI and Disclosure Scotland check is only requested after a risk assessment has indicated it is both proportionate and relevant to the position concerned. For those positions eligible for a disclosure, all job adverts, and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position. Our Recruitment of Ex- Offenders Policy will be made available to all via the policies page on our website.

1. RELATED SOIL ASSOCIATION POLICIES

The following Soil Association policies will be relevant when considering some of the issues outlined in this policy (available internally via PeopleHR or from the HR team):

- Equal opportunities Policy
- Data Protection Policy
- Disclosure and Barring Service (DBS) Policy
- Safeguarding Children, Young People and Adults at Risk Policy
- Recruitment Policy
- Candidate Privacy Policy

2. THE REHABILITATION OF OFFENDERS ACT 1974

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become 'spent', or ignored, after a '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.

Having a criminal record will not necessarily bar an individual from working with the Soil Association. This will depend on the nature of the position and the circumstances and background of the offences. 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, employers are not allowed to discriminate on the grounds of spent convictions.

3. CRITERIA FOR DECISION-MAKING

The relevance of convictions for appointment will be assessed via a risk assessment and will consider the following factors:

- The seriousness of the offence and its relevance to other employees and customers etc.
- Relevance to the role (consideration of supervision and whether it presents any opportunity to reoffend)
- The length of time since the offence occurred
- Whether the offence was a one-off or part of a history of offending
- Circumstances which led to the committing of the offence
- Whether the applicant's personal circumstances have since changed
- The country in which the offence occurred
- Decriminalisation and remorse

4. JOBS COVERED BY THE REHABILITATION OF OFFENDERS ACT 1974

The Soil Association will not automatically refuse to employ a particular individual just because they have a previous criminal conviction. On making an offer of employment, for an appropriately identified role the candidate will be asked to complete a self-disclosure form by HR along with the completion of the DBS application (or give permission and details to check their online record) declaring any unspent convictions only.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which they have applied, the Soil Association will conduct a risk assessment, and using the decision-making criteria, undertake to discuss any matter revealed with the individual seeking the position, and may, at its discretion, withdraw a conditional offer of employment. The risk assessment template is found within the DBS Policy.

5. JOBS THAT ARE EXEMPT FROM THE REHABILITATION OF OFFENDERS ACT 1974

If the job into which the Soil Association is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, the Soil Association will require, at the point where a conditional offer of employment is made to a candidate, to disclose all convictions, whether spent or unspent (other than protected cautions and convictions which are not subject to disclosure to employers, and cannot be considered. Guidance can be found in the [DBS Filtering Guide](#)).

Even in these circumstances, however, the Soil Association will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the Soil Association will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. The Soil Association will seek the applicant's agreement to make a joint application to the appropriate Disclosure Checking Service for a standard, enhanced or enhanced with DBS barred lists check (as appropriate), which might be completed via a new application or an instant check via the Update Service. Any costs will be reimbursed.

6. DATA PROTECTION

The Soil Association processes information about an individual's criminal convictions in accordance with its Data Protection Policy, DBS Policy and Recruitment Policy. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Soil Association's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Once an individual is recruited, information about their criminal record gathered during the vetting process will be handled in line with the DBS Policy.

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