Recruitment of People Who Have a Criminal Record Policy

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1. Introduction

The aim of this policy is to set out SCSE's approach to employing people who have a criminal record.

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

Therefore, we will consider job applicants who have a criminal record on their individual merits. However, our approach depends on the job, and whether it is covered by, or exempt from, the Rehabilitation of Offenders Act 1974.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2. Purpose and scope

We want everybody to have an equal opportunity to join us and succeed at SCSE and we will select people for employment on the basis of their individual qualifications, experience, skills, capabilities and behaviours. Having a criminal record will not necessarily bar an individual from working at SCSE and we undertake not to discriminate unfairly against applicants on the basis of any criminal background.

However, our approach towards employing ex-offenders will differ depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974. This policy sets out our approach for roles within Whamos Training and Development CIC.

This policy is written in accordance with the code of practice published under section 122 of the Police Act 1997 which advises that it is a requirement that all registered bodies must treat Disclosure and Barring Service (DBS) and Disclosure Scotland applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Our [**Background Checks policy**](https://ourkaplan.co.uk/Content/File/Index/9272f2eb-646d-40dc-869e-563f45acd0c0?type=Readonly) sets out our procedure in relation to Disclosure & Barring Service (DBS) checks.

3. Jobs covered by the Rehabilitation of Offenders Act 1974

Whamos Training and Development CIC will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

During the recruitment process, job applicants will be asked to disclose any unspent convictions, but Whamos Training and Development CIC will not ask questions about spent convictions, nor expect applicants 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 they have applied, Whamos Training and Development CIC will review the individual circumstances of the case and may make a decision, at its discretion, to decline to select the individual for employment.

4. Jobs exempt from the Rehabilitation of Offenders Act 1974

If the role into which we are seeking to recruit is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, Whamos Training and Development CIC will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned).

At interview, or in a separate discussion, we will conduct an open and measured discussion on the subject of any offences or other matter that might be relevant to the position. Where convictions are disclosed, Whamos Training and Development CIC will ensure that consideration is given to the circumstances of the case before a decision to decline to select the individual for employment is made. Failure to reveal any information relevant to the position sought could lead to withdrawal of an offer of employment.

A Disclosure and Barring Service (DBS) standard, enhanced or enhanced with DBS barred lists (as appropriate to the role) check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

Whamos Training and Development CIC complies fully with the [**DBS Code of Practice**](https://www.gov.uk/government/publications/dbs-code-of-practice) and where a DBS check is a condition of employment, Whamos Training and Development CIC will make this clear in relevant adverts, job descriptions and or additional vacancy information and will also ensure individuals are aware of the existence of the DBS Code of Practice.

Where information is revealed on a DBS certificate, Whamos Training and Development CIC will seek to discuss the matter with the individual seeking the position before withdrawing a conditional offer of employment.

Whamos Training and Development CIC ensures that those involved in recruitment decisions related to individuals with criminal convictions have been suitably trained to identify and assess the relevance and circumstances of offences and understand the relevant legislation e.g. the Rehabilitation of Offenders Act 1974.

5. Policy review and contacts

Our policies are reviewed and (if required) updated at least every two years in line with legal obligations, business objectives, and operational needs. We will notify staff of some key changes, but it is not practical to notify of every change that occurs so it is everyone’s responsibility to keep themselves up to date with the current versions of policies as made available via our intranet. Please revisit employment policies at regular intervals, and refer to specific relevant policies when the need arises.

6. Notes and definitions

Rehabilitation of offenders: A criminal conviction becomes “spent” after a defined “rehabilitation” period, depending on the sentence. Different rehabilitation periods apply in England and Wales to those in Northern Ireland and those Scotland (where they are referred to as “disclosure periods”). Once a conviction is spent, the individual must (unless the position is excluded) be treated for all purposes as if their conviction had never occurred. Job applicants are entitled to conceal details relating to spent convictions from a prospective employer. A refusal to employ an individual on the grounds of a spent conviction is unlawful.

Excluded positions: A number of jobs and professions are excluded or exempt from the rehabilitation provisions. The fact that their conviction is spent does not entitle the individual to decline to disclose it to a prospective employer. Where a position is exempt, the employer may lawfully reject the individual for employment on the grounds of a conviction, whether spent or unspent.

Protected cautions and protected convictions: These do not have to be disclosed even in relation to exempted jobs. The employer cannot take these into account in its recruitment decisions. The Disclosure and Barring Service (DBS) filters out protected cautions and convictions. The rules on the filtering-out of convictions in Scotland and Northern Ireland differ from those in England and Wales.

DBS checks: In England and Wales, individuals, in conjunction with a potential employer, can apply to the Disclosure and Barring Service (DBS) for a check on information about their criminal record.

There are four types of DBS check: basic disclosure, standard disclosure, enhanced disclosure and enhanced disclosure with barred lists check. The appropriate check depends on the role in question. In Scotland, applications are made to Disclosure Scotland. In Northern Ireland, applications are made to Access NI.

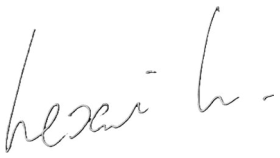
Safeguarding vulnerable groups: The DBS maintains the integrated list of people barred from working with children and vulnerable adults. It covers only England, Wales and Northern Ireland. (Scotland has its own vetting and barring scheme.) Employers that knowingly permit barred individuals to engage in a "regulated activity" commit a criminal offence. It is also a criminal offence for barred individuals to offer to, seek to, or actually engage in a regulated activity.

Data protection: Personal data relating to criminal convictions and offences is subject to specific protections and should be processed only where certain conditions are met and where the employer has an appropriate policy document in place, to be able to process such data.

Data minimisation: To avoid the collection of excessive data in breach of data minimisation principles, employers should not ask questions during the recruitment process that could lead to the disclosure of information about spent convictions where they cannot take these into account in recruitment decisions (i.e. where the job is not an excluded position).

Approval & Review

This policy has been approved on behalf of the Directors:

Elizabeth Amos-Milburn *Co-Director*	**Alexandra Gager-Liebhart** *Co-Director*
	

Date of approval: 10th March 2026

Next review: 10th March 2027

Schedule 1 — Record of Changes

Version	Date	Nature of Change
001	10th March 2026	Initial published version included in the Combined Policies and Procedures 2026 edition.