

Criminal Convictions Policy

Version number	Date approved (including committee)	Reason for production/revision	Author	Proposed next review date
V4.0	May 2022 HR Dept	Scheduled review	Head of HR	May 2025 and as required
V3.0	Oct 2020 HR Dept	Scheduled review	Head of HR	Oct 2021 and as required
V2.2	13/08/19 ExCo	Annual review	HR Manager	July 2020 and as required
Related policies				
• Induction and Probation • Equality and Diversity • Recruitment and Selection				
External Reference				
N/A				

1. Policy

1.1. This policy is to be used in conjunction with the following related policies and procedures:

- Equality & Diversity policy & procedure
- Induction & Probation policy & procedure
- Recruitment & Selection policy & procedure

2. Purpose

2.1. As part of ICMP's (The Company) overall commitment to equality of opportunity this policy outlines the Company's approach to the recruitment of ex-offenders.

2.2. The Company will not consider the existence of criminal convictions to be immediate grounds for refusal of employment. Candidates will be considered for employment based on their skills, experience and qualification for the role.

2.3. Candidates will be asked to disclose "unspent" convictions during the application and/or interview process. Where the nature of the offence has a relevance to the role applied for, the suitability of the candidate will be considered in this context. The Company does, in these circumstances, reserve the right to refuse to offer employment.

2.4. Candidates will not be asked to disclose information relating to "spent" convictions, unless the role being recruited for is exempt from the provisions of the Rehabilitation of Offenders Act (ROA)1974.

3. Scope

3.1. This policy relates to:

- all contracted members of ICMP staff (Permanent, Zero Hour and Casual Workers)
- Service Providers & Professional Practitioners
- Self-employed hourly paid lecturers.

4. Responsibilities

4.1. The Human Resources Team is responsible for the implementation and monitoring of this policy.

4.2. All managers are responsible for ensuring that HR is given accurate data regarding all new employees, tutors, etc. in advance of their appointment in order for appropriate checks to be carried out in accordance with this policy. They may be held personally to account should their actions fall short of the requirements of this policy in any way.

5. Criminal records checks

5.1. The Company will check criminal records for relevant positions as prescribed by regulations (for example for occupations or activities covered by the ROA 1974 (Exceptions) Order 1975 and the Police Act 1997 (Criminal Records) Regulations). A criminal records check will be requested only after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

5.2. The Company will comply fully with the Disclosure and Barring Service and/or Disclosure Scotland code of practice and treat all candidates fairly.

5.3. The Company will not discriminate unlawfully against any candidate who is required to provide information through this process.

5.4. The Company will ensure that all individuals involved in the recruitment process receive appropriate guidance and training in these policies, including the legislation

relating to the employment of ex-offenders, in particular, the Rehabilitation of Offenders Act 1974.

6. Recruitment process

- 6.1. For those positions where a criminal records check is required, all application forms, job advertisements and recruitment briefs should contain a statement that a check will be requested in the event of the candidate being offered the position.
- 6.2. Where a criminal records check is part of the recruitment process, all candidates called for interview should be encouraged to provide details of any criminal record, ideally at an early stage in the process. Where requested, candidates should be advised to send this information, under separate confidential cover, to a designated person within the Company. Steps should be taken to ensure that only those who need to see it as part of the recruitment process will see this information.
- 6.3. Where the criminal record information reveals details of an offence, the relevance to the job in question should be fully discussed with the candidate before withdrawing an offer of employment. A candidate's failure to reveal information directly relevant to the job could result in the withdrawal of an offer of employment. Advice should be sought from the HR department before an offer is withdrawn.
- 6.4. To determine whether a criminal record is relevant, the information should be assessed in relation to the tasks which need to be performed and the circumstances in which the work is to be carried out. Factors which should be taken into account include:
 - what type of offence or offences the candidate committed
 - whether the offence is relevant to the position in question
 - the seriousness of any offence
 - the circumstances and the explanation offered by the candidate
 - the length of time that has passed since the offence took place
 - whether the candidate's circumstances have changed since the offending took place.

7. Data protection

- 7.1. All information received should be dealt with in accordance with the provisions of the GDPR.

8. Breach of the policy

- 8.1. The ICMP will take seriously any instance of non-adherence to the Criminal Convictions policy. Any instances of non-adherence will be investigated with the intent of resolving matters. Where appropriate, such instances may be considered under the relevant disciplinary policy.