

A guide to: employing ex-offenders and people with lived experience

Why hire someone with lived experience?

- A skills gap is currently affecting many organisations and companies in the UK, meaning it is hard to fill vacancies. However, by recruiting and training ex-offenders, you can develop people in a way that promotes the specific skills required by your organisation and industry.
- Most offenders want the opportunity to turn their backs on crime. Having a job helps them get back on track and is proven to reduce reoffending.
- For that reason, we find that candidates with lived experience are typically loyal to their employer — particularly if employers invest in their training — and can be more engaged and motivated to stay with an organisation, therefore improving retention.
- Lived experience candidates bring a diversity of opinions, views and experience which can aid the generation of new ideas and innovation and improve your company's talent pipeline.
- By employing ex-offenders and people with lived experience, you will widen the social impact of your organisation or business.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act (ROA) 1974, the Police Act 1994, the GDPR and Data Protection Act 2018 are key to understanding how to approach dealing with criminal records as part of your recruitment process.

The ROA supports the reintegration of people with convictions into society by giving them legal protection from having to disclose their record after a certain period of time of not re-offending.

The ROA determines when criminal records become 'spent' i.e. the person is considered rehabilitated and are to be treated as if they have not got a criminal record. Most roles are covered by this but some are exempt.

Where the criminal record is unspent, it is generally up to the discretion of the employer whether or not to employ the person.

The recruitment process

As an employer you will need to make sure you have a **clear, accessible recruitment and selection policy** that explains your approach to applicants with a criminal record. This will clarify whether you determine a criminal record disclosure is necessary and appropriate, in accordance with your legal and data protection obligations.

When you are advertising your job or apprenticeship roles, you will need to **let applicants know whether you ask about criminal records** and, if so, what you ask and when. If the role involves a criminal record check, explain whether that's a basic, standard, enhanced or enhanced with barred list check. If you have decided to ask for a self-disclosure, **let applicants know when this will be requested**. You should offer pre-application advice to applicants in confidence.

You should use your usual shortlisting and interview processes. We suggest that employers also use a **strength-based interviewing approach**. This involves asking questions that identify a candidates strengths and matching them to the role. This approach is useful for candidates with limited work experience and it enables them to draw on examples from all areas of their life including any learning, work experience, previous employment, or volunteering.

We have made a job offer, what next?

- You might decide to ask the candidate for a self-disclosure of their criminal record and/or you can request a criminal record check (DBS) at this stage (basic, standard, enhanced, enhanced with barred list). The applicant should then provide the DBS certificate to you on receipt.
- Undertake any other routine recruitment checks, including obtaining references, and make an assessment of the candidate's criminal record, documenting any adjustments that might need to put into place, such as risk-management procedures and the provision of ongoing support e.g. coaching.

Ban the Box

Ban the Box calls on UK employers to create a fair opportunity for people with convictions to compete for jobs by removing the tick box from application forms and asking about criminal convictions later in the recruitment process. To sign up, head to: <https://www.bitc.org.uk/ban-the-box-sign-up-form/>

- If the person is not appointed, be as clear as you can about why. Make them aware of your policy in data retention and ensure you delete all of the information concerning the candidate that is no longer needed.

How can we support the candidate at work?

We believe that ex-offenders and people with lived experience should be treated in the same way as other employees — in a fair manner. Great employers will offer good terms and conditions, learning and development opportunities — or 'Continuing Professional Development' (CPD) — regular supervision and support, as well as access to employee assistance schemes. Some employees may also require additional coaching or mentoring as part of their Continuing Professional Development.

The Forward Trust offers vocational training and traineeships as well as employability programmes. Please email dan.cook@forwardtrust.org.uk to find out more. Your employees might also be interested in joining Forward Connect, our community network for individuals with lived experience. To find out more, head to: www.forwardtrust.org.uk/find-support/forward-connect/.

Useful websites

- **More Than My Past** is a national campaign which highlights examples of people who have turned their backs on crime and are leading positive and productive lives. Visit: www.morethanmypast.org.uk
- **NACRO** support employers with advice and training around recruiting ex-offenders. Visit: www.nacro.org.uk/resettlement-advice-service/support-for-employers/
- **UNLOCK** have resources, training and guidance available to employers looking to employ someone with a criminal record. Visit: www.unlock.org.uk/for-employers/