

July 2020

**Employing Ex-Offenders policy** This policy sets out our approach to considering candidates in cases where previous convictions and cautions are self disclosed or come to light as part of our pre-appointment checks which include a Disclosure and Barring Service (DBS) check (or Disclosure Scotland check or Access NI check depending on the location of the role). For certain roles at the Commission a higher security clearance maybe required. . Therefore our impartiality, integrity and reputation are particularly important to us. The Commission actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances of your offences. We undertake not to discriminate unfairly against applicants because of convictions, cautions, reprimands or outstanding criminal proceedings.

**1. How we do this** In line with our Equal Opportunities Policy Statement (available on our website) we will treat all job applicants with dignity and respect. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. We will only ask an individual about convictions and cautions that are not protected. The requirement for a DBS check (or if applicable a higher security clearance) will be made clear at the start of any recruitment process in adverts and recruitment material. This policy is available on our website.

**2. Who this applies to** This policy applies to all Electoral Commission employees and secondees to the Commission. Agency workers where appropriate may also be required to abide by this policy.

**3. Roles and responsibilities** The Human Resources (HR) team are responsible for developing and maintaining the recruitment of ex-offenders policy, ensuring compliance and producing any supporting guidance needed. They will provide advice and support to recruiting managers throughout the pre-employment check process. The recruiting manager is responsible for ensuring they read and understand the recruitment of ex-offenders policy and make recruitment decisions based on a proper assessment of the risk should any DBS check reveal any details of convictions and/or cautions. They are responsible for ensuring that an open and measured discussion takes place with the individual on the subject of any offences or other matter that might be relevant to the position before considering whether to proceed with the offer of employment or withdrawing a conditional offer of employment. Candidates are responsible for following the pre-employment checks process, including the requirement for a DBS check or higher security clearance depending on the role applied for. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

**4. Procedure** Following interview the recruiting manager will let you know if you have been identified as the preferred candidate and that this is subject to satisfactory pre-employment checks. As well as a DBS check the pre-employment check process includes checking key documents and references (last 3 years), to verify your identity and address, your right to work in the UK, work history and qualifications. No employees will be able to begin employment until all these checks are completed. The Electoral Commission uses a recognised umbrella organisation (called Security Watchdog) to carry out the administration of the DBS checks. Should self disclosure or the DBS check reveal previous convictions or cautions the recruiting manager we will have an open and measured discussion with you on the subject of any convictions, cautions, reprimands or outstanding criminal proceedings that might be relevant to

the position. Failure to reveal information that is directly relevant to the position could lead to withdrawal of an offer of employment (or dismissal, if your employment has commenced).

4.1 Data DBS Certificate information will be kept securely, and only accessible by HR staff and the relevant recruiting manager at the point of recruitment. DBS Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. Once a recruitment (or other relevant) decision has been made, we will keep DBS Certificate information for the life of the employment contract. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

4.2 Temporary agency workers Where we have a short term recruitment need (typically for three months or less) we may appoint a temporary worker through an agency, without advertising the position. Agency workers are not employees. However they are expected to complete some of our pre-appointment checks and these may include a DBS check depending on the nature of the role.

5. Related policies and documents Recruitment and selection policy Fixed-term contract policy Work experience, interns and temporary workers policy Secondments and career development breaks policy Guidance on the definition and use of consultants

6. Policy management and governance

6.1 Equality impact assessment An equality impact assessment screening of this policy was completed in July 2020.

6.2 Data protection Any personal data that is processed when applying this policy will be managed in accordance with the General Data Protection Regulation (GDPR), UK data protection legislation and the Commission's Data Protection policy.

6.3 Consultation We regularly review our policies and procedures, and will make changes to them where we consider this to be necessary. We will consult on these changes if appropriate. Updated policies will be communicated to all employees through Skynet.

6.4 Policy owner Head of Human Resources

6.5 Version and change summary table

Version	Date
Document Updated by	Summary of changes in this version
Review date	1 July 2020

Jane Gordon; HR BP New policy – source of content is mainly from Gov.uk + 3 years

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