

Applicants with a criminal record

Policies and procedures

Summary

Unlock is committed to fair recruitment and the inclusion of applicants with criminal records. It is essential that people do not face unfair discrimination in any role within the charity, whether paid or voluntary. For that reason, we do not use criminal records to exclude people.

We only ask about criminal records if they are relevant to the role. As an organisation that actively recruits volunteers, staff and trustees with convictions, we have considered the relevance of criminal records in relation to the various roles within the charity. The relevance varies depending on the role.

For our current operations, this includes where the role is defined as a 'peer delivered' role, and where it is a regulatory requirement. This policy sets out more detail on how we do this.

Peer delivered roles

Some of our roles are defined as 'peer delivered'. This means that we have determined that having a criminal record is a requirement of the role. In this context, we are looking for individuals who have received a conviction or caution for a criminal offence. Where this applies, it will be made clear in the vacancy details, and applicants will be expected to discuss this in more detail at interview as it forms part of the 'experience' we are looking for as part of the particular role.

We do not have any blanket bans on offence types; the purpose of the disclosure is to support applicants to show they have the relevant experience to be able to deliver the role. We will not look to exclude an applicant because of a criminal record.

Trustee and senior manager roles

The Charity Commission has rules on who can and cannot be a trustee, or be employed in certain senior managerial roles in charities. These rules are known as the 'automatic disqualification' rules. Where the automatic disqualification rules apply they have the effect of 'disqualifying' that individual from being a trustee or working in certain senior managerial roles in charities. However, it is possible to apply for clearance from the Charity Commission. This is known as applying for a waiver.

There are over 11 million people with a criminal record and the vast majority will not be affected by these rules. For example, unless a person is on the sex offenders register, if their conviction is spent under the Rehabilitation of Offenders Act 1974 then it doesn't prevent them under these rules. We have [separate guidance](#) on these rules, as does the [Charity Commission](#).

For Unlock, the term 'senior manager' applies to the two executive co-director roles.

To ensure a fair and open recruitment process, we will only ask applicants about eligibility to become a trustee or senior manager after we have offered the role.

At that stage, we ask them to disclose whether they are disqualified, and if so the reason/s why. Disqualified people can apply to the Charity Commission for a waiver and, following our own assessment, we will support applicants through this process if we believe they are the right candidate for the role. Disqualified applicants are encouraged to disclose as soon as possible after offer, and we will aim to have a face-to-face discussion (where practical). The applicant will then be asked to provide a written disclosure if a waiver application is to be submitted.

Other

For any other roles, we will only ask about criminal records if they are relevant. There is a summary of roles and the approach to criminal records on the next page. There are no roles within Unlock that require enhanced DBS checks, nor any other form of vetting.

For roles where we do ask about certain criminal records, the job description will explain what information will be required, why it is necessary, and what the process is. We will only ask for this information at job offer stage, including a face-to-face discussion with the individual, after which we will consider the relevance to the job role and make an assessment of suitability. This will include considering any adjustments that can be made to the role or whether the person is unsuitable for the role at that time.

Where a disclosure is not required for the role, applicants can make a voluntary disclosure if they wish, either to demonstrate their ability to do the role or to seek support for any ongoing restrictions. This can take place at interview or offer stage. These could include exclusion zones, conditions around internet use or contact with the Public Protection Unit, for example.

Application form

To ensure that we encourage applications from people with criminal records and shortlist applications purely on merit, we never ask for criminal record details at application stage. This is part of our commitment to the 'Ban the Box' campaign, which we encourage other employers to support. However, where roles are defined as 'peer delivered', a positive declaration will be requested. This is to ensure that applicants are eligible for the role.



All Unlock policies are updated as and when necessary. In addition, this policy will be fully reviewed every 3 years and any amendments approved by the Board of Trustees.

Policy last approved: October 2019

Summary of current roles and approach to criminal records

| Role | Ask? | What | When | DBS? | Lawful basis | Purpose |
|--|--|--|---|--|---------------------|---------------------------------|
| Helpline roles (voluntary peer roles) | Yes | Confirmation Voluntary disclosure | At application Interview and any other stage | No | Legitimate interest | Inclusionary |
| Staff delivery (peer roles) | Yes | Confirmation Voluntary disclosure | At application Interview and any other stage | Basic level – to only confirm (but only in relation to unspent convictions) | Legitimate interest | Inclusionary |
| Project, policy, delivery roles | No | N/A | | No | | N/A |
| Finance/funding roles | Yes | Declaration in relation to relevant financial related offences | Job offer stage | Yes – but only in relation to confirming relevant unspent financial-related offences | Legitimate interest | Assess and consider suitability |
| Senior manager (covered by CC rules) | Individuals to disclose in line with the rules | Declaration in line with CC rules | Job offer stage | No | Legal obligation | Compliance |
| Trustees | Individuals to disclose in line with the rules | Declaration in line with CC rules | Offer stage | No | Legal obligation | Compliance |