

No, They Wont Nick The Stationery...

10 Things To Think About When
Hiring People With Convictions

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Introduction



When most small business owners hear the phrase “hiring people with criminal convictions,” their first thought is usually risk related. The till. The customers. The feeling that it’s all going to be time consuming and complicated rather than worthwhile.

This guide is designed to show you that it doesn’t have to be. The legal framework is manageable. The steps are simpler than you think. And the benefits - for your business, your team, and the individual with a conviction getting a second chance - are well evidenced.

Around one in four people of working age in England and Wales have some form of criminal record. Crucially, only 6-8% of those sentenced actually go to prison. In 2022, more than half of all criminal convictions were for summary motoring offences - things like speeding and driving without insurance. An “ex-offender” does not always mean an “ex-prisoner.”

Yet when it comes to finding work, a criminal record haunts individuals. Research consistently shows that the single biggest factor in whether someone reoffends is whether they can find employment. When employers open the door, they give people stability, purpose, and a reason to stay on track. When the door stays closed, the opposite tends to happen.

This guide is **not** a moral lecture. It’s a hands-on handbook for small business owners who want to know: How does this actually work? What does the law say? What should I ask, and what should I avoid? How do I keep my business safe while giving someone a genuine chance?

We have written this specifically for small businesses because you are the ones who have the most to gain and the least time to wade through dense HR guidance. You don’t have a legal department. You have got a business to run and you **need answers** that are clear and honest.

So here are 10 things to think about, plus a section of ready-made templates and example policies you can adapt. No jargon without explanation. No sermons. Just the information you need.

Why Are You Working With People Who Have Convictions



Over 12 million people in England and Wales have a criminal record - roughly **1 in 4** working-age adults

- ★ Most convictions are for minor offences, not serious violent crime
- ★ There is no general legal or insurance barrier to employing someone with a conviction
- ★ You almost certainly already employ someone with a record and don't know it

There are over 12 million people recorded as having a criminal record on the Police National Computer. That is roughly one in four of all working-age adults. If you employ more than three or four people, there is a reasonable chance that at least one of them has some form of record.

It might be a caution from fifteen years ago, a fine for something minor, or a conviction from a period of their life they would rather forget. Most of the time, you will never know about it, and that is exactly how the law is designed to work.

The phrase “people with convictions” conjures up a very specific image, and it is almost always wrong. The overwhelming majority of criminal records relate to offences that are far less dramatic than the evening news might suggest - minor theft, criminal damage, drug possession, or driving offences. Many are one-off incidents from someone's youth that bear no resemblance to who they are today.



In 2022 57% of all criminal convictions in England and Wales were for summary motoring offences.

An estimated 1 in 3 Department for Work and Pensions customers has a criminal record. Having a conviction is far more common than most people realise.

There is also a common misconception that you are somehow not allowed to employ someone with a criminal record, or that it creates an insurance problem. **This is not true.** For the vast majority of roles, there is **no legal barrier whatsoever.** On the insurance front, spent convictions should not be considered. If your broker or insurer suggests otherwise, you should push back, and it may be worth reviewing your cover at renewal to ensure it does not contain unnecessary exclusions.

A NOTE ON INSURANCE

Review your existing insurance policies for any clauses relating to criminal convictions. Spent convictions should not be considered for insurance purposes. Employers' Liability insurance sometimes requires that directors or trustees do not have unspent convictions, but this can often be addressed with a simple policy endorsement at renewal. If your insurer is resistant, speak to other employers in your sector who have experience of this.

“People with convictions” are not a separate category. They are already part of your workforce, your customer base, and your community. The question is not really whether to work with them - it’s whether to do so knowingly, fairly, and with your eyes open.



The Genuine Commercial Case



This is not about doing someone a favour. Hiring people with convictions can tangibly **strengthen your business**. Here is the evidence.

1 They Stay Longer

Staff turnover is one of the biggest costs for small businesses. Research shows that employees with convictions tend to stay in their jobs longer than average - **75% retention after 12 months** is the figure consistently cited across employer surveys. They place a higher value on having a job because they know how hard it was to get one. That translates into loyalty and lower turnover.

2 They Perform Well

Over 86% of employers who have knowingly hired someone with a conviction rate them as good at their job. **Over 80% have positively rated their reliability, motivation, attendance, and performance.** These are not people who coast.

3 You are Fishing in a Bigger Pond

42% of employers currently have hard-to-fill vacancies. If your industry has skills shortages, opening your recruitment to people with convictions gives you access to a talent pool that most of your competitors are ignoring. Many prisons run training programmes that produce people with recognised, industry-relevant qualifications in areas like catering, construction, and warehousing.

④ It Reduces Your Recruitment Costs

The average cost of filling a non-management vacancy is around £2,000. Working with organisations like the New Futures Network or local probation services can put you in touch with candidates who are ready to work, often at no cost to you.

⑤ Your Customers Support It

Three out of four members of the public say they would be comfortable buying from a business that employs people with convictions. 81% think that businesses doing so are making a positive contribution to society. Over 92% of employers who have embraced diverse recruitment say it has enhanced their reputation.

Real-World Example

Greene King runs a 'Releasing Potential' programme that actively recruits from prisons into hospitality roles. Halfords reported that retention among graduates from their prison academy was higher than among standard shop floor recruits. These are not charitable exercises - they are commercially driven recruitment strategies.



The Law In Plain English



The Rehabilitation of Offenders Act 1974 allows most convictions to become 'spent' after a set period

- Once spent, a conviction **does not** need to be disclosed and must be treated as if it never happened
- For most small business roles, you can **only ask about unspent convictions**
- Some roles are exempt, particularly those involving children or vulnerable adults

The Rehabilitation of Offenders Act 1974 (ROA)

The ROA is built on the principle that people who have served their sentence deserve the chance to move on. After a set period - the "rehabilitation period" - most convictions become "spent."

Jargon Buster

"Spent Conviction"

A conviction that has passed its rehabilitation period. Once spent, the person is legally treated as though it never happened. They do not need to disclose it to most employers, and it is unlawful to refuse employment or dismiss someone because of a spent conviction.

The length of the rehabilitation period depends on the sentence given, not the offence itself. A custodial sentence of one year or less becomes spent 12 months after the sentence - including any licence period - is completed. A sentence of over one year and up to four years becomes spent four years after completion. A sentence of more than four years (where it is not a Schedule 18 offence - see below) becomes spent seven years after completion. Fines become spent 12 months from the date of conviction. Simple cautions are spent immediately; conditional cautions are spent after three months. Community and rehabilitation orders become spent at the end date specified by the order, or two years from the date of conviction if no end date was given.

Some sentences can never become spent. These include life sentences, Imprisonment for Public Protection (IPP) sentences, and sentences of over four years for offences listed in Schedule 18 of the Sentencing Act 2020 - which covers serious violent, sexual, and terrorist offences. If you are unsure whether a particular conviction is spent, Unlock's free online Disclosure Calculator at disclosurecalculator.org.uk can work it out for you.

What This Means for You

For the majority of roles in a small business - shop assistants, warehouse staff, office workers, tradespeople - you can only ask about unspent convictions. If someone's conviction is spent, they have no obligation to tell you, even if you ask directly.

They have not lied. The law specifically gives them that right.

The Exceptions

Some roles are exempt from the ROA, meaning you can ask about spent convictions too. These are typically roles involving regulated work with children or vulnerable adults, roles in healthcare, law enforcement, and certain financial or legal positions. If your business does not involve these kinds of roles, the standard rules apply.

Data Protection and Criminal Record Information

Under UK GDPR and the Data Protection Act 2018, information about criminal convictions is classified as particularly sensitive data. The law requires a higher standard of care when you collect, store, and share this information. You should only process it when there is a clear and lawful reason to do so, restrict access to those who need it for the recruitment decision, and delete it when it is no longer required.

The Information Commissioner's Office makes clear that even the absence of a conviction (for example, a clear DBS check) is still criminal offence data and must be handled accordingly. If you hold this type of data, you should have a simple policy document setting out why you hold it, who can access it, and when it will be deleted. Section 11 of this guide includes an example policy you can adapt.

Jargon Buster

"Unspent Conviction"

A conviction still within its rehabilitation period. An employer can ask about unspent convictions, and the person is legally required to disclose them if asked. However, an unspent conviction does not automatically disqualify someone from a job.

Key Takeaway

For most small business roles, you can only ask about unspent convictions. Getting this wrong does not just disadvantage the candidate - it could put you on the wrong side of the law. If in doubt, contact Nacro's free Employer Advice Service.

Understanding Criminal Record Charges



- ★ DBS checks come in four levels - the type of role determines which check you can request
- ★ For most small business roles, you do not need a DBS check at all
- ★ It is a criminal offence to request a higher-level check than the role is eligible for
- ★ A DBS check is information to support a decision, not a pass or fail

Basic Check

Shows only unspent convictions. Available for any role. This is the most common type for small businesses.

Standard Check

Shows both spent and unspent convictions, plus cautions. Only available for specific roles listed in the ROA Exceptions Order.

Enhanced Check

Includes everything on a standard check, plus any additional information the police consider relevant. Used for roles involving regular contact with children or vulnerable adults.

Enhanced with Barred Lists

Includes everything on a standard check, plus any additional information the police consider relevant. Used for roles involving regular contact with children or vulnerable adults.

Jargon Buster

“DBS Check”

DBS stands for the Disclosure and Barring Service. A DBS check is a background check that reveals information about a person’s criminal record. The level of detail depends on the type of check and the nature of the role. It is not a pass or fail - it provides information to support a recruitment decision.

When Do You Actually Need a Check?

For most small business roles, you do not need a DBS check at all. If the role does not involve working with children or vulnerable adults, or fall into a specific exempt category, requesting a standard or enhanced check would be unlawful. Every role should be assessed individually before you advertise it, so you know which level of check (if any) is required. The UK Government website has a tool to help you determine the correct check for each role.

You can always request a basic DBS check for any role. But remember: it will only show unspent convictions, which the person is already legally required to disclose if asked.

Jargon Buster

“Regulated Activity”

A legal term for work involving close, unsupervised contact with children or vulnerable adults - for example, nursery workers, care home staff, or certain teaching positions. It is a criminal offence for someone on the barred list to apply for such a role, and a criminal offence for you to employ them in one.

Important!

A DBS check is not a pass or fail. A record on a check does not automatically make someone unsuitable. Your job is to assess whether the specific conviction is relevant to the specific role. For instance, an unspent conviction for a minor public order offence from three years ago has no bearing on someone’s ability to work in your warehouse.

How to Fix Your Application Process



- ★ Remove conviction-related questions from initial application forms ('Ban the Box')
- ★ Assess candidates on skills and experience first, and deal with convictions later
- ★ Use positive, welcoming language in job adverts
- ★ State clearly if a DBS check is required for the role

If your application form asks “Do you have any criminal convictions?” on page one, you are almost certainly losing good candidates before you have had a chance to assess them.

Jargon Buster

“Ban The Box”

A campaign led by Business in the Community that encourages employers to remove tick-box questions about criminal records from initial application forms. The principle is straightforward: assess candidates on their skills and experience first, then deal with conviction information later, when you have better context for a fair decision.

Research shows that 75% of employers admit they would use a criminal record disclosure to favour another candidate, even before considering relevance. When someone with a conviction sees that tick box at the start of an application, many will not bother completing it. They assume - often correctly - that ticking “yes” means their application goes straight in the bin.

What to Do Instead ✓

- Remove any conviction-related questions from your initial application form.
- Assess candidates on skills, experience, and suitability during shortlisting.
- If you need to ask about convictions, do so after interview - ideally at the conditional offer stage.
- Make sure you are asking the right question for the role. For most roles: “Do you have any unspent convictions?”
- Keep conviction information separate from the rest of the application.

Your Job Adverts Matter Too

If you want to attract candidates with convictions, say so.

A positive statement such as

“We welcome applications from people with lived experience of the criminal justice system”

is far more effective than the vague

“Having a criminal conviction will not necessarily be a bar to employment.”

Include a link to your policy or a brief summary. If a DBS check is required, state this upfront.

Quick Win

If you do nothing else after reading this guide, remove the criminal record tick box from your application form. It costs nothing, takes five minutes, and immediately opens your recruitment to candidates you would otherwise never see.

Handling Disclosure with Confidence



- ★ Stay calm and professional when someone discloses a conviction
- ★ Focus on context and circumstances, not the details of the offence
- ★ Ask “What happened?” rather than “What did you do?”
- ★ Keep all disclosure information strictly confidential
- ★ You are not the court - your job is to assess relevance to the role

At some point during your recruitment process, a candidate may disclose a criminal conviction. This might happen on a form, during an interview, or in conversation. Some candidates will bring a prepared letter of disclosure to the interview, setting out their convictions and the circumstances in their own words. If someone hands you a letter like this, read it carefully and use it as the starting point for a supportive conversation rather than an interrogation.

How you handle that moment matters greatly - both for the candidate and for your business.

Stay Calm and Professional

For the person disclosing, this is likely one of the most stressful parts of the process. Many have experienced being immediately written off the moment they mention their record. A calm, measured response sets the tone for a fair assessment.

You do not need to conduct an interrogation. The goal is to understand the context, not to extract every detail. Effective questions focus on understanding:

What to Ask

- What were the circumstances at the time? (Rather than “What did you do?” - this approach, used by employers like Greene King, encourages a fuller picture.)
- How long ago did it happen, and how old were you?
- Have your circumstances changed since then?
- Is there anything you are doing now that reflects that change?

What Not to Ask

- Do not ask for more detail than you need
- Do not ask about convictions that are spent (unless the role is exempt).
- Do not ask about arrests, allegations, or charges that did not result in a conviction
- Be aware of “over-disclosure” - if a candidate tells you about a spent conviction or a conviction you have no right to know about, you should not take it into account. If this happens, gently explain that they were not required to share that information and that it will not influence your decision

Your role is not to re-try the case. It is to determine whether the conviction is relevant to the job and whether the person can perform it safely and effectively. Focus on the questions above and let the answers guide your assessment.

Confidentiality

Any information shared about a conviction must be kept confidential under data protection law. Share it only with people who need to know for the recruitment decision. Do not leave paperwork in shared spaces. Delete or securely destroy the information when it is no longer needed. The candidate should be told exactly who in the organisation has seen their disclosure.

Remember

The person does not have to tell their future colleagues about their conviction. That is their choice. If you hire them, reassure them that their disclosure will remain confidential and that they decide who else, if anyone, to tell.

A Common Sense Approach to Risk-Assessment



- ★ Risk assessment is structured common sense, not a bureaucratic process
- ★ The key question: is this conviction relevant to this specific role?
- ★ Consider the nature, seriousness, age, and pattern of offending
- ★ Think practically about what the role actually involves day to day
- ★ Think practically about what the role actually involves day to day

When someone discloses a conviction, or a DBS check reveals one, you need to decide: Does this matter for this specific role? This does not require a committee or a lawyer. It requires structured common sense.

The Key Questions

What was the offence? You need a general understanding of what happened, but not every detail.

How relevant is it to the job? A fraud conviction is clearly relevant for a bookkeeper. It is far less relevant for a gardener. A driving offence matters for a delivery driver but not for a kitchen porter.

How serious was it? There is a significant difference between a minor public order offence and a serious assault.

How long ago was it? An offence from 20 years ago tells you far less about someone than one from 6 months ago.

Was there a pattern? A single offence is very different from a string of similar offences.

Have circumstances changed? Has the person moved on? Is there evidence of change - a probation officer's reference, completion of a programme, stable housing?

Could the role create opportunities to reoffend? Think practically about day-to-day duties. If someone has a conviction for theft and the role involves handling cash unsupervised, that requires careful consideration. If the role has no connection to the offence, the risk is minimal.

Record Your Decision

Write down your reasoning - even just a few sentences. Note what you considered, what the candidate said, and why you decided to offer or not offer the role. This protects you if the decision is ever questioned and demonstrates that you acted fairly. Section 11 of this guide includes an example risk assessment form.

If You Decide Not to Hire

If you cannot offer someone a role because of their conviction, explain why. Give them honest, useful feedback so they can address it in future applications. Many people with convictions are used to applying for dozens of jobs and hearing nothing back. Even when the answer is no, a phone call with clear reasons will be appreciated. You must not retain details of their conviction after the process is complete.



Managing Confidentiality, Data, and Staff Concerns



- ★ An employee's conviction is private - you cannot share it without their consent
- ★ Criminal record data has enhanced legal protections under GDPR
- ★ Communicate your general approach to staff without referencing individuals
- ★ Have a plan for handling accidental disclosure of a colleague's conviction
- ★ Store conviction data securely, separately from routine HR files, and delete it when no longer needed

Confidentiality and Data Handling

A new employee's conviction is their private information. Under data protection law, you cannot share it with colleagues without their explicit consent. In most cases, nobody else in the business needs to know.

Criminal record information - including DBS certificates, disclosure statements, and your own notes from risk assessments - must be stored securely and separately from routine HR files. Access should be limited to a very small number of named individuals. Disclosure information from unsuccessful applicants should be destroyed promptly after the recruitment process concludes. For successful applicants, review periodically whether you still need to hold it - particularly when a conviction becomes spent, at which point you have no right to retain the information unless the role is a regulated one.

Jargon Buster

"Criminal Offence Data"

Under UK GDPR, information about criminal convictions and offences is given enhanced legal protection. This includes not just details of convictions, but also allegations, cautions, and even the fact that someone has no convictions (for example, a clear DBS check). You must have a lawful basis for holding it, store it securely, minimise who can access it, and delete it when it is no longer needed.

Communicating Your Approach to Staff

Rather than telling your team about any individual, communicate your general approach. You might mention that your business recruits based on skills and attitude, that you believe in giving people a fair chance, and that you do not discriminate unfairly on the basis of criminal records. This sets expectations and signals to any existing employees with undisclosed convictions that they work somewhere that does not judge them for their past.

If a Colleague's Conviction Becomes Known

Despite best efforts, there may be rare situations where a colleague's conviction becomes known to others in the workplace. If this happens, you should take it seriously. Interview the individual privately - off-site if possible - to understand how the information came out and to assess any impact on their wellbeing. Consider steps such as adjusting shift patterns if needed. If the disclosure was deliberate, this is a data protection breach and should be treated as a disciplinary matter. If the employee has been open and honest with you, standing by them sends a powerful message about your values.

Addressing Staff Concerns

If a colleague raises concerns, take them seriously but respond with facts. The common misconceptions - that people with convictions are untrustworthy, that the business is taking on legal risk, or that customers will react badly - are not supported by evidence. Three out of four members of the public would be comfortable buying from a business that employs people with convictions. The evidence consistently shows these employees to be motivated, loyal, and determined.

Setting People Up to Succeed



- ★ For most people, onboarding should be the same as for any other employee
- ★ Recent prison leavers may need some extra flexibility in the early weeks
- ★ Consider providing a mentor or named point of contact
- ★ Be aware of licence conditions, probation appointments, or tagging requirements
- ★ Ask, don't assume - engage with the individual about what support they need

For most people with convictions, the onboarding process does not need to be any different from any other new starter. The same induction, the same expectations, the same standards. Making someone feel singled out can be just as harmful as discrimination.

That said, if you are hiring someone who has recently left prison or has been out of work for a long time, there are a few things worth thinking about.

Jargon Buster

“ROTL (Release on Temporary Licence)”

This means someone is still technically serving their sentence in prison but has been approved to leave during the day for work or training. They will need to return to the prison each evening and will have specific conditions. The New Futures Network can help you understand how this works in practice.



Reminder

Make sure the new starter knows they do not have to tell colleagues about their conviction. That is their personal information and their choice. Removing that pressure helps them settle in and focus on the job.

Support that makes a Difference

Provide a mentor or named contact - someone the new starter can approach with questions without feeling awkward

1

2

Be aware that recent prison leavers may face practical challenges: housing, bank accounts, identification documents. A little flexibility goes a long way

Accept character references from probation officers, prison staff, or charity workers if traditional employment references are not available.

3

3

If performance is uneven in the early weeks, consider flexibility with probation periods rather than making a snap decision

If someone has external supervision requirements - meetings with a probation officer, reporting to a supervising police officer, or electronic tag restrictions - discuss what adjustments may be needed to working hours. A conversation with probation may be required to align tag curfew times with shift patterns.

4

Don't Make Assumptions

The most important thing is to ask, not assume. Do not assume someone needs extra help. Do not assume they will struggle. Many people with convictions will start strongly and never look back. Others may need support. The best approach is an open conversation. After the first few months, ask how the induction went and whether there is anything you could improve. Their perspective can help you refine your approach for future hires.

Who Can Help



- ★ Several organisations provide free, specialist support to employers
- ★ New Futures Network links employers with prisons
- ★ Nacro offers a free Employer Advice Service on legal and practical questions
- ★ Offploy provides employer toolkits, training, and consultancy
- ★ You do not need to work this out on your own
- ★ Unlock offers a helpline and free Disclosure Calculator for working out when convictions are spent

There are organisations whose entire purpose is to help employers navigate this, and most offer their support free of charge.

New Futures Network (NFN)	Part of HM Prison and Probation Service, NFN has Employment Brokers in prisons across England and Wales who can match you with candidates, help you understand prison recruitment, and support you through the process.
Nacro	One of the leading criminal justice charities. Their free Employer Advice Service covers everything from DBS checks to risk assessments to legal questions. If you are unsure about anything in this guide, Nacro should be your first call.
Offploy	A social enterprise run largely by people with lived experience of the justice system. Offploy provides employer toolkits, training, consultancy, and an 'Employing With Conviction' guide covering culture, policy, risk management, and impact measurement. They offer free 30-minute calls to help employers get started.
The Oswin Project	Based in Northumberland, The Oswin Project has been supporting people with criminal records into employment, training, and mentoring since 2014. What makes them distinctive is that they run their own social enterprises - including a training café and bakery inside HMP Northumberland, a landscaping and property maintenance service, a bike repair workshop, and a farm shop - all staffed by serving prisoners and prison leavers. 70% of their own staff have lived experience of the justice system. They also match employers with motivated, work-ready candidates, providing ongoing mentoring and support throughout the employment process to ensure it works for both sides. Their reoffending rate for people they work with is under 5%, compared to a national average of around 29%. If you are in the North East, they are an excellent first point of contact.
CIPD Trust	Linked to the Chartered Institute of Personnel and Development, the CIPD Trust provides guidance on recruiting, employing, and retaining people with convictions, including mentoring advice and employer case studies.

Other Helpful Organisations

Unlock - an independent national charity for people with criminal records. They run a peer-led helpline, an information hub, and a free online Disclosure Calculator (disclosurecalculator.org.uk) that works out when convictions become spent. Their employer-facing site, Recruit!, helps businesses deal with criminal records fairly

Business in the Community - runs the Ban the Box campaign and provides employer resources.

Working Chance - helps women with convictions find employment and build careers.

St Giles Trust - supports prison leavers with employment, housing, and everyday needs.

Only a Pavement Away - a hospitality sector charity helping prison leavers into pub, hotel, and restaurant roles.

Prison Reform Trust - provides research and information on the criminal justice system.

Every Question Has Been Asked Before

These organisations exist because they want employers to succeed at this. There is no question too basic or too niche. If something in this guide has raised a query, pick up the phone.

Useful Contacts

New Futures Network	newfuturesnetwork.gov.uk
Nacro Employer Advice Service	nacro.org.uk
Offploy	offploy.org
The Oswin Project	oswinproject.org.uk
CIPD Trust	cipdtrust.org
Unlock	unlock.org.uk
Disclosure Calculator	disclosurecalculator.org.uk
Ban the Box	bitc.org.uk
Working Chance	workingchance.org
Disclosure and Barring Service	gov.uk/dbs
Information Commissioner's Office	ico.org.uk
Prison Reform Trust	prisonreformtrust.org.uk

A Final Thought

£18bn

Reoffending Costs the UK economy up to £18bn a year

Employment is the single most effective way to reduce it. When someone gets a job, they get stability, purpose, and a reason to stay out of trouble.

As a small business owner, you are not expected to solve this problem on your own. But by being open to hiring people with convictions - by removing unnecessary barriers, asking the right questions, and assessing people on who they are now rather than who they were - you can make a real difference

To your business, to your community, and to the individuals who need someone to give them a fair chance.



The Paperwork: Example Policies and Templates

- ★ Example policy on recruiting people with criminal convictions
- ★ Example criminal record data handling policy
- ★ Blank risk assessment form
- ★ Worked example: a completed risk assessment showing how to use the form
- ★ Manager's checklist for when a candidate declares a conviction
- ★ All templates can be adapted to your organisation's needs

The following templates are designed to be adapted for your own business. They are starting points, not finished articles. Tailor the wording to reflect your organisation, your industry, and the roles you recruit for. Avoid using template policies without making them your own - a policy that clearly reflects your business will be far more credible and effective than a generic cut-and-paste document.

Template 1: Policy on Recruiting People with Criminal Convictions

Organisation: [Company Name]

[Company Name] is committed to fair and inclusive recruitment. We welcome applications from all candidates, including those with criminal convictions, and we assess every applicant on their skills, qualifications, and suitability for the role.

We comply fully with the Rehabilitation of Offenders Act 1974, the DBS Code of Practice, and all relevant data protection legislation.

Our commitments:

- We will not ask about criminal convictions on our initial application forms.
- We will only ask about convictions that we are legally entitled to know about, at an appropriate stage of the recruitment process.
- We will only request DBS checks where the role is eligible for one, and at the correct level for the position.
- We will not discriminate unfairly against any candidate on the basis of a criminal record.
- We will treat all disclosure information as confidential, sharing it only with those who need it for the recruitment decision.
- We will assess each case individually, taking into account the nature of the offence, its relevance to the role, the time elapsed, and any evidence of change.
- We will discuss any concerns arising from a disclosure with the candidate before making a final decision.
- Where we are unable to offer a role due to a conviction, we will provide constructive feedback.
- We will support employees who have disclosed convictions, including maintaining confidentiality. If an employee has been open and honest with us, we will stand by them in the event of any internal or external attention regarding their past.

All staff involved in recruitment will receive appropriate training on this policy and the relevant legislation.

This policy will be reviewed annually.

Signed: _____ Date: _____

Name and Role:

Template 2: Criminal Record Data Handling Policy

Criminal Record Data Handling Policy

Purpose: This policy sets out how [Company Name] handles personal data relating to criminal convictions and offences, in compliance with UK GDPR and the Data Protection Act 2018.

Scope: This policy covers all criminal offence data collected during recruitment, including DBS certificates, disclosure statements, risk assessment notes, and any related correspondence.

Collection: We only collect criminal offence data where there is a lawful and genuine reason to do so, and only at the appropriate stage of the recruitment process.

Storage: All criminal offence data is stored securely, separately from routine HR files. Access is restricted to [named role(s), e.g. 'HR Manager and Managing Director'].

Retention:

- Disclosure data from unsuccessful applicants will be securely destroyed within [e.g. 6 months] of the conclusion of the recruitment process.
- Disclosure data from successful applicants will be reviewed periodically. It will be securely destroyed or returned to the employee when the conviction becomes spent, unless the role is a regulated position requiring ongoing checks.
- DBS certificates will not be retained for longer than six months unless there is a specific and documented reason for doing so.

Sharing: Criminal offence data will not be disclosed to anyone who does not have a genuine need to know. Employees will be informed of exactly who within the organisation has access to their information.

Destruction: Data will be destroyed using a cross-cut shredder (paper) or permanent deletion (electronic). No copies will be retained.

Review: This policy will be reviewed annually.

Schedule 1 Condition relied upon: [e.g. Condition 1 - Employment]

Lawful Basis under Article 6: [e.g. Legitimate Interests / Legal Obligation]

Template 3: Criminal Record Risk Assessment Form

Criminal Record Risk Assessment Form

Candidate Name: _____ Date: _____

Position Applied For: _____

Assessor(s): _____

SECTION A: Offence Details

Nature of offence(s): _____

Date(s) of offence(s): _____

Sentence received: _____

Is the conviction spent or unspent? _____

SECTION B: Assessment Questions

1. How relevant is this offence to the role applied for?

[Not relevant / Somewhat relevant / Directly relevant]

Notes: _____

2. How serious was the offence?

[Minor / Moderate / Serious]

Notes: _____

3. How long ago did the offence occur? _____

4. Was this a single incident or part of a pattern? _____

5. What were the circumstances at the time? _____

6. Have the candidate's circumstances changed since? _____

7. Does the role present realistic opportunities to reoffend?

[Yes / No] If yes, explain: _____

8. Does the role involve:

- Unsupervised contact with vulnerable people? [Yes/No]
- Direct responsibility for finance or valuables? [Yes/No]
- Direct contact with the public? [Yes/No]
- A significant level of trust? [Yes/No]

SECTION C: Decision

Risk level: [Low / Medium / High]

Decision: [Offer role / Offer role with safeguards / Do not offer role]

If safeguards, specify: _____

If not offering, reason: _____

Signed: _____ Date: _____

Worked Example: A Completed Risk Assessment

The following is a fictional example showing how the risk assessment form above might be completed in practice. It illustrates the kind of reasoning and level of detail that is appropriate.

Candidate Details	
Candidate Name	Mark Taylor
Date	Mar 14, 2026
Position Applied For	Warehouse Operative
Assessor(s)	Sarah Jenkins (Owner) and Tom Pearce (Warehouse Manager)
Offence Details	
Nature of offence(s)	Possession of Class B drugs (cannabis)
Date(s) of offence(s)	Jun 2018
Sentence received	Community order (12 months) with unpaid work requirement
Spent or unspent?	Spent (rehabilitation period ended July 2020)
Note	This conviction is spent. The candidate disclosed it voluntarily. As a spent conviction, it cannot be taken into account for this role. This assessment is
Assessment	
Relevance to role	Not relevant. The role involves picking and packing. There is no connection between a drug possession offence and the duties of the role.
Seriousness	Minor. Possession for personal use, not supply. Community order rather than custody.
How long ago?	Almost 8 years ago.
Single incident or pattern?	Single incident. No other convictions disclosed or revealed.
Circumstances at the time	The candidate was going through a difficult period after a family bereavement and was using cannabis to cope. He has since received support and has not used drugs since.
Have circumstances changed?	Yes. Community order completed. Stable accommodation for five years. Two temporary warehouse roles since 2020 with positive references from both.
Does the role present opportunities to reoffend?	No.
Unsupervised contact with vulnerable people?	No

Responsibility for finance or valuables?	No
Direct contact with the public?	No
Significant level of trust?	No more than any standard employee
Decision	
Risk level	Low
Decision	Offer role
Safeguards required	None beyond standard onboarding.
Reasoning	The conviction is spent and not relevant to the role. The candidate performed well at interview, has relevant experience, and provided strong references.
Signed	S. Jenkins - 14 March 2026

Note how this example keeps the reasoning brief but clear. It addresses each question, explains why the conviction is not relevant, and records the decision with a short justification. If this decision were ever questioned, the form demonstrates that the employer considered the matter fairly and reached a reasonable conclusion.

Worked Example 2: A More Complex Case

Not every assessment will be as clear-cut. Here is a second example involving a conviction that is more closely connected to the role.

Candidate Details	
Candidate Name	Lisa Morgan
Date	Mar 14, 2026
Position Applied For	Accounts Assistant
Assessor(s)	Sarah Jenkins (Owner) and David Hall (Finance Manager)
Offence Details	
Nature of offence(s)	Fraud by false representation (inflated expense claims at previous employer)
Date(s) of offence(s)	Mar 2021
Sentence received	8 months' imprisonment, suspended for 18 months
Spent or unspent?	Unspent (rehabilitation period: sentence length plus 4 years = estimated spent date late 2026)
Assessment	
Relevance to role	Directly relevant. The role involves processing invoices, handling petty cash, and preparing expense claims. The offence relates directly to financial dishonesty in a workplace.
Seriousness	Moderate. Suspended prison sentence indicates the court considered it serious enough to warrant custody but that there were mitigating factors.
How long ago?	Approximately 5 years ago.
Single incident or pattern?	The candidate described it as occurring over approximately four months. No other convictions.
Circumstances at the time	The candidate was in significant personal debt following a relationship breakdown and began inflating expense claims. She was caught, immediately admitted responsibility, and cooperated fully with the investigation.
Have circumstances changed?	Yes. Suspended sentence completed. Amount repaid in full through court order. Completed a financial management course. Has since worked in a retail role (not involving finance) with a positive reference.
Does the role present opportunities to reoffend?	Yes. The role involves direct access to financial systems and petty cash.

Unsupervised contact with vulnerable people?	No
Responsibility for finance or valuables?	Yes
Direct contact with the public?	Limited
Significant level of trust?	Yes - access to company accounts
Decision	
Risk level	Medium
Decision	Offer role with safeguards
Safeguards	(1) All expense claims and petty cash reconciliations to be counter-signed by the Finance Manager for the first 12 months. (2) No sole signatory authority on company bank account. (3) Six-month probation review to include specific discussion of the arrangement. (4) Candidate has been informed of and agreed to these measures.
Reasoning	The candidate was the strongest at interview and has clearly taken steps to address the circumstances that led to the offence. The conviction is directly relevant, but the safeguards above reduce the residual risk to an acceptable level. The candidate was open about her record and the measures have been agreed collaboratively.
Signed	S. Jenkins - 14 March 2026

This second example shows a more nuanced assessment. The conviction is directly relevant, but the employer has not simply said no. Instead, they have identified sensible safeguards that manage the risk while still giving the candidate a fair opportunity. This is the kind of proportionate, common-sense approach that the law and good practice both encourage.

Template 4: Manager's Checklist - When a Candidate Declares a Conviction

BEFORE THE INTERVIEW

- Review your company's policy on recruiting people with convictions
- Review the job description and any role risk assessment
- Determine whether the type of conviction declared could affect the candidate's ability to perform the role

DURING THE INTERVIEW

- Conduct the interview fairly - focus on qualifications, skills, and experience
- Do not ask illegal or inappropriate questions about criminal history
- If the candidate discloses voluntarily, respond calmly and professionally
- Reassure them of confidentiality and explain your fair evaluation process
- Ask about circumstances and context, not the details of the offence

AFTER THE INTERVIEW

- Assess qualifications and performance against the role requirements and any risk assessment
- Evaluate whether the conviction has a direct and adverse impact on their ability to do the job safely
- If unsure, consult HR or seek advice from Nacro's Employer Advice Service

OFFER AND ONBOARDING

- Base your decision on qualifications, abilities, and relevance of the conviction
- Issue a standard offer letter with position, start date, and salary details
- During induction, emphasise your commitment to equal opportunity and inclusion

POST-HIRE

- Offer the same support and development opportunities as for all employees
- Discuss any external supervision requirements (probation, tag curfews) and agree any adjustments needed
- Monitor performance through normal channels and provide constructive feedback
- Maintain confidentiality at all times
- Stay informed about relevant legislation to ensure ongoing compliance



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