

# Employing ex-offenders



Many employers may be put off from employing an ex-offender in their organisation for fear of reputational damage or unrest amongst existing workers. A recent news item on this issue featuring the BBC has brought this issue to the fore. Here we take a look at what has happened.

## BBC employ ex offender

Former Watchdog presenter Ashley Blake has reappeared on BBC screens after receiving a prison sentence for two years for wounding a teenager and perverting the course of justice in 2009. He spent nine months of the two year sentence in prison and has subsequently began working for the BBC again. A BBC spokeswoman explained that Blake's conviction was spent.

## Spent convictions

When a conviction is spent, it means that the individual is considered as having been rehabilitated. Employers are usually interested in the criminal background of prospective employees and this will influence whether the individual is considered suitable for the role or not. Employers can generally no longer ask employees about spent convictions during the recruitment process, although they can ask about unspent convictions. The period after which a conviction is considered spent differs depending on the level of conviction (where a prison sentence was not involved e.g. cautions, fines etc) or the length of the prison sentence.

## Excluded occupations

Some types of job require disclosure of all convictions – spent and unspent unless it is protected – and these tend to be in the legal system, health services, work with children and vulnerable adults and high level finance position.

## A second chance

Many employers are recognising the difficulty that an ex-offender can face when attempting to get a job and so run schemes focussed on helping disadvantaged people back into work. Timpsons, the key cutting and shoe repair business, runs one of the most established

ex-offender programmes and highlights this in its recruitment policy. It has around 400 ex-offenders in its stores including some at manager level. It reports that only three of the 400 have gone on to re-offend. This is in stark contrast to the national figure of 60% of prisoners who reoffend. Timpsons is not the only business to run this type of scheme: Marks & Spencer has a similar scheme and Richard Branson has publically urged businesses to employ ex-offenders.

## An employer's choice

When provided with information about a prospective employee's criminal background either through a DBS check or on a job application form, it is up to the employer to decide whether that makes the individual unsuitable to carry out the role (unless information is revealed which would mean that the individual is legally barred from carrying out the role in question). Employers should take a step back and consider the nature of the conviction and the role which is being applied for when determining whether the conviction makes the individual unsuitable, in their opinion. Whilst a conviction for financial theft may make employers question the suitability of someone applying for a role involving the handling of cash; a conviction for public disorder or affray may not be so indicative of unsuitability in an office administration role.

Where offences are unspent, it is not unlawful to ask a candidate about the conviction. Some conversation around the events which lead to the offence taking place may help you decide whether this person could be the right fit for your organisation despite the conviction.

**The content of this briefing is correct at the time of publishing.**

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