



The Responsible
Business Network
Northern Ireland



A Practical Guide for Employers

BAN THE BOX

www.bitcni.org.uk

**Find out how your business can fairly
recruit those with criminal convictions**

TOOLKIT

BAN THE BOX

Fair recruitment of people with criminal convictions: a practical toolkit for employers

Introduction

Mainstream recruitment practices often exclude people with criminal convictions. The criminal record tick box is used on many application forms as a filtering mechanism during recruitment. It can also discourage people from applying.

Ban the Box urges UK employers to give people with criminal records a fair chance to work by removing the tick box about criminal convictions from their application processes.

MORE THAN 11.9 MILLION PEOPLE IN THE UK HAVE A CRIMINAL RECORDⁱ

Everyone with a criminal record needs employment to help break the cycle of reoffending. While many organisations still discriminate against people with criminal records, Ban the Box employers look at people's skills and abilities first. This helps to create fairer, more diverse workplaces, opening up opportunities for those who are overrepresented in the criminal justice system, including some BAME groups and care leavers.

LESS THAN 1% OF UNDER 18S ENTERING LOCAL AUTHORITY CARE EACH YEAR, YET CARE LEAVERS ARE ESTIMATED TO REPRESENT BETWEEN 24% AND 27% OF THE ADULT PRISON POPULATION.

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The issue

Employment reduces the likelihood that an individual will re-offend, and many UK employers have changed their attitudes towards employing people with criminal convictions. This is costly for society – re-offending costs the taxpayer £18.1bn per year, not to mention the impact on victims of crimeⁱⁱ.

EVERY EMPLOYER CAN BE A PART OF THE SOLUTION – BY OFFERING FAIR ACCESS TO WORK

Objective and transparent recruitment practices give people with criminal convictions, the opportunity to compete fairly for roles and move on from their past mistakes. And there are business benefits too – increasing the diversity of your talent pool and reducing the unnecessary exclusion of talented individuals from your roles.

81% OF EMPLOYERS AGREE THAT EMPLOYING EX-OFFENDERS HAS HELPED THEIR BUSINESSⁱⁱⁱ

This toolkit provides a step-by-step approach to help you implement a fair and inclusive recruitment process

“BEING A BAN THE BOX EMPLOYER MEANS GIVING OUR BUSINESS THE BEST CHANCE TO FIND THE RIGHT PERSON FOR THE ROLE, WHILE REDUCING REOFFENDING FOR THE GOOD OF SOCIETY. AS AN EARLY SUPPORTER OF BAN THE BOX, IT HAS BEEN BRILLIANT TO SEE OTHER BUSINESSES DISCOVER THE BENEFITS OF TAKING A FAIR APPROACH TO THE EMPLOYMENT OF PEOPLE WITH CRIMINAL CONVICTIONS.”

Marco Pagni, Group Legal Counsel and Chief Administrative Officer, Walgreens Boots Alliance

STEP ONE: UNDERSTAND YOUR STARTING POINT

Recruitment process checklist

You may need to check with different business units and departments to build a complete picture of your organisation's approach.

- ✓ Do you currently have a tick box on application forms asking about criminal convictions?
- ✓ Does the tick box apply to all roles or only specific roles? E.g. only those for which criminal records check forms part of the vetting process.
- ✓ What information do you request about convictions and when?
- ✓ How are candidates treated if they have a criminal conviction? E.g. rejected automatically or given the chance to discuss their convictions.
- ✓ How is this information assessed and by whom?
- ✓ Do you have a policy in place to guide recruitment decisions about criminal convictions?
- ✓ Are all the above answers consistent across your business?

Your recruitment culture

You will need the support of your HR and senior leadership teams to create a recruitment culture that welcomes suitable candidates with criminal convictions.

You can increase awareness of the need for inclusive recruitment through a visit to a local community project or prison. Create your bespoke business case for action, emphasising the benefits for recruitment and diversity.

56% OF ALL SENTENCES HANDED DOWN BY NI COURTS IN 2019, WERE FINES – MOST PEOPLE WITH A CRIMINAL RECORD HAVEN'T BEEN TO PRISON^{iv}.

Criminal records are complex, and this can result in misunderstanding that may undermine your recruitment process. See the myth busting section towards the end of this toolkit for answers to some of the most common misconceptions.

IMPACT STORY

RICOH

Ricoh UK signed up to the Ban the Box campaign in 2014 and have continued to be a strong business champion for ex-offenders. Since then, they have developed relationships with prisons and offered placements to prisoners on temporary release. James Knox, Community Investment Manager at Ricoh says that the key to creating an inclusive environment for ex-offenders is exposure. "There is a cultural change that needs to happen" he says. "Far too often people are surprised when they learn that someone here has a conviction, because their previous perceptions of ex-offenders is entirely negative".

These perceptions have changed as more employees – including senior leaders – have volunteered to support with the employability workshops which Ricoh continue to run. As well as encountering people with convictions whilst volunteering, Ricoh have helped to improve perceptions by actually employing ex-offenders. Whilst they do not ask about criminal convictions of job applicants at the point of application, they are clear that employees with offending backgrounds are empowered to disclose their past to colleagues without judgement.

STEP TWO: MAKE CHANGES TO YOUR RECRUITMENT PROCESS

Sentence	Aged 18 or over at conviction	Under 18 years at conviction
Absolute Discharge	6 months	
Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order	Date Order ceases OR one year — whichever longer	
Attendance Centre Order, Juvenile Justice Centre Order, Youth Conference Order, Reparation Order, Community Responsibility Order	One year after Order expires	
Hospital Order	5 years OR 2 years after Order expires— whichever longer	
Fine or Community Service Order Combination Orders	5 years	2 1/2 years
Prison—(immediate or suspended) OR Young Offenders Centre—sentence of 6 months or less	7 years	3 1/2 years
Prison—(immediate or suspended) OR Young Offenders Centre over 6 months—under 2 1/2 years	10 years	5 years
A period of detention of less than 6 months under Article 45 of the CJ(Children) (NI) Order 1998	N/A	3 years
A period of detention of over 6 months but less than 30 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	5 years
N.B. A CUSTODIAL SENTENCE OF MORE THAN 2 1/2 YEARS (30 MONTHS) CAN NEVER BECOME SPENT.		

Not all Ban the Box recruitment processes are the same. You will need to decide how and when to gather and assess information about criminal convictions after the initial application stage in a way that works for your organisation and for applicants.

Legislation defines what you're allowed to ask

The criminal record information that employers can consider during the recruitment process is defined by the Rehabilitation of Offenders (NI) Order 1978 (ROO). The ROO defines the time period during which all cautions and convictions must be disclosed by candidates to employers, if they are asked. Within this period the conviction is regarded as unspent.

When a caution or conviction has become spent, the offender is treated as rehabilitated in respect

of that offence and is not obliged to declare it for most roles.

Employers are legally allowed to consider unspent convictions during the recruitment process. *However, for most roles, it is illegal to make a recruitment decision based on a spent conviction.*

The time it takes for a conviction to become spent – the 'rehabilitation period' – depends on the sentence given, as set out in the table above.

It is the candidate's responsibility to understand their criminal record. However, it can be complex for jobseekers to know whether their rehabilitation period is complete, particularly if they have more than one conviction. Employers can provide guidance and be sensitive to this complexity.

Depending on the nature of your business, you may be subject to regulatory or contractual requirements which will affect how criminal convictions are considered in your recruitment process. For more information about these requirements see **Appendix 2**.

When and how to ask

Applicants are only required to disclose their criminal convictions if they are asked. There are various points during the recruitment process when you could ask if you wish to, as an alternative to the application form.

Remember: you could choose to have different processes for different types of roles or contracts. For more information read **Appendix 1** – regulatory.

Recommended approach:

Deal with disclosures and candidate assessment separately

We recommend criminal record disclosures are dealt with separately to candidate assessment. This ensures that candidates have the best chance to be hired on their suitability for the role.

Candidates should submit information about their criminal record to a relevant, trained person in the HR team in a form sent to the candidates as part of the interview pack.

This information can be requested after shortlisting, or as part of wider pre-employment checks, with a conditional offer of employment. The important thing is to ensure the assessment of the candidate and the assessment of any risk posed by any convictions are dealt with separately.

Candidates can be asked to submit information in a form and schedule an appointment to discuss their conviction as required. Your interviewers must also be made aware of this process and given information on how to respond should a candidate voluntarily disclose at the interview stage without being prompted to do so.

For more guidance on this approach see [NIACRO Guide to Assessing Criminal Record Information 2021](#).

IMPACT STORY

In order to ban the box, **Ricoh** carried out a review of their recruitment practices, taking into consideration their existing security policies, and a desire to recruit fairly. As a result, the company revised its security policy for each role to ensure the appropriate assessment of risk is carried out, ranging from only basic employment checks for some roles to in-depth checks for others, according to customer requirements. Applicants are only asked about criminal convictions at the stage of being offered a job, allowing Ricoh to judge a candidate's suitability for a role before taking into account any convictions.

RICOH

Alternative approaches

Ban the Box employers adopt a range of approaches to asking about convictions, depending on the nature of their business. The following approaches can also be used:

Not asking at all

You can choose not to ask candidates about criminal convictions during the recruitment process for roles that are not regulated. This means that candidates are only assessed on skills, and effective use of alternative management processes such as probation periods and line

management allow you to deal with any issues, should they arise. If you choose this approach, this must be a positive decision – your organisation must be comfortable not knowing, whatever the candidate's offence. Candidates should also be informed of this so that they are not concerned about what could happen should their criminal record become known once they are in employment, and given the option to tell their HR team or manager about their conviction if they would prefer.

Asking at interview

Asking candidates about their criminal record at interview gives the opportunity to discuss the circumstances surrounding their record without adding an extra stage to the recruitment process. Questions could be asked during the interview, or candidates could be requested to bring a written statement along with them to discuss and leave behind. If you choose this approach, interviewers should be given guidance to conduct this discussion effectively. Candidates should be given warning prior to the interview, so that they can prepare. They should also have the same time as those without a criminal record to answer the interview questions about their skills, so that they are not at a disadvantage.

AccessNI checks

You may also choose to verify information by conducting a criminal record check. For regulated activity roles, such as working closely with children and/or vulnerable adults, enhanced AccessNI checks are usually conducted. A basic criminal record check can be requested for any role or position which only provides details of unspent criminal convictions. For a small number of roles exempt from the ROO, but not in regulated activity, a standard check can be requested. This will provide details of both spent and unspent convictions.

Remember: it is often hard for candidates to know exactly what will appear on these checks due to the complexity of the law. If there are discrepancies between what a candidate has disclosed and the information on the check, give them a chance to discuss this with you before making any assumptions.

What to ask

We recommend using [NIACRO Guide to Assessing Criminal Record Information 2021](#).

- Criminal Record Disclosure Form. Should you need more information, you may wish to ask the following questions:
- When did you commit the offence(s)?
- Why did you commit the offence(s)?
- What was going on in your life at the time eg. housing, employment, lifestyle, relationships, health, financial management?
- What has changed in your life since then?
- How can I be sure that you are not going to pose a risk?

Assessing the information gathered

Businesses that gather the above information from candidates will need a policy and process to define how this will be assessed fairly. As the names of offences are often misleading and each experience of a conviction will be different, we do not recommend operating policies of blanket rejections for candidates with certain types of convictions. Instead, all contextual information should be taken into account and assessed against the specific role for which the candidate has applied.

Start from the position that the candidate will be suitable and unlikely to pose any risk. Then consider:

- The relevance of the conviction to the tasks and responsibilities of the role
- The seriousness of the offence
- The age of the applicant at the time of the offence(s)
- The length of time since the offence(s) occurred
- Whether the applicant has a pattern of offending behaviour
- The circumstances surrounding the offence(s) and the explanation offered
- Whether the applicant's circumstances have changed since the offending behaviour
- Whether the role they've applied for will put them at risk of re-offending

If after this assessment, you feel that their criminal conviction is likely to put their role or your business at risk, consider whether this risk could be mitigated or managed. If not, then you are within your right to choose not to employ them.

To assist with the assessment, you could categorise your roles and only assess certain information in depth for positions that have specific requirements or responsibilities e.g. access to company finances. Alternatively, you could apply a standard process for all roles.

It is also important to consider who will be involved in this decision-making process. It is best practice to involve two people to minimise subjectivity and moderate any undue risk aversion. You may also wish to appoint a senior, trained HR representative who reviews and guides the final recruitment decision about any applicants with criminal convictions. Alternatively, you could provide further guidance to recruiting managers via a helpline or legal expert where it is a complex decision to make.

AccessNI has a useful tool that can help with assessments. You don't need to have requested an AccessNI check to use this. It can be found at <https://www.justice-ni.gov.uk/publications/criminal-history-assessment-tool-and-guidance>

Once the decision has been made

If you choose not to hire: keep a record of why and make sure you provide detailed feedback, including information about why the candidate's criminal record prevented them from getting the job in order to help them in their future job search. Reassure them that their information will not be shared, in line with data protection requirements.

If you choose to hire: only those people who really need to know about your new employee's criminal record should be informed - it should not be shared widely. The applicant should be told who knows about the convictions they have disclosed. It is up to the applicant who they tell in addition, but you may also wish to provide guidance about dealing with their criminal record at work e.g. letting them know that they are not obliged to tell their colleagues.

Keep the candidate in mind throughout

As you develop your recruitment process, remember that you are dealing with a person and try to make the experience as positive as possible for candidates. Put yourself in the applicants' shoes by imagining repeatedly telling prospective employers about the worst mistake you have made. This would make anybody nervous, especially people who have been rejected countless times before having disclosed this information.

AccessNI have a Code of Practice (updated in October 2022) that organisation registered with them must adhere to when considering criminal history information of an applicant for employment. A copy of this can be found at the link below. Even if you do not use AccessNI checks to assist with your decisions, the Code could be used as a "good practice" guide. It is also useful for considering data privacy and protection issues.

<https://www.nidirect.gov.uk/sites/default/files/publications/accessni-code-of-practice.pdf>

STEP THREE: PUT BAN THE BOX INTO PRACTICE

Whether or not you've made a significant change to how you recruit, it's important to communicate that the business is committed to valuing skills over past mistakes.

Internal communications

Everyone from front-line employees to recruiting managers to resourcing advisors will be part of your commitment to offer fair opportunities to ex-offenders. They need to know what Ban the Box means for them, as well as being equipped to manage their role in the recruitment process if this has changed.

Use internal channels such as your intranet, newsletters and team briefings to let your employees know that the business has committed to Ban the Box and why. Provide people with an opportunity to ask questions – use the myth busting section at the end of this toolkit to counter common misconceptions.

Guidance for recruiting managers

For those directly involved in the recruitment process, provide guidance about the policy and their role. Embed this guidance in your standard training for any employees involved in hiring decisions to ensure it is understood by any new recruits.

Make sure you inform recruiting managers even if you have chosen not to ask about convictions or if they won't be directly involved in the process. They need to understand what to do if candidates choose to share information about their convictions in a different way to that described in your policy.

You can embed Ban the Box into how you recruit by:

- Adding information about how you assess criminal records into your existing training for recruiting managers
- Updating forms and reference materials used in the recruitment process to include relevant references to, or details of, the process

- Including the message that you are open to recruiting suitable candidates with criminal convictions in your diversity training
- Designating an individual within HR, resourcing or your legal team that employees can contact, with any questions

Informing applicants

It's important that applicants are aware that you are open to recruiting them based on their skills. Suitable candidates may be put off from applying if they do not know how they will be treated.

You can inform prospective applicants by:

- Adding information about how you gather and assess criminal record information to your website, application packs and forms – let applicants know when and how they will be asked about their criminal record so that they can prepare
- Including information about Ban the Box as part of your diversity and equality statement, noting that having a criminal record does not result in automatic exclusion from any role
- Whenever roles are subject to additional requirements such as AccessNI checks, noting this on the job description and highlighting that criminal records are still assessed on a case-by-case basis
- Completing the BITC sign up form to show your commitment to the campaign

External communications

As a minimum, Ban the Box employers commit publicly to fairly assess criminal records by signing up [here](#).

We recommend you communicate to a broader external audience by:

- Adding the Ban the Box logo and explanation of your approach to your recruitment site
- Writing a letter to your clients and suppliers
- Adding a blog or news article to your website

- Contacting your sector press to share your story
- Sharing on social media and influencing your supply chain

All employers who complete the online sign up form receive a communications pack with template content and guidance to support internal and external communications.

Signing up

Once you have made the decision to Ban the Box and have implemented this across your business, sign up to be a recognised Ban the Box employer. Making your commitment known is a quick and easy but important process.

Employers that have banned the box will be listed on Business in the Community's and Business in the Community NI websites. No further communication of your commitment will be made without your permission.

You will be asked to provide a small amount of information about your business and your

recruitment process, as well as a quote and logo for inclusion on the website.

Register as a Ban the Box employer at: [here](#)

View existing Ban the Box employers at: <https://www.bitc.org.uk/fact-sheet/employers-that-have-banned-the-box/> and we will be updating the Business in the Community NI website with local employers

Growing your support for ex-offenders

Ban the Box should be one part of your business strategy to support people with criminal convictions to gain employment. Once you have banned the box, you may want to consider:

- Partnering with prisons to set up training and employment opportunities within prisons
- Taking prisoners on ROTL (release on temporary license)
- Providing work placements to people with criminal convictions
- Working with recruitment agencies

ORGANISATIONS TO HELP YOU GO FURTHER

Advice and training to improve your recruitment process

NIACRO

NIACRO supports people to overcome barriers presented by their criminal records and to move on from previous mistakes, as well as providing training to employers to improve their recruitment process. <https://www.niacro.co.uk/>

NI Executive Office

Employers' Guidance on Recruiting People with Conflict Related Convictions: The Executive Office within the NI Executive provides support to the Ex-Prisoners' Working Group, which was established to examine the barriers that face people with conflict-related convictions in accessing full and active citizenship including employment, facilities, goods and services. This group was integral in the development of the Employers' Guidance, aimed at reducing barriers to employment and enhancing the reintegration of ex-prisoners with conflict-related convictions. The voluntary guidance advises employers to disregard any conflict-related convictions that pre-date the Belfast Agreement (April 1998) unless it is materially relevant to the post. Although the guidance does not replace existing provisions within the Fair

Employment and Treatment Order, it is designed to assist employers follow best practice in recruiting people with conflict-related convictions.

Recruiting People with Conflict-Related Convictions - Employers' Guidance
(www.executiveoffice-ni.gov.uk)

AccessNI

AccessNI is the criminal history disclosure service for Northern Ireland providing information in relation to an individual's criminal record within legislative provision. AccessNI also publishes useful documentation referred to elsewhere in this booklet and a guide to understanding criminal history information whether or not this is disclosed on an AccessNI check or by a job applicant prior to employment.

<https://www.justice-ni.gov.uk/publications/understanding-criminal-history-information-disclosure-certificates>

A link to information about AccessNI can be found below.

<https://www.justice-ni.gov.uk/articles/about-accessni>

APPENDIX ONE: MYTH BUSTING

Does Ban the Box increase risk for my business?

Ban the Box is not about removing protection from risk. Recruitment always comes with risks and challenges. But somebody with a criminal conviction does not automatically represent an exceptional risk. A tick box does not provide the necessary information for you to consider whether the conviction is relevant to the role and as such whether there is any risk to consider. By asking about convictions in more depth at a later stage in the recruitment process, risk can be assessed in relation to the role in question. Your employer brand may also be enhanced as a result of signing up.

Are we legally required to have a tick box?

Even when recruiting for regulated roles, there is no requirement to ask about criminal records at the first point of the application process. In some industries, applicants are registered with and approved by a regulatory body in advance. In other cases, a company may be required to conduct an AccessNI check. But there remains no requirement to have a tick box. It is the company's decision as to when and how to ask about convictions as long as they align with any wider legal, regulatory or contractual requirements by the time an applicant commences employment.

Will we be swamped by applicants?

Regardless of your existing talent pipeline, asking about criminal convictions at the application stage could be preventing the right person from applying for a role. Asking about criminal convictions at a later stage in the recruitment process is a small change that could significantly benefit your business as well as people with a criminal record. Whilst people with criminal records may become aware that your company is open to recruiting them, two years into the campaign there is no evidence to show that businesses who sign up to Ban the Box have been swamped by a sudden, significant increase in applications.

Is it a lot more work to ask later on?

Effectively implementing Ban the Box takes some work up front to develop your recruitment process. Depending on the policy you put in place, you may need to upskill recruiting managers or create forms for candidates with criminal records, but this should not require a significant time or resource investment. Having a fair recruitment process, skilled hiring managers and an informed HR team will pay off, as you'll widen your talent pool and be more likely to hire the best people for your jobs.

Will I have to turn everyone down later if I don't ask on the application form?

There is no point in removing a tick box from your application form if you still plan to reject everybody with a criminal conviction. But if you commit to implementing an effective recruitment policy and culture that values skills first, you will not have to turn everyone down later on in the process. You may find some cases where a candidate's convictions pose a specific, relevant risk to the role they've applied for, and your business cannot mitigate this risk. In this case you are likely to turn them down later. However, this is unlikely to happen regularly and you will be more likely to find suitable candidates because you are no longer rejecting them based on irrelevant convictions.

Will all ex-offenders need extra support to work anyway?

Some people with criminal convictions may need additional support to build their skills and confidence for employment – businesses can get involved in programmes to offer this support. However, other people may have just made one mistake or may have stopped offending a long time ago but still need to disclose their convictions. They could well be qualified and keen to work but excluded because they aren't being assessed on merit. Ban the Box won't result in everybody with a criminal record gaining work, but importantly reduces the unnecessary exclusion of suitable candidates with criminal records.

APPENDIX 2: REGULATED ROLES AND CONTRACTUAL OBLIGATIONS

Specific types of roles called ‘regulated roles’, are exempt from the ROO. This means that employers can ask about both spent and unspent convictions, finding out about all criminal convictions apart from a small number of minor convictions that have been ‘filtered’ from a candidate’s record. In the majority of cases, employers will conduct an AccessNI check to verify this information.

Employers are not required to exclude applicants with convictions automatically and are in fact encouraged to consider convictions on a case-by-case basis - apart from a number of old and minor convictions that have been filtered. The only exception to this guidance is when an applicant has been barred from working in certain roles with vulnerable adults or children.

Regulatory and industry requirements

Alongside the legal requirements of the ROO, there may be specific regulatory considerations for your business, dependent on your industry and any regulatory bodies that govern you and/or your employees.

Some regulatory bodies are involved in the registration of individuals who conduct specific roles, such as the Financial Conduct Authority or the Solicitors Regulatory Authority. These bodies are likely to either have already considered the risk and relevance of candidates’ criminal records before they apply or will work with you directly to decide whether an applicant is suitable to perform the role in question.

However, most regulatory bodies only impose regulation on the business, rather than individual employees. This means that the decision to hire remains completely with the employer. You should consider any convictions in light of the specific

role and any potential impact that the candidate could have on your business’ ability to meet regulatory requirements.

Extensive desk research by Business in the Community has not identified a single regulatory body that requires employers to have a criminal record tick box on their application form. It remains at the employer’s discretion to decide when and how to ask, providing any subsequent regulatory requirements are maintained for preferred or hired candidates.

Remember: even in regulated industries, many roles will not be subject to AccessNI checks or regulatory requirements. For example, a facilities manager in a law firm can only be asked to disclose unspent convictions and is not subject to an AccessNI check (though one could be requested) or any approval from the regulatory body.

Contractual considerations

You may be subject to requirements imposed by your clients and the organisations for whom you deliver contracts. This shouldn’t stop you from signing up to Ban the Box, as you can still enquire about candidates’ criminal convictions before placing them on a site. However, it may mean that you need to implement different recruitment practices for employees on different contracts.

It is important to verify the security requirements and criminal record checks that are required by any contracts you hold and question them with the client if necessary. If information is gathered that cannot legally be taken into account for a role e.g. conducting an AccessNI check for a role that is not regulated, your business would be considered liable, rather than the client that made this specification in the contract.

APPENDIX 3: GLOSSARY

Basic check – a criminal records check that employers can request for any role if they wish to do so. It only lists unspent criminal convictions and is available from AccessNI.

Barred list – a list of people who have been barred from working in regulated roles with vulnerable adults and children e.g. as a teacher. The Disclosure and Barring Service maintains the list, with information shared on specific types of AccessNI DBS checks. It is unlawful for a candidate to apply for a role from which they are barred.

Caution or Informed Warning – an alternative to prosecution for minor offence, which is administered by the police and accepted by the individual. It appears on criminal records but is spent immediately.

Criminal conviction – an instance when an individual has been found guilty of an offence by a court.

Criminal record – a record of an individual's criminal history. It includes cautions, fines, informed warnings and for young people, youth conference orders and diversionary youth conference information as well as convictions.

Disclosure – a term often used to describe the process of telling an employer about a criminal record, providing details and contextual information.

AccessNI – is the criminal history service in Northern Ireland disclosing criminal record information for employment vetting purposes within statutory rules. Further information can be found at the link below.

<https://www.justice-ni.gov.uk/sites/default/files/publications/doj/short-guide-to-ni-criminal-records-disclosure-regime.pdf>

Exceptions Order – an additional Order to the Rehabilitation of Offenders Order which provides

that for certain roles, an employer can ask a job applicant for details of both spent and unspent convictions. The Order also provides that some cautions and convictions, except for serious offences, are protected from disclosure after a period of time has elapsed. This applies both where a standard or enhanced AccessNI check is required or where an applicant is asked to self-disclose convictions by a prospective employer as part of the job application process

Filtering – is a process where AccessNI removes old and minor convictions and cautions etc from an AccessNI disclosure certificate after certain periods of time elapse.

Criminal records check – see AccessNI check

Offence – an act that is punishable by law.

Regulated roles – a role which has been agreed by law to be exempt from the Rehabilitation of Offenders Order. It often includes regular unsupervised activity with children or vulnerable adults, or acting in a specific position of power. Information about regulated roles can be found on the Department of Justice website DBS website.

<https://www.justice-ni.gov.uk/articles/disclosure-and-barring>

Regulatory body – an organisation which monitors standards of a specific industry. It often sets requirements for employees or organisations to meet, and registers information to ensure this.

Rehabilitation of Offenders (NI) Order 1978 (ROO) Act 1974 (ROA) – legislation that defines how long candidates have to disclose information about their criminal record, which aims to reduce barriers for offenders to be rehabilitated into society.

Rehabilitation period – the length of time, dependent on the sentence received, before a conviction or similar becomes spent.

Spent conviction – a conviction that no longer has to be disclosed to an employer for most roles. It will still be disclosed for regulated roles.

Unspent conviction – a conviction that has to be disclosed to an employer for all roles, if the candidate is asked.

CONTACT US

www.bitcni.org.uk



[Talk to one of our expert team today](#) to find out about the bespoke support we offer to businesses, as well as opportunities to network, share and learn from best practice examples.

REFERENCES

ⁱ Freedom of Information Request, Home Office, 2020

ⁱⁱ The Economic and Social Costs of Reoffending, Ministry of Justice, 2016

ⁱⁱⁱ YouGov 2019, for Ministry of Justice

^{iv} Department of Justice 2020