

## Young Enterprise Recruitment of Ex-Offenders Policy

### Purpose

This policy outlines Young Enterprise's approach to the recruitment of individuals who have previous criminal convictions, in accordance with the Rehabilitation of Offenders Act 1974.

### Scope

This policy applies to:

- Employees of Young Enterprise
- Contractors/ freelancers engaged by Young Enterprise
- Volunteers of Young Enterprise, including Trustees

### Policy Statement

Young Enterprise (YE) actively promotes equality of opportunity for those with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates, including those with criminal record. We undertake to treat all applicants for positions fairly and do not discriminate unfairly against any subject of a criminal record check on the basis of a conviction, caution or other information revealed.

All candidates are selected for a job or role based on their skills, qualifications and experience. Once selected, we undertake DBS checks only for roles for which this is a requirement according to the legislation, in accordance with the [DBS Code of Practice](#).

We will only ask an individual to provide details of convictions and cautions that we are legally entitled to know about, and are clear within this policy where such information would be a barrier to employment or volunteering with Young Enterprise. Furthermore we will undertake open and measured discussions and decisions where any offences or other information that might be revealed on a DBS check is disclosed that would not automatically exclude an individual from working or volunteering with us.

### Legal Framework

Under the Rehabilitation of Offenders Act 1974, individuals are not required to disclose certain criminal convictions once they have become "spent" after a defined rehabilitation period. Once a conviction is spent, the individual is generally not required to disclose it when applying for employment or volunteering, unless the role falls under an exemption (e.g., roles involving work with children or vulnerable adults).

- **Spent Convictions:** A spent conviction is one where the individual has completed the rehabilitation period set out by law.
- **Unspent Convictions:** An unspent conviction is one where the rehabilitation period has not yet expired, and the individual may be required to disclose this information, depending on the nature of the role.

## **Exemptions to the Rehabilitation of Offenders Act**

Certain roles at YE, particularly those that involve working or volunteering with children, young people, or vulnerable adults, or managing those who undertake that activity are exempt from the Rehabilitation of Offenders Act. For these roles, a Disclosure and Barring Service (DBS) check is required, and applicants must disclose all convictions, whether spent or unspent.

Young Enterprise will ensure that any job or role requiring a DBS check will clearly state this during the recruitment process on the job or role description.

## **Disclosure of Criminal Convictions and Fair Consideration**

During the recruitment process, YE will ask applicants requiring a DBS check to disclose all relevant convictions on the YE Criminal Record Disclosure Form.

Any applicant on a barred list for either children or vulnerable adults as relevant to the role, or any applicant with an unspent conviction on the basis of harm or abuse to a child or vulnerable adult will be automatically disqualified from undertaking a role with YE.

In accordance with the Rehabilitation of Ex-Offenders Act 1974, YE will not automatically disqualify an individual from employment, contracting, or volunteering solely due to a spent conviction. We will assess any disclosed convictions on a case-by-case basis, considering:

- The nature of the offence
- The length of time since the offence occurred
- The relevance of the offence to the role being applied for
- Evidence of rehabilitation and steps taken since the offence

This decision will be taken by the line manager for the role, in conjunction with the Designated or Deputy Designated Safeguarding Lead, and ratified by the YE Health, Safety and Risk Committee. The decision to recruit or not to recruit an individual along with clear rationale for the decision, will be documented and stored securely according to the YE People Privacy Notice and our Data Retention Schedule.

## **Monitoring and Review**

Young Enterprise will review and where necessary update this policy annually to ensure it remains effective in practice and in compliance with relevant legislation.

Policy date: 23 May 2025