



Archdiocesan Approach - The aim of this factsheet is to state the Archdiocesan approach towards employing people who have criminal convictions. The Archdiocese is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The Archdiocese will therefore consider ex-offenders for employment on their individual merits. Our approach towards employing ex-offenders differs, however, depending on whether the job is

Jobs covered by the Rehabilitation of Offenders Act 1974

The Archdiocese will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

As part of our recruitment process at application and job interview stage, job applicants will be asked to disclose any unspent convictions, however, we will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the Archdiocese will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

Data Protection

Under the Data Protection Act 1998, information about an individual's actual or alleged criminal offences is regarded as 'sensitive data'. This means that any recorded data about the individual's criminal offences are held on file only if the individual has expressly consented, or if one of a restricted number of conditions is fulfilled. One of these conditions is where the data is necessary in order that the employer can comply with a legal obligation in connection with employment.

An individual has the right to request access to any personal information held about him or her.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

If the job into which the Archdiocese is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, the Archdiocese will require the applicant to disclose all convictions, whether spent or unspent. Even in these circumstances, however, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the Archdiocese will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. The Archdiocese will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service for a standard or enhanced disclosure with a check against the barred lists for working with children and/or adults (as appropriate). The Archdiocese will pay the fee for obtaining the appropriate criminal records certificate.

The Archdiocese is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 was designed to prevent individuals being rejected for employment on account of a criminal offence committed in their past, provided that they have not subsequently re-offended. Under the Act, a conviction becomes 'spent' after the elapse of a defined period of time with the result that the individual becomes 'rehabilitated'. The relevant periods of time are set out in the Act and depend on the type of offence committed. An individual whose sentence exceeded 30 months can never become rehabilitated under the Act.

The effect of these provisions is that people whose convictions are 'spent' and who are therefore 'rehabilitated' must (with some exceptions - see below) be treated for all purposes as if their conviction had never occurred. Job applicants are therefore entitled to conceal details relating to spent convictions from a prospective employer. If the employer nevertheless finds out about a job applicant's spent conviction, the employer must disregard it when making the decision as to whom to employ. A refusal to employ a rehabilitated person on the grounds of a spent conviction is unlawful. There is, however, a long list of excluded jobs and professions, ie. jobs where the fact that a conviction is spent does not entitle the individual to decline to disclose it to a prospective employer. Where the job is exempt, the employer may lawfully decide to reject the individual for employment on the grounds of a conviction, whether spent or unspent.