

## **Employment Criminal Convictions Policy**

### **Scope**

The following policy is applicable to all eligible staff and job applicants within Cornmarket Insurance

This policy covers

- Recruitment of Ex-Offenders
- Criminal Convictions
- Handling & Storage of Disclosure Information

### **Recruitment of ex-offenders**

- Cornmarket complies fully with the Service Level Agreement, issued by the Department of Justice, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Disclosure under Part V of the Police Act 1997, for the purposes of assessing Applicant's suitability for employment purposes, voluntary positions, licensing and other relevant purposes. We undertake to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.
- This policy is made available to all Disclosure applicants at the outset of the recruitment process.
- We are committed to equality of opportunity (see separate Equality, Diversity & Equal Opportunities Policy) to following practices, and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status, race, colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability political opinion or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential, and welcomes application from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on those who meet the required standard of skills, qualifications and experience as outlined in the essential and desirable criteria.
- We will request a Disclosure check only where this is considered proportionate and **relevant** to the particular position. Where a Disclosure check is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure and that we will request the individual being offered the position to undergo an appropriate Disclosure check.
- We undertake to ensure an open and measured and recorded discussion on the subject of any offences or other matters that might be considered relevant for the position concerned eg the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment.
- We ensure that all employees in Cornmarket who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders Criminal Convictions

## **Criminal Convictions**

- Having gained employment with Cornmarket, an employee is considered to be obliged to advise the company of all matters which may affect their continued ability to undertake their employment and this includes them being subject to the terms of police or court bail, a criminal investigation or judicial process or being cautioned, charged or convicted for any criminal offence. Any employee who fails, without reasonable cause, to disclose such matters at the earliest opportunity may be subject to the company disciplinary process.
- An employee or prospective employee with a criminal record that falls outside of the exceptions listed in the Rehabilitation of Offenders Act 1974 will require further consideration as to whether or not their employment or continued employment with the company is acceptable.
- An employee or prospective employee with either a simple or conditional police caution will require further consideration as to whether or not their employment or continued employment with the company is acceptable. A simple or conditional police caution is not a criminal conviction but an admission of guilt. All cautions are recorded on the Police National Computer.
- An employee or prospective employee who is subject to the terms of police or court bail will require further consideration as to whether or not they can remain in work or should be suspended on pay until the conclusion of the criminal process. Any employee on police or court bail who remains in work should not undertake any public facing role until the conclusion of the criminal process.
- The fact that a criminal investigation or process has yet to conclude does not inhibit or prevent the company from initiating or taking any action under the company disciplinary procedure.

**HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH CORNMARKEt. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES**

## **Handling & Storage of Disclosure Information**

Cornmarket complies fully with obligations under the GDPR and other relevant legislative requirements with regards to the safe handling, storage, retention and disposal of Disclosure Information.

### **Consent**

As we no longer receive a copy certificate from AccessNI; written consent will be obtained from the applicant when requesting and retaining a (copy of a) Disclosure certificate- this consent will be retained on the applicants personnel file for no longer than the agreed period.

### **Storage and Access**

Disclosure information, including copies of identification, will be kept securely on an electronic file, with access strictly controlled and limited to those who are entitled to see it as part of their duties. This information will be retained for no longer than the agreed period.

### **Handling**

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed. We recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## **Retention**

Once a recruitment (or other relevant appointment, regulatory or licensing) decision has been taken, we do not keep Disclosure information for any longer than is necessary. We comply with AccessNI's Code of Practice requirement to ensure that it is not retained longer than is required for the specific purpose of taking a decision on the applicant's suitability. Disclosure certificates will be returned to the applicant once a decision, recruitment or otherwise has been made and will be retained no longer than the agreed period.

## **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means ie by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any unsecured receptacle (eg waste-bin or confidential sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure or any other relevant non-conviction information supplied by police. However, despite the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure Certificate and the details of the recruitment decision.

Cornmarket implements the following steps when handling and storing Disclosure information:

- Disclosure information is not passed to persons who are not authorised to receive it under section 124 of Part V of the Police Act;
- Disclosure information is available only to those in the Company who need to have access in the course of their duties;
- it will not retain Disclosure certificates for longer than is required for the particular purpose. This will be no longer than six months after the date on which recruitment or other relevant decisions have been taken; or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period will only be exceeded in very exceptional circumstances which justify retention for a longer period;
- all sensitive and personal Disclosure information is stored when not in use in a locked and non-portable container in a secure environment;
- it undertakes assurance checks as to the proper use and safekeeping of Disclosure information; and
- reports to relevant bodies, any suspected malpractice in relation to this policy or any suspected offence concerning the handling or storage of Disclosure information.