

Recruitment of Ex-Offenders Policy

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VERSION CONTROL RECORD

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0.1	AccessNI	08.02.19	No comments
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1.0	HR Compliance & Governance Officer	June 2023	Addition of highlighting that positions which require a disclosure check will notify applicants at stage of application. Added reference to information provided by Police may be included in recruitment assessment. Section on Disclosure Scotland added

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1. Introduction

Throughout this Policy, the words ‘Translink’ ‘Company’ and/or ‘the Group’ refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent company and each subsidiary either individually or taken together as a group.

Translink is committed to equality of opportunity and want to ensure all applicants are treated fairly and consistently. This policy and associated procedures outline Translink’s approach to the recruitment of ex-offenders.

Access NI

1. Scope

Applicants who are recommended for employment for any position with Translink are asked to complete a Disclosure of Criminal Convictions form outlining if they have any unspent convictions. In addition to this, applicants for Bus Driver and Shunter, which are Regulated Activity working with children, are asked to complete a Disclosure of Criminal Convictions form outlining all **spent and unspent** convictions and apply to AccessNI for an Enhanced Disclosure Certificate.

Any other organisation supplying staff to Translink is required to comply with this policy as appropriate.

2. Statement

We undertake to treat applicants for any position fairly and not to discriminate unfairly or unlawfully on the basis of conviction or other information revealed, whether this information is obtained via a Disclosure or contained in the Rehabilitation of Offenders form.

We fully comply with the Code of Practice, 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 AccessNI 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.

A copy of this policy is made available to all applicants at the outset of the recruitment process.

3. Procedure

We actively promote equality of opportunity for all with the right mix of talent, skills and potential, and welcome applications 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 an AccessNI Disclosure only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not an Enhanced Disclosure is appropriate to the position in question. Where an AccessNI Disclosure 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 AccessNI Disclosure check.

In line with the Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979 (as amended in 2014), we will only ask about convictions which are defined as “not protected” for the purposes of obtaining an Enhanced Disclosure. For all other positions, we will only ask about unspent convictions. Where an AccessNI Disclosure 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 AccessNI Disclosure check.

We undertake to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned e.g., 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 offer of employment.

We may consider discussing any matter revealed in a Disclosure Certificate or in the Rehabilitation of Offenders form directly with the applicant. We are only able to discuss what is contained on a Disclosure Certificate, and not what may have been sent under separate cover by the Police, with the subject of that Disclosure before considering withdrawing a offer of employment.

We ensure that all those in Translink who are involved in confirming offers of employment 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 (e.g., the Rehabilitation of Offenders (Northern Ireland) Order 1978).

We undertake to make every subject of an AccessNI Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.

Disclosure Scotland

1. Scope

Translink also operates bus routes within Scotland which include school transport. For Bus Drivers involved in the school contract, a Disclosure Scotland Disclosure Check will be requested. As with the Scope detailed above, the work of Bus Driver in Scotland, where transport of children is involved, is considered as regulated activity and therefore the Disclosure Check undertaken for this work will fall within the Disclosure Scotland PVG Scheme.

2. Statement

We undertake to treat applicants for any position fairly and not to discriminate unfairly or unlawfully on the basis of conviction or other information revealed, whether this information is obtained via a Disclosure or contained in the Rehabilitation of Offenders form.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential, and welcome applications 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.

3. Procedure

We will request a Disclosure Scotland check only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a PVG Scheme Disclosure is appropriate to the position in question. Where a PVG Scheme Disclosure 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 Scotland check.

Having a criminal record will not necessarily debar you from working with Translink. This will depend on the nature of the position, together with the circumstances and background of your offences or other information contained on a disclosure certificate or provided directly to us by Police.