



## EMPLOYMENT OF EX-OFFENDERS POLICY

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### HUMAN RESOURCES

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Policy manager(s)	Head of People Operations
Accountable Executive(s)	Chief People Officer
Policy Reviewer(s)	External Employment Lawyer
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## 1.0 INTRODUCTION

Just is committed to equality of opportunity for all job applicants and aims to select people for employment based on their individual skills, abilities, knowledge and experience required for the role.

We are committed to our Diversity and Conscious Inclusion Policy and will not discriminate, either directly or indirectly, because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. We will also not discriminate because of any irrelevant factor.

Applicants with criminal records can apply for a vacancy at Just and they will not be automatically refused employment based on a Disclosure, a conviction or any other related information. The relevancy of offences or other matters will be considered in connection to the role being applied for.

This Policy covers Just's approach to assessing the suitability of employment for individuals with previous criminal convictions. It also covers how criminal information is obtained and processed appropriately and lawfully during the recruitment process.

In this Policy, "Disclosure", means a check run by the Disclosure and Barring Service (DBS) in England and Wales or by AccessNI in Northern Ireland. The DBS and AccessNI each offer checks at three levels: basic, standard and enhanced (either with or without a barred list check); for the purposes of this Policy, "Disclosure" means all or any of these checks, unless otherwise specified.

## 2.0 SCOPE

This policy applies to applicants for job vacancies at Just covering permanent, fixed term, interns and apprenticeship positions, Executive and Non-Executive positions, contractors, consultants, temporary positions and third party consultants.

It also applies to the hiring managers and other managers, employees or consultants who are supporting the recruitment process and/or are involved in hiring decisions. Our employees are required to comply with this Policy when considering the suitability of an applicant with previous convictions for employment.

Our other related policies and procedures covering recruitment can be found in the Recruitment Policy and can be referred to for further information to help comply with this Policy.

## 3.0 KEY PRINCIPLES

The following principles are incorporated into this Policy:

- Just complies with all legislation and relevant Codes of Practice in England and Wales, Scotland and Northern Ireland respectively, covering the rehabilitation of offenders, Disclosure applications and the processing of criminal records information for employment purposes.

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- We will only ask applicants about spent convictions for the purposes of obtaining a Standard Disclosure and only where the law permits us to do so.
  - All job applicants are made aware of this Policy at the outset of the job application process and links are provided to the relevant Code of Practice for England or Northern Ireland.
  - Selection practices are consistent for all applicants using objective criteria aligned to the key skills, knowledge, values and competencies required for the role. Just does not unfairly or unlawfully discriminate against job applicants for any reason, including those with previous criminal convictions.
  - Just complies with FCA and PRA regulations and industry standards in respect of assessing candidates' honesty, integrity and reputation; competence and capability; and financial soundness when considering the suitability of an individual for employment.
  - Appropriate support and guidance is provided to managers involved in recruitment and selection activities to ensure that they are suitably trained to identify and assess the relevance and circumstances of Disclosure information and can comply with this Policy and its Key Principles.
  - We aim to ensure that an open, measured and recorded discussion takes place regarding criminal offences or other matters that might be considered relevant for the position being applied for.
  - Just complies with the General Data Protection Regulation (GDPR) when processing criminal records information for employment purposes. We are committed to our Special Category and Criminal Records Data Processing Policy and provide support and guidance to employees who have authorised access to criminal information.

#### **4.0 POSITIONS REQUIRING DISCLOSURES**

As a financial services company that is regulated by the Financial Conduct Authority (FCA) and Prudential Regulation Authority, we consider it proportionate and relevant to request Disclosures for successful candidates for all permanent, fixed term, intern and apprenticeship positions, Executive and Non-Executive positions, contractors, consultants, temporary positions and third party consultant contracts covering all job grades at Just.

The level of the Disclosure will be proportionate to the level of the role being applied for and it will consider whether the role is exempt from the provisions of the Rehabilitation of Offenders Act 1974. In line with this legislation, we will only ask about unspent convictions during the recruitment process and will seek to obtain a Basic Disclosure for successful candidates.

The only exception to this will be where the job role is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, or Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 2014. For these positions, we will ask questions regarding both spent and unspent convictions and will seek to obtain a Standard Disclosure for successful candidates.

The positions in Just that are on the excluded job list are shown in the table below. These are positions which the FCA or relevant authority are entitled to ask questions about spent and unspent convictions to fulfil their obligations under the Financial

Services and Markets Act 2000. Just are required to declare if a candidate has a criminal record to the FCA for these roles.

<b>Level of check</b>	<b>Information obtained</b>	<b>Applies to</b>
Basic Disclosure	Shows unspent convictions and conditional cautions	All job roles except exempt roles (see Standard Disclosure).
Standard Disclosure	Shows spent and unspent convictions, cautions, reprimands and final warnings.	Positions on the excluded list under the Rehabilitation of Offenders Act for the financial services sector. At Just this applies to the following roles: <ul style="list-style-type: none"> <li>• Senior Manager Function (SMF) roles under the Senior Managers and Certification Regime</li> <li>• Non-Executive Directors who perform a Senior Management Function (SMF)</li> <li>• Certain actuarial, chartered and certified accountant roles where appropriate (on recruitment only).</li> </ul>
Enhanced Disclosure (with or without barring list)	Shows the same as a Standard Disclosure plus any information held by local police that is considered relevant to the role.	Not applicable to any roles at Just.

Further information regarding what information must be supplied to the FCA can be found on their website: <https://www.fca.org.uk/firms/approved-persons/disclosing-criminal-convictions>.

## **5.0 ASSESSING SUITABILITY FOR EMPLOYMENT**

Just's approach towards employing individuals with criminal convictions will vary depending on whether the job is, or is not, exempt from the provisions of the Rehabilitation of Offenders Act 1974 as detailed in the table above.

During the recruitment process for positions that are on the excluded job lists under the above legislation, applicants will be asked to provide details on both spent and unspent convictions. For all other positions, applicants will be asked to disclose unspent convictions but will not be asked any questions about spent convictions.

Once a job offer has been accepted, Just will seek agreement from the successful candidate via its outsourced screening provider, to make a joint application for a Standard Disclosure (exempt roles) or Basic Disclosure (all other roles).

If a successful candidate has previous spent or unspent criminal convictions (for exempt roles) or has an unspent conviction (all other roles) then they will be asked to give documentary evidence of the criminal conviction(s) by providing the hiring manager and/or a member of the HR or Compliance team with sight of the Disclosure certificate.

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The candidate will not be automatically rejected for employment. The hiring manager will have an open, measured and recorded discussion with the job applicant or successful candidate regarding any offences or other matters that might be considered relevant for the position concerned. The hiring manager will identify and assess the relevance, circumstances and background of the offences, using the Suitability Assessment – Disclosure template.

If the nature of the conviction has some relevance to the job role being applied for then the hiring manager may, at their discretion, decide not to employ the individual. If the applicant or successful candidate failed to reveal information that is relevant to the job role being applied for during the recruitment process, then this may also result in the decision to not employ the individual.

If the nature of the conviction has bearing on the role being applied for the manager must discuss and approved with the following before employing the individual:

- A direct report of an Executive Director in a senior management team position, or a member of management with significant management function responsibilities under the Senior Managers and Certification Regime. This would normally be a 'Head of' level position; and
- A direct report of the Group Chief Risk Officer in a director level position in the Compliance department.

The completed Suitability Assessment should be sent to the designated recruiter, who will proceed with the relevant recruitment procedure and add the Suitability Assessment into a secure and restricted file location on Workday.

## **6.0 DATA PROTECTION**

Just complies with the General Data Protection Regulations and processes information about an individual's criminal convictions in accordance with its Processing Special Category Personal Data and Criminal Records Data Policy. Data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Just's Employee and Worker Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

## **7.0 FURTHER INFORMATION FOR APPLICANTS AND HIRING MANAGERS**

### ***For Northern Ireland applicants:***

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

AccessNI Code of Practice: <https://www.nidirect.gov.uk/publications/accessni-code-practice>

### ***For England and Wales applicants:***

Disclosure Barring Service Privacy Policies:

<https://www.gov.uk/government/publications/dbs-privacy-policies>

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Disclosure Barring Service Code of Practice:  
<https://www.gov.uk/government/publications/dbs-code-of-practice>

***Applicants of all locations:***

Financial Conduct Authority Handbook on assessing suitability for employment:

<https://www.handbook.fca.org.uk/handbook/FIT/1/3.html>

Processing Special Category Data and Criminal Records Data Policy, available on HQ or on request by email: [human.resources@wearejust.co.uk](mailto:human.resources@wearejust.co.uk)

## **8.0 RELATED POLICIES AND PROCEDURES**

- Processing Special Category Personal Data and Criminal Records Data Policy
- Recruitment Policy
- Diversity and Conscious Inclusion Policy.

## **9.0 CONTACTS FOR QUESTIONS OR INFORMATION**

If you have questions or concerns about anything in this policy, please contact [Recruitment@wearejust.co.uk](mailto:Recruitment@wearejust.co.uk)