

Providing information for applicants

Changes that came into force under the Data Protection Act 2018 and the General Data Protection Regulation 2018, placed a greater duty on employers to be transparent about how they process information about individuals. Recruitment packs should outline the type of checks that will be undertaken, the lawful basis for collecting information, and how it will be processed.

Providing a statement which outlines your local policy on recruiting individuals that have a criminal record history may also be helpful to reinforce your organisation's commitment to treating all applicants equally and fairly based on their skills, experience and ability to carry out the role being advertised. The only exception to where applicants may be treated differently is where there is a legal reason, such as DBS barring, which would prevent them from working in a regulated activity. Declaring any exceptions which would prevent certain individuals from applying for roles will be helpful to ensure they are not asked to go through a recruitment process unnecessarily.

Information in recruitment packs should also include links to where applicants may seek further advice to help them declare the right type and level of information and fully understand their rights when doing so. This may include signposting to a relevant union and/or professional regulatory or licensing body (where applicable), the Citizen's Advice Bureau and other charities, such as Nacro and Unlock, who specialise in providing advice and support to individuals who have a criminal record.