

Criminal Record Check – FAQs

Why do you need to check whether I have any unspent convictions?

The Michael Lonsdale Group inclusive of (Michael Lonsdale Ltd, Michael J Lonsdale Ltd, Michael J Lonsdale (Electrical) Ltd and E7 Building Services Ltd, carries out checks to ensure that prospective candidates or existing staff members do not have any unspent convictions which prevent them from carrying out their role. This is in accordance with the Rehabilitation of Offenders Act 1974.

For some roles we are required to carry out the checks as part of the contract of work. We also want to maintain a safe working environment for our staff and those who visit our offices. Furthermore, we want to ensure we have a robust recruitment process and make informed decisions when recruiting and retaining staff.

Do I need to tell you about any spent convictions?

No you don't. The Rehabilitation of Offenders Act 1974 (the Act) ensures that those convicted of a criminal offence who have not re-offended during a specified period from the date of conviction will be deemed rehabilitated and their conviction spent.

Will having an unspent conviction prevent me from working at the Michael Lonsdale Group?

It will not necessarily prevent you from working for us but we will need to assess your conviction in relation to the role you are working in or have applied for. Please refer to the policy for the factors which will be considered.

What factors will you take into account when deciding whether to continue with my employment?

If we receive a disclosure that contains details of an unspent conviction, a Director and HR consultant will assess the relevance of your conviction to your role and carry out a risk assessment by considering the factors detailed below

- whether you had declared your unspent conviction when you were appointed
- the nature of the role
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern of offending
- the circumstances and the background of your conviction (including your explanation), and
- whether your circumstances have changed since the offending behaviour.

They will make a decision as to whether to continue with your employment.

I have an unspent criminal conviction that I haven't told you about.

What should I do?

You should speak to your line manager as soon as possible to tell them about your conviction. We will ask you to complete a basic disclosure before confirming the next steps.

We will assess the relevance of your conviction to the role you are applying for or already in. If we decide that you cannot be appointed, you will remain in your current role as long as a risk assessment has been completed and determined that it is appropriate for you to remain in your role.

If you had an unspent conviction and did not declare this when asked as part of the recruitment process then there will be a disciplinary investigation. Our checks are very important and any false declarations could lead to dismissal.

I have been through a recruitment process and did not declare that I had an unspent conviction. What will happen?

There will be a disciplinary investigation. Our pre-employment checks are very important and any false declarations could lead to dismissal.

If you were not asked to declare an unspent conviction during the recruitment process, we will need to carry out a risk assessment and assess the relevance of your conviction to the role. If the panel decides that your conviction prevents you from remaining in your current role, we will need to discuss these matters with you at a disciplinary hearing. This meeting could result in your dismissal from the Michael Lonsdale Group.

Who else will find out about my conviction?

We will keep this information confidential and we will only tell those involved in the decision making process.

What will happen if I don't want to have a check?

Your continuing employment is subject to the receipt of a satisfactory criminal background check and an assessment of the relevance of any conviction to the role. You may be invited to attend a disciplinary hearing if you do not complete a basic disclosure, and your employment could be terminated.

I have been arrested by the police and am currently pending criminal charges. What will happen?

You should let your line manager and Director know immediately. We will talk to you about the circumstances and consider the nature of the alleged offence before deciding whether any further action is necessary.

What do I need to do if I get a get a criminal conviction during my employment?

You should let your line manager and Director know as soon as possible so we can talk to you about the next steps.

I have already completed a basic disclosure.

Why do I need to do complete another one?

You will be asked to complete a check approximately once every four years as your circumstances may have changed, unless you change roles within that time, in which case it may be more frequent.

I have been temporarily promoted or temporarily transferred to another role. Do I still need to complete a criminal background check?

In these circumstances, you will be asked to complete a basic disclosure if your temporary promotion or transfer is likely to continue for longer than 12 weeks and it is over three years since your last check.

Completing the basic disclosure – this may need to be updated depending on who you use and their process

What will I need to do to complete a criminal background check?

You will be asked to complete an online application and will receive an email explaining what you need to do.

You will be asked to provide original documents to your line manager who will take copies and return your original documents to you straight away. The copies will be downloaded onto the secure online portal of the provider who have been actioned to complete the checks.

How do you receive notification?

We will receive an electronic report on the online background checking system. If you have no unspent convictions the certificate will say 'none'.

How long will the check take?

The checks take approximately two weeks and, if you are a new joiner or transferring to a new position, you will not normally be able to start until we have received notification that your check is complete and satisfactory. To ensure you can start as quickly as possible you should make sure you send your relevant documents to us once you have been offered a role.

Will I get to see my basic disclosure certificate?

If your disclosure certificate reveals a criminal conviction, we will ensure you receive a copy before your risk assessment meeting. In all other circumstances, your certificate will be retained by the checking provider who will destroy it after 90 days.

If I have further questions who should I contact?

You should contact your line manager or the HR Consultant if you have any further queries after reading the policy and FAQs.