



Basic Criminal Background Check Policy and Procedure.

Introduction

1. The Michael Lonsdale Group inclusive of Michael Lonsdale Ltd, Michael J Lonsdale Ltd, Michael J Lonsdale (Electrical) Ltd and E7 Building Services Ltd, reserves the right to require its staff to complete a basic criminal background check through the Disclosure Barring Service. The decision to carry out the checks will be determined and depend upon on certain roles within the organisation. However, it may decide that all staff are required to carry out a check irrespective of the role that they hold.
2. If you are a newly appointed employee this will be part of a pre-employment check to ensure that the recruitment process results in suitable appointments. For existing staff, the check and any subsequent checks ensure that you do not have any convictions which prevent you from carrying out your role effectively.
3. We aim to treat all staff members and candidates in a fair and transparent way. This includes staff members and candidates with a criminal record. An unspent conviction does not automatically prevent a job offer or a subsequent appointment being made, or a contract of employment from continuing.
4. For those staff in roles where we carry out a check we ask staff members to disclose any convictions they receive during their employment and carry out basic criminal background checks every four years.
5. This purpose of this policy is to ensure the Michael Lonsdale Group:
 - complies with the Rehabilitation of Offenders Act 1974
 - makes informed, fair and transparent decisions when recruiting and retaining staff
 - provides a safe working environment for all our staff and customers
 - applies best practice in its recruitment and retention of people with a criminal record
 - provides important information to staff on how we will use information received as part of background checks.

Background

6. 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.
7. The Act means that ex-offenders do not have to disclose criminal convictions to employers once they become spent. There are some exceptions where details of spent convictions are provided, for example organisations where the staff have regular, direct contact with vulnerable people, but these exceptions do not include the Michael Lonsdale Group and/or job roles, which are dealt with under an Exceptions Order to the Act.
8. A conviction becomes spent and will be ignored if the ex-offender has not re-offended during the rehabilitation period, which varies according to the sentence given on conviction. More information can be provided on this.



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9. We ask candidates to declare unspent convictions when applying for jobs. When we make an offer of employment, we will carry out a basic criminal record background check. This helps us to make informed decisions when recruiting staff.
10. We ask you to disclose unspent convictions received during their employment. We will carry out basic criminal record background checks every four years. This helps us to make informed decisions about retaining staff.

Process

Disclosing convictions during the recruitment process

11. Everyone who applies for a role at the Michael Lonsdale Group is responsible (where required) for disclosing any unspent criminal convictions. You will be asked to provide details during the recruitment process; we require you to provide full and honest responses.
12. We will carry out a basic criminal background check if we offer you a role and the offer will be made subject to the satisfactory outcome of that check. If you have not disclosed an unspent conviction and the basic check reveals that you have one, this will be a factor considered in deciding whether your job offer is withdrawn.
13. We keep information about criminal records confidential and secure. Held by Arthur C Lander Group QHSE Director. It will only be passed to the managers who need to see it in order to make a decision.
14. If you have disclosed an unspent conviction, we will talk to you about the offence and consider how relevant it is to the role you are applying for or have been offered.
15. If you have a criminal record it will not necessarily stop you from working for the Group. A Director with support from the HR Consultant will consider the following before making a decision on whether to appoint you.
 - 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).
 - Whether your circumstances have changed since the offending behaviour.

Offers of employment – prospective staff

16. If we make you an offer of employment, we will ask you to complete an online basic criminal background check. We will provide full details of how to do this.
17. If you already have a basic disclosure certificate issued by Disclosure Scotland (which covers the whole UK), we can accept it if your start date is within 12 weeks of the issue date.



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18. All offers of employment are conditional on the Michael Lonsdale Group receiving a basic disclosure certificate detailing any convictions considered unspent under the Rehabilitation of Offenders Act 1974.
19. If the disclosure reveals an unspent conviction, we will assess the relevance of your conviction to the role and decide whether to confirm our offer and appoint you to the role. This will be done considering the factors outlined above.
20. You may not be able to start work until we have received your disclosure and have made our decision whether to confirm your appointment. We will discuss this with you at the point of offer.
21. If you do not declare an unspent conviction on your application and we later discover you have one from the basic disclosure, we will consider withdrawing our offer of employment.
22. If you are a prospective staff member and we decide not to appoint you because of a conviction, we will let you have reasons in writing.

Current staff transferring into a role requiring a check

23. If you are appointed into a role within the Michael Lonsdale Group that requires a check then we will require you to complete an online basic criminal background check. If the disclosure reveals an unspent conviction, we will assess the relevance of your conviction to the role and decide whether to confirm our offer and appoint you to the role. If you do not declare an unspent conviction and we later discover you have one from the disclosure, we may decide to end your temporary promotion or transfer.
24. If we decide that you cannot be appointed to the new role, we will also review the relevance of your conviction to your current role (using the factors outlined above) and depending on the circumstances, we may ask you to attend a disciplinary hearing to discuss this in more detail.

Current staff members with an unspent criminal conviction or who gain a conviction during employment

25. For the roles that have been identified as requiring a check to be carried out, those employees in post are required to complete a basic criminal background check once every four years.
26. You are under a continuing obligation to disclose any criminal conviction therefore, if you receive a criminal conviction anytime during your employment, you must disclose this. We will consider the relevance of your conviction to your current role (using the factors stated above) and depending on the circumstances, you may be asked to attend a disciplinary hearing to discuss this in more detail.
27. If you are arrested by the police and are pending criminal charges. We will consider the nature of the offence and carry out a risk assessment before deciding whether you can continue in your role or whether you should be suspended without pay until we are advised of the outcome.

Data protection and information security

28. We will only use disclosure information to decide whether to confirm our job offer to you and to ensure your continuing employment is appropriate. It will not be used for any other purpose.
29. This information is only shared with those authorised to see it, and who need to see it as part of their normal work, namely making recruitment and retention decisions.



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30. We will not share this information in an identifiable form with a third party unless you have given your written consent and you have been told why we need to share the information.
31. We do not keep disclosure certificates for longer than necessary. We will return your basic disclosure certificate to you once we have decided whether to confirm our offer of a job or your ongoing employment and enough time has been allowed to resolve any disputes or complaints. If we are not able to return the basic disclosure certificate to you we will ensure that it is destroyed securely.
32. In the time we do hold the certificate, we will not keep it in your HR file. It will be kept securely with access limited to only authorised individuals who are required to see the information as part of their work.
33. We will not keep any hard copy or electronic image of the disclosure certificate, but we will record summary information including the date of issue, your name, the disclosure type and the purpose for which it was requested, the unique reference number and details of our decision.

Name: Gary Herbert

Signature:

For and on behalf of the

Michael J Lonsdale Group Board of Directors

(Michael J Lonsdale Limited/ Michael J
Lonsdale (Electrical) Limited

E7 Building Services Limited

Position: Managing Director

Date: 22nd November 2021