

# THE **EX**CEPTIONALS

## EMPLOYERS' GUIDE TO DISCLOSURE

- 1. Firstly, potential employers should check if the role is covered by the Rehabilitation of Offenders Act (ROA) 1974. If so, it is unlawful to discriminate against an applicant on the basis of a spent caution or conviction.**
- 2. Employers should then decide whether they require applicants to undergo a criminal record check. It is important to ensure the check is at the correct level i.e. basic, standard, enhanced, or enhanced with barred list checks.**
- 3. Employers should adopt a Ban the Box approach and request disclosure at a later stage e.g. shortlisted candidates prior to interview. When asking about criminal records, ask applicants to provide a written disclosure statement, separate from the rest of their application.**
- 4. Make sure that applicants are signposted to support services, such as Nacro or Unlock to get advice on which convictions they need to disclose and how to disclose them effectively. The Nacro helpline is 0300 123 1999, or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk). Unlock also offer excellent support on their helpline 01634 247350 or via email: [advice@unlock.org.uk](mailto:advice@unlock.org.uk).**
- 5. After all disclosure information is received (including the criminal record check if one has been carried out), employers should conduct a risk assessment in which the applicant's criminal record is assessed in relation to the tasks to be performed and the environment in which the work is to be carried out – i.e. decide whether it is relevant and to what degree it affects their suitability for the role.**
- 6. Document the rationale behind the final recruitment decision and retain a copy of the risk assessment and disclosure statement securely and confidentially.**
- 7. Employers can contact Nacro's free Employer Advice Service (tel: 0845 600 3194, email: [employeradvice@nacro.org.uk](mailto:employeradvice@nacro.org.uk)) or visit the Nacro website for further advice, support or training. Alternatively, visit [recruit.unlock.org.uk](http://recruit.unlock.org.uk) for more information.**

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EXCEPTIONAL**  
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