



EMPLOYERS' TOOLKIT for Inclusive Hiring of People with Convictions

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Contents

Foreword	5
Acknowledgements	6
Introduction	7
1. Why hire PWC?	8
1.1 The business case and beyond	9
1.2 Inclusive employer 'work in progress': Mr. Price	10
1.3 The social justice case and ethical hiring	11
1.4 Social Enterprise Employer story: Bounce Back Recycling	12
2. Preparing for inclusive hiring	13
2.1 Developing inclusive policies and plan practices	15
2.2 Developing inclusive organisational cultures	16
2.3 Considering evidence of reintegration	18
2.4 PWC employee story: Paula	19
3. Legal obligations	20
3.1 Garda Vetting (and privacy)	21
3.2 Spent Convictions (inc. proposed reforms)	22
3.3 General Data Protection Regulation GDPR	23
3.4 Employment Equality Acts	24
4. Recruiting process	25
4.1 Is disclosure required?	27
4.2 Advertising a job and the application process	29
4.3 Shortlisting	30
4.4 Interviewing	31
4.5 Deciding on and offering the job	32
4.6 Other roles: placements, internships, apprenticeships, traineeships	33
5. Inducting and supporting PWCs	34
5.1 Induction processes	35
5.2 Support and reasonable arrangements for PWCs	36
5.3 Managing disclosures after the job starts	38
5.4 PWC employee story: Anthony	39
6. Hiring PWCs Checklist	41
Appendices	43
A. Frequently Asked Questions	44
B. Inclusive hiring (IH) principles	47
C. IH Recruitment policy template	49
D. IH GDPR compliance checklist	50
E. Garda Vetting checklist	51
F. Criminal Record Assessment Tool Template	52
G. Inclusive Hiring Induction Form Template	58
H. Inclusive recruitment and retention checklist	61
Further resources	63
Fair chance organisations	63
Social Enterprise	63
NGO/community sector	64
Criminal Justice Agencies	65
References	66

Glossary

Fair chance or second chance employer

An employer that evaluates an applicant's skills and potential before considering their conviction(s), if at all (see Section 1).

Fair chance or second chance employee

An employee or applicant with a criminal conviction(s) (see Section 2).

Ban the Box

A global initiative to implement laws and processes that govern when an employer can ask about a criminal convictions and what happens after the finding (see Section 1.2).

Spent convictions

Previous convictions are spent or removed from an individual's record after seven years, under certain circumstances

Fair chance / untapped talent pool

Refers generally to PWCs who are typically underemployed yet are potentially valuable and skilful employees who are eager to work.

Desistance

The process of abstaining from crime by those with a previous pattern of offending.

Recidivism

When a PWC commits another offence. Commonly used but a crude measure without nuance.

Foreward

The Open Doors Initiative (ODI) exists to enable equitable access to employability for those who are experiencing barriers.

We provide training and guidance to individuals who are seeking employment through a number of our programmes. As well as information and support to employers on their diversity, equity, inclusion and belonging journey.

ODI is committed to delivering innovative research that is informed by lived experience and carried out by experts in the field. As thought-leaders in the area of corporate social justice, ODI strives to provide its members and stakeholders with insight that will positively impact businesses and those who are experiencing barriers to work in Ireland. So all employees and candidates experience dignity and understanding through the recruitment process.

Our vision is of an inclusive Ireland, where diversity in business thrives and equitable measures are adopted to eliminate inequality so that everyone has fair access to meaningful employability.

Employment has been identified as one of the key tools in reducing recidivism rates, improving the lives of those with a criminal history and as a result creating safer communities. However, we know from our own work and research carried out by others that people with convictions face multiple barriers to employment.

According to a 2019 survey conducted by Solas, over 60% of employers would hire someone with a criminal past if supported to do so. There is an appetite for information, support and training from employers.¹ ODI believes in the value of sharing practical guidance and tools that employers can utilise in order to nurture a culture of fairness.

This is where this toolkit has been born from, a need for knowledge and understanding so employers can implement fair chance recruitment policies and remove barriers that may exist in recruitment processes.

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Claire Hayes
Head of Policy, Research and Government
The Open Doors Initiative

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Introduction

This toolkit is designed to help Irish employers successfully navigate fair chance hiring, that is to give employers the tools they need to help fairly assess candidates who have a criminal conviction. The policies, practices, and cases outlined in this toolkit are based on the fundamental idea that all qualified candidates, regardless of their background, deserve fair consideration without misconceptions or stereotypes. People with convictions (PWCs) are not a homogenous group, and yet this term applies to all people with convictions. No two individuals are the same, nor is their criminal history – some offences could have been minor and once off, or on the more serious end of the spectrum. Despite common assumptions, the vast majority of PWCs never spent time in prison. In this toolkit, we are asking you to see beyond labels and look at who the individual is today, and to listen to the steps they have taken to become the person they are today. They could be your potential, valued employee.

WORDS MATTER

We choose to use the term people with convictions (PWCs) in this toolkit to help give dignity and humanity to people who have been entangled in the criminal justice system (CJS). Using terms like *ex-criminal*, *ex-offender*, or *prisoner* only defines someone by a past act or experience without considering their full humanity or growth. Inclusive, welcoming language is a key step in creating a positive organisational culture and environment for all.

Throughout the toolkit, the barriers that people with convictions (PWCs) face in the hiring process will be explained with the policies and practices that can help employers overcome these challenges. There are also personal stories from both employers and employees about how important and transformative fair chance hiring has been to them. Research has shown that fair chance policies help promote loyalty and stability amongst employees, and people with convictions tend to perform as well, or better, than people who have never been involved with the criminal justice system.²

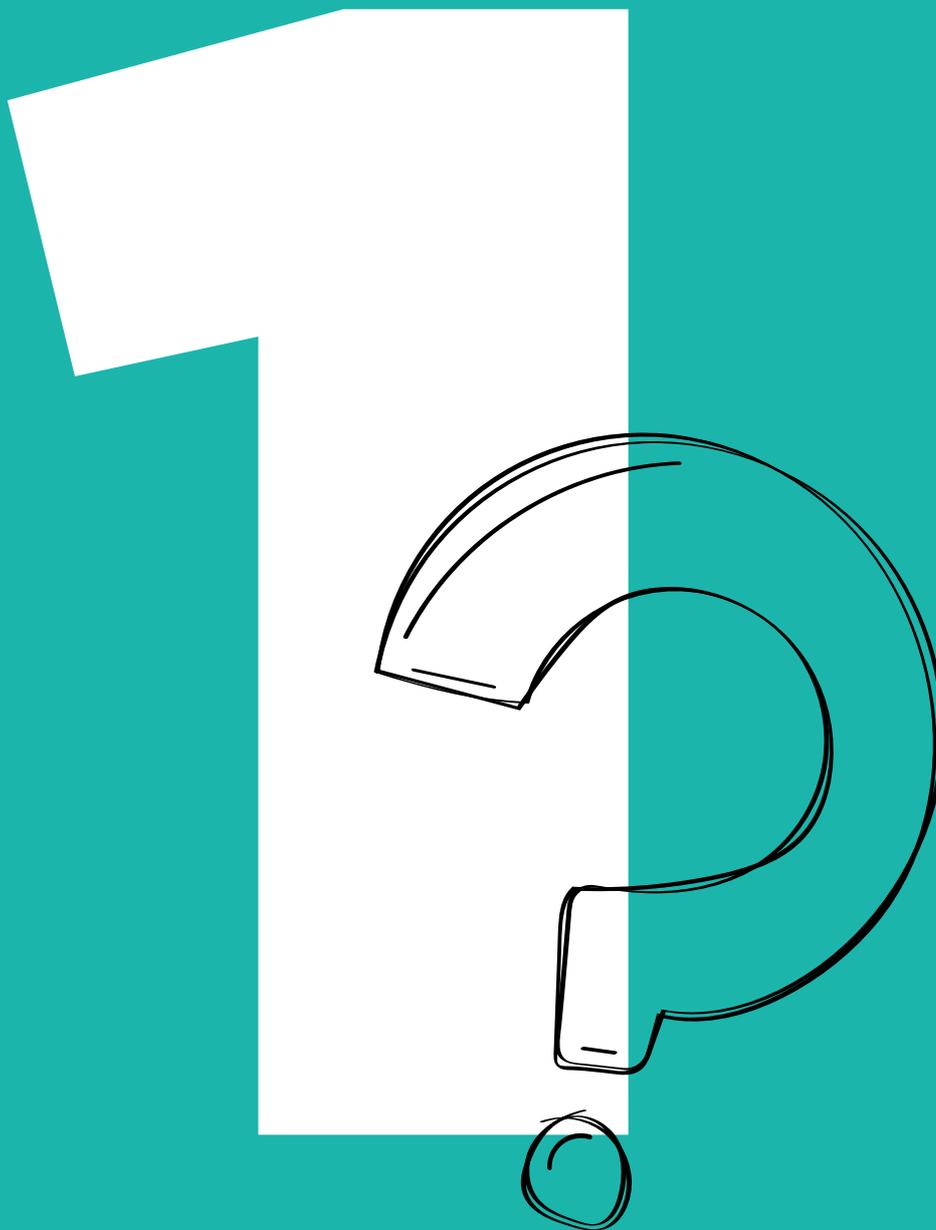
Our goal is to inspire you to consider and adopt fair chance hiring for PWCs. This toolkit provides a roadmap for businesses seeking to create and sustain fair chance policies, including “banning the box,” or removing criminal history questions from job applications and/or onboarding processes. Fair chance policies and practices aim to ensure that the best candidate is hired, regardless of their background. This is increasingly relevant following worldwide events in 2020 such as rising calls for social justice and the onset of the COVID-19 pandemic, and ongoing talent shortages in the labour market.³ Developing and implementing fair chance hiring approaches is often not a major change to existing policies and practices for many organisations.

This document contains valuable information on:

- How to achieve best practice legal compliance for employers hiring people with convictions
- How to minimise and mitigate risk for employers, employees, and candidates/employees with convictions histories
- Best practices for onboarding and training
- Templates for different policies to help employers with fair chance hiring
- Keeping track of your fair chance hiring efforts with a ‘Hiring PWCs Checklist’

The Fair Chance Coalition⁴ describe fair chance hiring as “policies, best practices, and training that any employer can use to help fairly assess candidates with a criminal record. They’re built on the fundamental idea that every qualified candidate, regardless of background, has a right to a fair assessment free from stereotypes or misconceptions.” This fundamental idea is what underpins inclusive hiring hence why we use fair chance hiring and inclusive hiring interchangeably throughout the toolkit.

Why Hire PWC?



Why Hire PWC?

There are many reasons that you should hire PWCs. In a small pilot study, 90% of Irish employers surveyed said that they would be willing to hire PWCs⁵, while 80% of employers in the UK, who knowingly recruited someone with a criminal record, reported a positive experience⁶. Employers who hire PWCs pointed to better work performances from PWCs versus those recruited conventionally according to some research.⁷

You can help break the cycle of recidivism by opening hiring opportunities to all qualified candidates regardless of their background and shifting mindsets around criminal convictions. There is no one size fits all for implementing fair chance hiring strategies – companies and industries have unique risks, needs, and opportunities for developing policies but there is also no need to reinvent the wheel. Fair chance hiring brings business benefits, societal benefits, and positive social impact by hiring from this diverse group of talent.

1.1 The Business Case and Beyond

When you open up recruitment and hiring to PWCs you are expanding your pool of possible candidates to ensure you get the best individual for the job, based on their experience and skills, regardless of background. Studies by economists have shown that when hiring PWCs retention rates are higher, turnover is lower, and employees are more loyal.⁸

In a tight labour market, like the Irish economy is currently experiencing, low unemployment, sector growth, and many job openings mean employers have challenges filling job vacancies. CSO data states an unemployment rate of around 4.1%.⁹

Additional advantages to employers in bolstering their workplace environment include but are not limited to the following: PWCs provide different perspectives, help tackle skills and labour shortages, help improve an organisation's equity, diversity, and inclusion (EDI) record, enhance reputation, and companies can gain a competitive advantage by being an early adopter or fair chance hiring practices.

Beyond economic returns, research suggests that successful contemporary businesses do more than merely increase demographic diversity. Rather, adopting a more comprehensive vision of business success includes fostering a learning culture, encouraging innovation and creativity, promoting flexibility, ensuring equity, and upholding human dignity. This has been linked to increases in overall staff morale and even resulted in some staff acting as criminal justice advocates/volunteers.¹⁰

In terms of the broader economic case, recidivism is expensive, in the UK it costs approximately £18.1 billion a year.¹¹ In Ireland, prisons cost approximately €84k per person per year¹² and have a poor record in reducing rates of recidivism, with 41% of adults in Ireland (in 2020) being drawn back to crime within 12 months of their release from prison.¹³ Therefore, investing in prisons is not the best use of national resources.

Only 17% of individuals post-prison manage to get a job within one year of their release, this is despite employment being a key contributor to desistance – those who get a job after prison are up to nine percentage points less likely to re-offend.¹⁴

1.2 Inclusive employer ‘work in progress’: Mr. Price

Mr. Price is an Irish retail company with 61 locations across the country. Established in 2010, Mr. Price has grown to 1636 staff with new stores opening regularly. The ethos of Mr. Price is to integrate into the communities that they service, recruiting from community organisations wherever possible (up to 80% of the staff are recruited this way).

Their positive experience hiring such diverse staff combined with discussions with one of their community partner organisations, The Peter McVerry Trust, led them to consider the possibility of expanding their EDI hiring to include PWCs. This decision has required adjusting recruitment processes, safeguarding, support, and integration.

Currently, Mr. Price recruits PWCs through the Peter McVerry Trusts at a local level. PWCs are welcome to apply for jobs independently and will be supported and afforded the opportunity to succeed in the recruitment process.

Interviews for PWCs are **skills-based discussions** and never ask about convictions. Strict confidentiality regarding convictions is observed throughout the organisation. **Reasonable**

arrangements are afforded to all staff members including PWCs, including flexible timetables to facilitate scheduled obligations, and plain language work plans for accessibility. Mr. Price also undertook further innovation by asking for bespoke changes to their **HR software** to improve how disclosures were dealt with in the onboarding process (see below).

Mr. Price's approach will lead to **further evolution** of their processes. Key areas where we encourage further changes include the **removal of the checkbox** requiring disclosure in the onboarding process (see Explainer Box 1). We would also recommend creating a context where PWCs are employed without disclosure at any point and planning for **removing the bar** on the employment of people with sexual convictions as appropriate (Explainer Box 2 and Section 4.1).

Mr. Price's expansion and success are attributed, in no small part, to their diverse staff's productivity, commitment, and loyalty. Their experience has supported the findings of employers and research internationally that PWCs integrate well into their teams. PWCs are productive, hard-working staff members who flourish with trust, support, and reasonable arrangements.

'Ban the Box' is a global initiative that developed in the USA and a similar campaign initiated by the national charity Unlock in the UK has been introduced.¹⁵ These initiatives aim to remove barriers to employment and education for PWCs by restricting screening for criminal records by removing the checkbox question asking candidates to disclose their convictions history and this has been widely implemented in legislation. While this is a welcome development and broadly addresses a key barrier for PWCs, emerging research indicates that this may also unintentionally increase inequality by employers utilising other characteristics, such as race/ethnicity or gender, to make assumptions about criminal behaviour in the absence of specific information.¹⁶

Sexual offences are very sensitive cases and those convicted of them often face the most severe stigmatisation and barriers to reintegration. While Garda Vetting is required for certain jobs and conditions might be in place according to some sentences, there is generally no requirement for a person convicted of a sexual offence to disclose when applying for a retail position. The risk of sexual offence reoffending is often perceived to be very high when in fact it is at the lower end of the scale as compared to other offences.¹⁷ Fair chance companies have various approaches to avoid a total bar on hiring people with convictions for sexual offences, so possibilities exist in this space.¹⁸

1.3 The social justice case and ethical hiring

There is little data available on PWCs in Ireland today. However, international data can be revealing and is often higher than you might think. In the US, one in three adults has a criminal conviction.¹⁹ In the UK, one in six people has a criminal conviction while “an estimated 700,000 have an ‘unspent’ criminal record that should be disclosable for any type of job at the employers’ request”.²⁰ Many people, including employers, think of the most serious crimes and prison experiences when the topic of criminal convictions is raised. However, in Ireland, a majority of less serious offences that come before the first level of the judiciary in the District Court, do not go on to serve a custodial sentence.²¹ Less than 10% of people who get a criminal record are sentenced to prison.²²

When someone is imprisoned, this worsens poverty by removing household earners from their communities during periods of incarceration and reducing their future earnings potential after they return home. Fair chance hiring for PWCs has positive social and ethical impacts in many areas. When people are employed, they generally require less state support. Employment leads to desistance which helps break the links between crime and poverty that damage many families and communities. And rates of recidivism are positively impacted by employment, which contributes to a safer society.

Many businesses use corporate social responsibility (CSR), environmental, social, and governance (ESG), and equity, diversity, and inclusion (EDI) targets to assess not only their economic contributions, but also their community, environmental, and social contributions to society. Hiring PWCs feeds into all of these targets, benefitting your business operations while also benefitting society at large. The forthcoming [EU Corporate Sustainability Reporting Directive \(CSRD\)](#) will make it mandatory for private and public sector entities to report on their environmental, sustainability, and social impacts and thus, fair chance hiring can be a beacon in this area too.²³

Engaging in crime is a consequence of an amplifier of inequalities. Thus, as a fair chance employer, you can exercise social justice²⁴ by supporting the development of an inclusive, fair, and equal society.²⁵ By engaging in fair chance hiring you encourage positive change, improving the lives of PWCs who have a desire to work. Moreover, fair chance hiring as a strategic effort by employers can make people feel more committed to their work, especially when it is part of broader socially conscious efforts and initiatives that make PWCs feel like they are giving back to society.

- Over 60% of employers (in 2019) said they would hire PWCs if given appropriate support.²⁶
- 90% of employers (in 2023) said they would be open to hiring PWCs in a small sample.²⁷
- 68% of people (in 2019) said they wouldn't mind being served by a PWC in a customer service setting.²⁸

Employment is proven to be a key factor in preventing PWCs from committing crimes again (it lowers the chances of recidivism)²⁹ and helping people stop criminal behaviours (desistance). There are many negative effects of having a criminal conviction – from internal experiences of shame and stigmatisation to external prejudices and discrimination that create barriers to employment, education, housing, and various forms of civil participation.³⁰ PWCs understand the importance of work and ascribe positive values to it.³¹



1.4 Social Enterprise Employer Story: Bounce Back Recycling

Bounce Back Recycling is a social enterprise in Galway that specialises in mattress and furniture recycling. Established in 2017, the mission and values of the organisation were orientated towards positive social and climate impacts. The founding motivation was to address the high levels of unemployment within the Traveller Community, with some employees also having convictions. The original three staff recycled 2000 mattresses but having expanded to twelve staff they have now recycled over 100,000 mattresses.

The Bounce Back approach to hiring starts with the premise that “everybody can change, they just need a chance to do so”. Fostering dignity, empowerment, and a stake in society are underpinned by the practice that, “If we think they’re fit for the job, then we’ll offer them the job.” Although research finds that work significantly increases the likelihood that PWCs will not re-offend, the struggle is to find receptive employers. Bounce Back recognises the challenge facing PWCs, including those released from prison, saying that “If they come out of prison and they have the licence [gained in prison] but they can’t get the opportunity, they are just going to continue the cycle and go back down the same road again which is not fair on them either.”

“We know that we have great people in the community but if they’re not getting a chance to prove it, how can they prove it?”

An open, supportive, and non-judgmental environment was created in which neither candidates nor employees are asked to disclose but are comfortable enough to disclose informally while chatting in the workplace. Employees with diverse skill levels are supported, and confidence is built by opportunities such as employee-led training, and flexibility for appointments that benefit the company and the individual.

The Bounce Back Team take pride in their former employees going on to flourish in mainstream employment including large multinationals. Research on discrimination faced by members of the Travelling Community and the double bind of living with conviction shows the value of providing employment opportunities, experience and references that are so often denied them in the labour market.³²

Bounce Back is proud of its origins and ethos, and featuring in national media including [RTE's Nationwide](#) has exposed its work and supported its desire to be a role model company for the Travelling Committee and beyond. The approach and central role of employees including those with convictions is central to their success and the service offered to their customers.

Preparing for Inclusive Hiring



Preparing for Inclusive Hiring

When you're thinking of fair chance hiring, keep in mind that any incremental, positive change you make is a good thing. You should not expect the changes to happen overnight but do what you can one step at a time. Build your knowledge with this toolkit, our recent research and existing resources in Ireland and internationally (see Section 7. Further Resources).

However, before beginning inclusive hiring for PWCs, it is important to plan and prepare to facilitate optimum implementation. Existing or external frameworks for inclusive hiring of other marginalised groups are often transferable in many ways but there are some unique considerations and approaches required for hiring PWCs. Specific biases and prejudices are faced by PWCs that must be considered, confronted, and addressed in preparation for hiring.

It must be recognised that PWCs may have caused harm, serious harm in some cases, and the stigma or revulsion stemming from such harm. Considering road traffic offences are the most frequent offences to come before the courts³³, it is also reasonable to note that many offences may not have involved violent harm as such. Nevertheless, failure to consider the potentially serious offences and harm involved may lead to ill-conceived policies and unintended practices. It is noteworthy too that PWCs are likely to have been victims of crimes and experienced other forms of abuse and/or trauma in their lives.

Our research found that there is a pervasive, if under-recognised, attitude that PWCs have forfeited their rights to privacy, respect and social status due to their conviction.³⁴ Put another way, people can consciously or unconsciously think of PWCs as less deserving of equality and fairness in employment policies and practices. In preparation for the inclusive hiring of PWCs, these prejudices and biases must be considered to effectively overcome them while appreciating that gainful employment provides hooks for change to build strong bases for PWCs to reintegrate into society.³⁵

In preparation for addressing these issues, start with the Inclusive Hiring Principles laid out in Section 7.1. Consider availing of or developing hiring manager and staff training and information about the impacts of justice involvement, the challenges of relying on criminal record checks as predictors of risks in the hiring process and the importance of assessing record disclosure results fairly. Moreover, bias training would be beneficial while incorporating PWCs into EDI training is advisable and feasible in many organisations.

Approaches to address these issues will help facilitate the incorporation of fair chance hiring principles for PWCs into the values and ethos of your organisation, which will, in turn, guide your approach to developing policies and practices (see following Sections 2.1-2.3).



Preparation is key but take the first step and you will learn along the way

1

2

3

4

5

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2.1 Developing inclusive policies and plan practices

Developing a diversity policy - often called variations of EDI policies - is important for all organisations. Such a policy will put structures in place to encourage recruits from marginalised groups while welcoming and integrating members into your staff teams. An inclusive organisational culture is paramount, but a policy formalises and makes practices consistent to avoid discrimination and avail of the benefits of employees from often under-represented groups (see Section 2.2).

The preparation discussed in the previous section will allow for fair and inclusive policies to guide practice. Producing written policies is an important step but they will naturally evolve with practical learning over time. It is not always possible to 'get it right' immediately but with due care and consideration plus an openness to further development, you will be progressing towards fair and inclusive hiring of PWCs step by step. It is worth remembering that the work that goes into these policies and practices offers an opportunity to reflect and improve recruitment and retention policies for all staff.



Develop an inclusive fair chance policy to provide structure for hiring PWCs.

2.2 Developing inclusive organisational cultures

Communicate your motivations and commitment to fair chance hiring for PWCs confidently and clearly internally and externally. Your company's EDI policy and culture will be further enhanced by including fair chance hiring and creating an environment that fosters belonging for everyone.

It is essential to bring your staff with you on this journey. Ambiguity may foster miscommunication and misunderstandings that will ultimately hinder your efforts while risking negative experiences for PWCs. Generating support and buy-in from your staff teams across the organisation will be key to underpinning your efforts and welcoming PWCs. Information presenting, gathering and co-producing sessions with staff to shape your adoption of inclusive hiring principles into your organisational culture are proactive options. Dialogue with staff teams allows you to present the cases for and benefits of inclusive hiring of PWCs and collectively debunk myths and stereotypes while meaningfully addressing any concerns that they may have. Information gathered from this toolkit, research and bias and EDI training can underpin discussions where staff

feel heard and consulted about this approach to inclusive hiring of PWCs may be invaluable. Much of this may already be in place or en train as part of your organisation's EDI policies and PWCs may be a subset of this rather than a new initiative.

Reflect on the core values and mission of the organisation and consider how these align with inclusive hiring. Demonstrate your leadership and/or gain support from your senior management to lead by example. Similar to other marginalised groups or protected characteristics, identify PWCs as an under-represented cohort but as individuals deserving of respect and equality. In doing so, it will be explicit that any discrimination is not acceptable, and you can address any concerns that staff may have through open dialogue.

Identify personnel who may be lead advocates for these policies including those who might lead on policy development, implementation, and/or mentoring. Formal supports like apprenticeship or mentorship programmes for PWCs would allow one-on-one support and having mixed cohorts of staff would help foster belonging, collegiality, and understanding.



Communicate with staff while aligning fair chance hiring with your organisation's values to develop an inclusive organisational culture.



Consider creating a program for including and supporting PWCs in the workplace through apprenticeships or mentorships.

The Google Effect

The introduction of formal online background checks, including social media profiles, is a modern problem for PWCs. Crime reporting is notoriously sensationalist and readily available with a potentially life-long negative portrayal of PWCs. What's known as the 'right to be forgotten' can, in certain circumstances, allow PWCs to remove reports that usually reflect the lowest point of their lives.

The normalisation of internet searches of applicants, or colleagues, is another challenge and potential threat to PWCs' chances of securing employment while also acting as another source of anxiety. Including, relying on, or just succumbing to the temptation to search the internet for a candidate or colleague risks seeing specific information that may not reflect the person now, or their life experience since then, and do not give the PWC a chance to give their version of the circumstances surrounding the event.

Simple guidelines to mitigate this issue are not to incorporate internet trawls into recruitment processes, create an organisational culture whereby colleagues respect each other's right to privacy and/or a fair hearing, and establish policies and practices of open, empathetic and non-judgemental dialogue if news stories or other internet-based information comes to light among colleagues.

2.3 Considering evidence of reintegration

Concerns about the offence and the surrounding circumstances are often assessed but it is more important to give due consideration to the lived experience, and personal and professional development of the candidate since the conviction. Many pieces of evidence can be used to get a richer understanding of a fair chance job applicant's reintegration and readiness for work. Proof of reintegration may include, but is not limited to the following:

- Educational achievements
- Employment references
- Participation in counselling or social service programmes
- Volunteer work or community engagement
- Reference or character letters

The circumstances surrounding an offence often constitute the lowest point of a person's life, but the resilience, determination and work ethic required to reintegrate and play a meaningful role in society is displayed in their activities. These should be recognised and rewarded.



Give due consideration to the personal and professional developments of the candidate since the conviction(s).



2.4 PWC employee story: Paula

Paula is an exemplar of the resilience, insight, and expertise that can stem from lived experience, overcoming challenges with addiction and convictions, in the workforce. Paula asserts, “I was lucky because I had a lot of social capital” built through volunteering, but many others do not have this without giving up a lot of their free time. PWCs and lived experience are often undervalued and underpaid.

Seeking a receptive employer or voluntary role within a non-judgemental organisational environment is important for PWCs. This shaped Paula's path as she first took a role in an addiction support service and spent three years in various voluntary roles. She found an encouraging staff team who urged her to return to education to gain qualifications to pursue her career in the field - a first-class Bachelor's Degree in Community Development and Youth Work followed by a Masters in Rights and Social policy at Maynooth University.

The routes to reintegration and paid employment are lined with barriers, and Paula faced these with the sheer anxiety provoked by the Garda Vetting process, legally necessary for her chosen field. Paula says she “held off applying for roles because of the fear of Garda Vetting and the fear of being judged. Because of my past, because employers only get that little snapshot when they get the Garda Vetting [...] they have no clue the reasons why you ended up on that road”.

The absence of context on the circumstances surrounding convictions is a major barrier for PWCs as employers lack guidance on how to assess information received in any form about convictions (see Sections 3.1&4.5 and Appendices). Drawing on her experience Paula suggests that, “employers need to [...] actually talk to the person and [see] if that person wants to give [further information] and not make it mandatory”.

Employment generates an enormous sense of accomplishment for Paula, and she's a role model for her children who have seen her strive and succeed. Paula's impressive trajectory is testimony to the potential flourishing of talent and professional expertise developed despite the barriers. Paula's expertise is now recognised and valued as demonstrated by her recent progression to Community Development Team Leader in her organisation. Moreover, Paula now sits on the board of a leading criminal justice NGO and a campaign addressing drug abuse in a major city.

“Employers need to [...] actually talk to the person and [see] if that person wants to give [further information] and not make it mandatory”

Legal Obligations



Legal Obligations

3.1 Garda Vetting (and privacy)

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016³⁶ requires those who wish to carry out work or activities which involve access to or contact with children and/or vulnerable people to be Garda Vetted.

An Garda Síochána plays no role in the decision-making process. Rather, they provide details of a person's criminal record, including any pending prosecutions, within or outside the state. Gardai do not decide whether you should hire a person or not. It is not a pass-or-fail process. What to do with the information returned through Garda Vetting remains primarily your decision as the employer.

Information received through the Garda Vetting System - a vetting disclosure - includes "particulars of the criminal record (if any) relating to the person, and a statement of the specified information (if any) relating to the person or a statement that there is no criminal record or specified information, in relation to the person" from inside or outside the state.³⁷ Spent Convictions will not be included in this information (see Section 3.2).

There will be information on any criminal offence together with any supplementary or significant orders made relating to the convictions concerned "or a record of any prosecutions pending against

the person whether within or outside the state for any criminal offences or both".³⁸

Specified information means information about a finding or allegation of harm to a child or vulnerable person received by the National Vetting Bureau from An Garda Síochána or a Scheduled Organisation under section 19 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.³⁹

It is worth repeating that this is not a pass-fail scenario (See Section 3.4).



Ask for Garda Vetting only when required for the role



If Garda Vetting is not required, carefully consider why you would ask someone about their convictions history

3.2 Spent Convictions (inc. proposed reforms)

The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 enables previous convictions to become spent or removed from the record in certain circumstances. These include that seven years must have passed since the original conviction date and only one offence may become spent (excluding certain public order or minor motoring offences). This is limited to a 12-month or less custodial sentence, or a 24-month or less non-custodial sentence, while crimes tried in the Central Criminal Court are excluded.

This 2016 act has been repeatedly criticised for its limited scope. However, if enacted, the Criminal Justice (Rehabilitative Periods) Bill 2018 hopes to extend and amend these limitations by forming a fairer and proportionate approach.⁴¹

Reform regarding Spent Convictions is on the horizon as a proposed Bill by Senator Lynn Ruane⁴² is due to come before the Oireachtas by the end of 2024 which advocates for expansion of the current limits. These include:

- The extension of the upper limit on eligible custodial sentences to two years and on 2 eligible non-custodial sentences to four years.
- The removal of the limit on the number of convictions that are eligible to become spent.
- The introduction of the principle of proportionality to the spent convictions regime.

3.3 General Data Protection Regulation GDPR

GDPR is familiar to many in name but is tricky to fully understand. GDPR regulates information privacy in the European Union and the European Economic Area so it is not specifically about criminal records. However, there are three particular articles (5, 6, and 10) of the GDPR which all point towards limiting, if not prohibiting, the collection of any criminal convictions information for employment. As outlined in the Garda Vetting section, there are some cases where disclosure is mandatory, but for most positions, we recommend considering not seeking disclosure from prospective employees unless deemed essential to satisfy the criteria set out under GDPR below.

Article 5 highlights the need to consider two factors when collecting people's data. 1) Purpose Limitation – from the outset, there should be a clear reason why you are collecting or processing data and it should only be asked for and collected if it is necessary for the original purpose, you have the individual's consent, or if there is a clear reason set out in law. 2) Data Minimisation – an organisation should only ask for information to fulfil its stated purpose and it is limited to that purpose. For example, in Ireland and the EU, employers must seek disclosure of criminal convictions data if they may be working with children or vulnerable adults. There are other circumstances where disclosure may be deemed necessary but we urge employers to consider their aims in doing so and, if so, to only seek disclosure on the specific conventions relevant to the role.

Article 6 of the GDPR further specifies that if an employer wants to process any criminal convictions data, **they must have a lawful basis to do so**. There are six lawful bases: contract, legal obligation, vital interest, public task, consent, and legitimate interest. In this case, the legal obligation applies only in the specific context in which Garda Vetting is mandatory.

Sample Case: In 2022, Amazon Transport were fined €2,000,000 by the Spanish Data Protection Authority (AEPD) for breaching GDPR and the Spanish Data Protection Act regulations. Amazon was asking delivery driver candidates to provide criminal record certificates during the hiring process, claiming a legitimate interest in protecting customers and obtaining candidates' consent for processing their data, including criminal records. The company said they were concerned about drivers having access to valuable goods. However, the AEPD ruled that requiring candidates to obtain certificates themselves constituted processing criminal data and was not permitted under Spanish law without a specific legal requirement. The decision highlighted the importance of considering local laws when conducting criminal record checks, as permissions vary across countries. While some jurisdictions allow processing based on legitimate interests others, like Spain, require specific legislation. Additionally, relying on consent necessitates ensuring candidates can freely refuse without consequences for validity. This case underscores the complexity of navigating legal frameworks surrounding criminal record checks in hiring practices.

Article 10 says that you can only process criminal records data if the processing is either a) under the control of an official authority (usually an agency vested with public sector tasks), or b) authorised by domestic law. Once again, this article essentially suggests limiting employers to only asking when Garda Vetting is necessary.⁴³

To be clear, GDPR relates primarily to regulations on privacy and what data you are entitled to ask employees for. While there is a lack of clarity on the precise definitions of what you can and cannot ask, it is essential to consider the criteria outlined before asking but equally important to consider how you will process, manage, and store the data if and when it is deemed necessary to collect.

Another thing to note is that collecting or using criminal records data, particularly on a large scale, can also affect your other obligations under GDPR. In particular, it affects the need for documentation, data protection impact assessments (DPIAs), and data privacy officers (DPOs).



If you are asking for conviction information, make sure you have the grounds to do so and are not collecting and storing this information as this could have legal implications under GDPR.

3.4 Employment Equality Acts

In Ireland, there is currently no legislative protection against discrimination based on a criminal conviction. Specific equality legislation in Ireland, particularly the Employment Equality Acts (EEA) 1998-2015 and the Equal Status Acts (ESA) 2000-2018, prohibits discrimination on nine grounds. These include family status, sexual orientation, gender, religion, race, age, disability, and membership of the travelling community.

The EEA (1998-2015) promotes equality and prohibits discrimination, allowing positive action measures to ensure full equality in practice. The ESA (2000) prohibits discrimination relating to the provision of goods and services, accommodation, and education. However, protections for those with criminal convictions do not constitute one of these grounds.

The Criminal Justice (Rehabilitative Periods) Bill (2018) proposes to amend the EEA, prohibiting employers from treating a person less favourably due to spent convictions. More broadly, recommendations have been put forward to include the addition of a new ground of discrimination based on a criminal conviction, not just spent convictions within the EEA and the ESA (IPRT, 2021; IHREC, 2021; 2023).

The previously discussed proposed Bill by Senator Lynn Ruane⁴⁴ also includes "an amendment to the Employment Equality Act to protect employees from discrimination if they have a spent or irrelevant conviction".



Though not legally bound to, we recommend aspiring to afford PWCs the same protections as other protected category groups.

Recruiting Process



Recruiting Process

An inclusive approach to hiring PWC relies on a shift in focus. When looking for the most qualified person for the job, you should widen your net. Reviewing job advertisements and interview processes to ensure they are inclusive of all people, especially PWCs, is a key part of this (see Section 4.2).

Be transparent about likely timelines for the recruitment process including informing candidates of the outcomes throughout. The outcomes of recruitment processes should be communicated as soon as possible. PWCs fear that their record will impede their progress or ultimately disqualify them whether officially or unofficially. A lack of transparency in communicating outcomes in a timely fashion with clear information on the reasons for it, or not communicating at all, frequently causes PWCs to interpret this as confirming their fears. Mitigating this with clear and transparent communication and timelines is achievable and good practice for all recruitment processes.



Shift mindsets and review existing policies and procedures to inclusive principles.

4.1 Is disclosure required?

Disclosure is not required for the vast majority of jobs. Therefore, we urge reflection on why you are asking or considering asking about a candidate's convictions based on our inclusive hiring principles (See Appendix 1). This point of reflection speaks to your organisation's approach to fair chance hiring and their integration into your values, ethos and vision (see Section 4.3) while satisfying GDPR (see Section 3.3). We recommend that individual assessments are made for each position and that criminal record checks are only requested where it is relevant to the position.

Establishing an inclusive organisational culture and a diverse staff cohort creates an environment where disclosure of convictions will be more likely and less stigmatised. The reasonable arrangements and supports available to PWCs necessitate a disclosure but on an empathetic, supportive, and non-judgement basis. This is the ideal approach (see Section 4.5). Requiring disclosure unnecessarily undermines this inclusive organisational environment and exacerbates PWCs' stigmatisation and anxieties about their belonging and ability to contribute meaningfully to our community.

As detailed in Section 3, Garda Vetting is required for a "person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons".⁴⁵ There is a lack of clarity in interpretations of GDPR legislation about the relevancy of a conviction to a job role but our analysis of the available research, including our own, suggests that you should consider the reasons for asking people to disclose to comply with GDPR.

There are circumstances where you may feel that you have to or would prefer to require disclosure, but not initiate Garda Vetting, and at which point of the process. These may include a role that broadly engages with the public or a staff team that provides for minors and/or vulnerable adults. However, it is important to keep in mind that studies have shown that after a few years

and without new convictions, a criminal record is not a reliable predictor of future offending.⁴⁶ On the other hand, requiring disclosure is a known deterrent to PWCs applying for roles, attending interviews, and accepting roles.⁴⁷ In balancing the perceived risk assessment merits of requiring disclosure and their known 'chilling effect', the evidence base is the most reliable system of measurement.

The growing body of research contradicts the idea that asking candidates about their convictions is an effective form of risk assessment. Moreover, employers are often not ideally suited to act as objective and systematic assessors of risk. Without evidence-based decision-making or assessments of perceived risk, criminal records have negatively marked PWCs compared to other candidates for employers.⁴⁸ Like many of us, PWCs are nuanced and complex individuals and should be received as such rather than having their records become their defining characteristic.⁴⁹

Having a criminal record question on job advertisements, application forms, onboarding forms or other such forms is a barrier to employment for PWCs. In a UK study, over half of prospective applicants with a criminal record report reluctance to apply for a role if there is a criminal record question on the application form.⁵⁰ Such a loss of potential staff is disadvantageous, and our recent research found that this issue continues throughout the recruitment process through to onboarding.

While you may perceive disclosure requests as a form of risk assessment (see section 4.5), this approach is flawed and not proven to be effective in mitigating risk but is effective in putting applicants off the process.⁵¹

Where possible, aim to avoid including questions about convictions on job advertisements, application forms, onboarding forms or others.

Sexual Offences

Sexual offences relate to a broad range of illegal behaviours. People with conviction(s) for sexual offences are particularly marginalised in society and the labour market. There is considerable uncertainty and discomfort in addressing the issue of hiring people with sexual offences but engaging in work remains a positive feature in re-integration and reducing re-offending for this diverse cohort.⁵² Compared to other PWCs, those convicted of sex offences have statistically lower rates of re-offending.⁵³ People convicted of sex offences can be subject to various restrictions and requirements in the community including some regarding employment. These usually relate to supervision by the Gardai and/or the Probation Service.

There are requirements for people convicted of sexual offences to disclose to employers in certain circumstances. Under the Sex Offenders Act 2001, people convicted of sexual offences "must inform prospective employers of the nature of their conviction if they are applying to do work that

consists of having unsupervised access to or contact with a child or children or a mentally impaired person. If the offender fails to notify an employer they can be fined up to €12,697 or sentenced to up to 5 years in prison or both".⁵⁴ These types of jobs would also likely be subject to Garda Vetting through which the convictions would be disclosed to the employer.

Despite this, a sexual conviction need not be a blanket bar to employment for many jobs and any risk presented by the individual could be safely managed. However, it is common for discriminatory employment practices and attitudes to prevent people with sexual convictions from entering the workplace. We would encourage openness to engaging with all potential applicants and avoiding mandatory prohibitions on hiring for any offences

Further knowledge and training are key to understanding the context, evidence and biases surrounding people convicted of sex offences to facilitate the most inclusive policies and practices..

4.2 Advertising a job and the application process

Best practice in fair chance hiring often only requires some slight changes to existing approaches and can fall within ongoing EDI policies and practices. In fair chance hiring, and good business practice generally, transparency is essential. Be clear on the requirements (essential and desirable) for the role. Use a skill-focused approach to describe core competencies. If disclosure through Garda Vetting or otherwise is necessary at any point, state this in the job ad. Be explicit about the recruitment process in a step-by-step description. PWC carry the burden of constantly assuming that their conviction was the cause of non-progression through the recruitment process.

Job advertisements can be placed in or notified to state agencies such as the prison service and the probation service but in particular organisations such as the [Irish Association for Social Inclusion Opportunities \(IASIO\)](#) and/or [Pobal](#). Furthermore, non-governmental / community organisations or websites such as [Open Doors Initiative](#), the [Irish Penal Reform Trust](#) and [Activelink](#) could potentially publicise job opportunities to PWCs.

Clarity of language is key to transparency. Jobs ads should encourage PWC to apply and present their qualifications or relevant skills. PWC often fear that they will not be welcome, will be barred from applying and are uncertain due to the information provided and the language used. You should explicitly state that PWCs are welcome and/or that a conviction will not be a barrier to consideration for the advertised role. Moreover, identifying the organisation's commitment to 'second chance' or inclusive hiring more generally would be very helpful. Many organisations name previously discriminated against groups in job ads to show that they are welcome to apply and PWC can easily be added to these named groups. Please see an example of an inclusive hiring statement from a large tech-sector employer.

Google is proud to be an equal opportunity and affirmative action employer. We are committed to building a workforce that is representative of the users we serve, creating a culture of belonging and providing an equal employment opportunity regardless of race, creed, colour, religion, gender, sexual orientation, gender identity/expression, national origin, disability, age, genetic information, veteran status, marital status, pregnancy or related condition (including breastfeeding), expecting or parents-to-be, criminal histories consistent with legal requirements or any other basis protected by law.

Another consideration in addition to inclusive hiring statements is regarding the method of application, this can include both online and in-person to facilitate PWCs who may not be highly proficient in IT skills while managing varying degrees of literacy.

✓ **Advertise jobs transparently in clear language with a focus on skills**

✓ **Assert and overtly communicate your openness to hiring PWCs and commitment to fair chance hiring**

4.3 Shortlisting

The shortlisting process is another opportunity to exercise inclusive hiring practices. A key consideration for employers here is to follow through on the skills-focused approach while avoiding weighting credentials too heavily, as appropriate for the role. PWCs may have less traditional credentials but be sure to consider each applicant on a case-by-case basis including those where a conviction record is known. Remember you are hiring the person, not the conviction.

If you **have not asked about an applicant's conviction history**, you will likely proceed through shortlisting without such considerations. However, there are aspects of a PWC candidate's application data and/or CV that may indicate that they have a conviction such as references to prison (addresses, education, training, courses, references), gaps in employment, and reporting requirements. It is important not to discount a candidate at this point – you should consider the person as a whole and their suitability for the role while allowing for further exploration of the context and relevance of this aspect of their application.

If you **have asked about an applicant's conviction history**, the same criteria apply, except for specific legal prohibitions on some sexual convictions, and animal and financial decisions. The application process may simply include a tick box which provides no contextual information and denies a candidate the opportunity to present their skillset and attributes for the role within the wider context of their employment and life experience including contact with the criminal justice system.



Do not include conviction information in the shortlisting process.



If conviction records are known, focus on skills rather than their past.

4.4 Interviewing

Many organisations have existing interview policies and practices shaped by EDI principles and for the most part, fair chance principles align with these. The following approaches are easily integrated into existing practices while respecting other HR requirements. We recommend not to ask about convictions at the interview stage but to wait until the conditional job offer (see Section 4.5).

The interview can be a welcoming interaction which focuses on the skills and the person rather than the conviction. A **skills-based interview** looks for key competencies so identify a small number of key competencies for the role. Allow for transferable skills while being open to upskilling in appropriate circumstances.

Disclosing at an interview is often very difficult for PWCs. The period(s) will likely constitute the lowest point in this person's life and retelling it, or indeed the anxiety before this, can be extremely distressing. We know that many circumstances surrounding convictions may include mental ill-health, trauma, unstable housing and relationships, substance misuse and addictions.⁵⁵

Building on the transparency of the job ad and the assertion of your commitment to fair chance hiring, PWCs will know if disclosing will be relevant at the interview. Then, an open, supportive, and non-judgemental interview approach will ideally foster a context in which PWCs will be comfortable discussing their relevant life experience including the

circumstances surrounding their conviction(s) if they choose to. As outlined in Section 2, training for hiring managers will support their approach to disclosures that arise and sensitive responses where necessary.

Disclosures may occur due to the flow of conversation; the statement in the ad communicating their requirement at some point; due to necessity in requests for reasonable arrangements or work role-related reasons. If this happens, start empathetically yet professionally, and thank the employee for their trust and confidence in telling you. This may significantly mitigate the stigma, shame, and anxiety of having conviction(s) and their disclosure reported by most PWCs.⁵⁶ One's body language and facial reactions often communicate more than we realise so be conscious of your reactions to the disclosure.

Sharing one's experiences begets a level of respect and confidentiality, so this applies here and is of specific importance with disclosures of conviction(s). Maintain strict confidentiality unless explicitly stated otherwise or you are sure that you are required to inform an appropriate colleague (HR or manager). As interviews in many sectors include documented notes that are submitted to HR, consider carefully whether this information should be noted and why. Consider too where these documents will be stored, who will have access to them and for how long (see GDPR Section 3.3). Interview notes are discoverable and may be requested in future legal proceedings and/or tribunals.

✓ **Allow the interviewee time and space to present the circumstances, context and work/life experience since the conviction(s) while being empathetic to the challenges faced in disclosing at this point.**

✓ **You should review existing recruitment processes and design future recruitment material with fair chance hiring practices in mind.**

4.5 Deciding on and offering the job

The Garda Vetting System will return the 'vetting disclosure' on the convictions of the vetted individual (if any) and 'specified information' (relevant information about a finding or allegation of harm to a child or vulnerable person) (if any) inside or outside the state.

Remember, Gardai do not decide if you should hire a candidate or not. They supply the data on convictions and specified information.⁵⁷ The decision on whether to proceed with the hiring or not should be carefully and systematically considered on a case-by-case basis. In some cases, the conviction may disqualify the candidate from working in the role and this prescribes your decisions such as some sexual convictions, and animal and financial decisions.⁵⁸

You may have asked about convictions because you deemed them necessarily relevant to the job. In this case or with Garda Vetting Disclosure information, it remains a decision for you, but we urge three essential steps. Firstly, it bears repeating, do not assume that any conviction implies a bar on hiring. Secondly, only take the time to assess the convictions data systematically on a case-by-case basis according to the following criteria as presented in template format in Appendix F (with thanks to Unlock for their permission to adapt their work):

Redeemability: starting with the belief that people deserve a chance to move on with their lives.

Context: the facts and circumstances around the offence(s) or incident.

Age: the age the person was when the conviction(s) happened.

Recency: the time that has passed since the conviction(s).

Relevance: the relevance of the conviction(s) to the role being interviewed for.

Experience: any relevant experience in a similar role since the conviction(s) occurred.

References: relevant references since the conviction(s) and other information that relates to the role.

Progression: efforts and demonstrations of professional and personal development (education, training, certifications, etc.)

If you are uncertain about the meaning of the information provided by the Garda or the PWC, get legal advice but be open to the systematic outcomes of the assessment to best decide on the person's skills and strengths, not simply the conviction(s).

Give the person the opportunity to provide contextual information on the circumstances around the offence(s) and their experience in the intervening period. This can be in various formats including verbally in a non-judgemental constructive meeting, a written document or with the assistance of liaisons such as a Probation Officer.

Job offers are an exciting moment in a candidate's career and indeed for employers. If a person has successfully navigated the recruitment process to this point, their success need not be undermined by their criminal record. Unless legally required to do so through the Garda Vetting process, PWCs should receive their offer, wherever possible, without caveats and without regard to their convictions. If you have not previously asked about a conviction and you deem it necessarily relevant for the job, fair chance principles would suggest asking at this point. Ask only about the specific requirements of the role where possible rather than a general requirement to disclose all convictions.

✓ **Do not assume that any conviction is an implicit bar on hiring.**

✓ **Take the time to assess the convictions data systematically on a case-by-case basis according to appropriate criteria.**

✓ **If deemed necessarily relevant to the job, aim to ask only about the convictions that may impede the candidate from fulfilling the role.**

4.6 Other roles: placements, internships, apprenticeships, traineeships

There are opportunities to integrate PWCs into your organisation besides traditional employment. Placements, internships, apprenticeships and/or traineeships offer a win-win whereby you can offer developmental roles to enhance your in-house professional pathways and increase employee diversity while candidates can gain hands-on experience and establish networks and skills that will support future employment opportunities.

The development and rollout of any such programmes are subject to the same considerations and inclusive hiring practices as detailed above.

Inducting and Supporting PWC



Inducting and Supporting PWC

Upon acceptance of a job offer, many PWCs report anxiety about the possibility of judgment stemming from concerns about being required to disclose.⁵⁹ Managing the stigma of a conviction and trying to move on with life is persistently interrupted by points where disclosure is required, or discovery is made (see the 'Google Effect' in Section 2.2).

5.1 Induction processes

The most effective approach to inclusive hiring is to create an open, welcoming, and non-judgemental professional/occupational environment for all staff. While employers need to be cognisant of someone's past, all employees should be treated the same so having inclusive inductions will benefit all staff members. PWCs feeling safe and confident entering the staff team will significantly mitigate the anxiety generated by fears of disclosure requirements and/or discovery. Using inclusive language (as discussed in the Introduction) and highlighting your desire to engage in fair chance hiring goes a long way in creating a positive work environment for all individuals.

A well-structured and organised induction or onboarding process and orientation process helps prepare new employees to integrate, remain and flourish in their roles. Much like the job advertisement, clarity in definitions and descriptions of roles, tasks, responsibilities and expectations within the organisation's mission, culture, values, and working practices is essential. Training and accessible information will facilitate a smooth transition as some PWCs may not have been consistently working in recently so may need to adapt to working hours and social environments. The induction paves the way for a new employee

to settle in and feel supported while mitigating concerns about fellow employees judging or delving into their past (see Section 5.3).

A US study found that all new employees who attended a structured orientation program were 69 per cent more likely to remain at the organisation for up to three years.⁶⁰ The evidence goes further in multiple studies where effective onboarding processes for PWCs led to higher job satisfaction; organisational commitment; lower turnover; higher performance levels; career effectiveness; and lowered stress.⁶¹



Developing a template that sets out the approach and practical elements of the induction process for your organisation is a valuable tool to ensure consistency and effective onboarding (see our transferable sample template in Appendix)

5.2 Support and reasonable arrangements for PWCs

Many employers recognise that staff are their most valuable asset and, in turn, understand the benefits of providing general and/or bespoke support for them. More diverse staff members do not necessarily require significant additional support but perhaps occasional non-traditional forms of support. The range of accommodations for people with varying needs is now embedded in many organisations' policies and practices. PWCs represent a logical and feasible extension of these existing innovations.

PWCs may have years of experience since their last contact with the criminal justice system but some may still have obligations such as probation or parole appointments. Likewise, people with requirements such as therapy, drug tests or other official appointments that are linked to their previous convictions or the surrounding circumstances. These can be very awkward to discuss but with the right organisational environment based on respect, empathy, openness, and non-judgment; the employee will feel more confident in bringing these to you. Wherever possible, reasonable arrangements can include flexibility in working hours to facilitate attendance at such appointments while confidentiality will shield the employee from unsolicited queries on the matter.

The previously mentioned diverse literacy levels of PWCs may benefit from consideration and the provision of plain language instructions and training or upskilling would be welcome. Providing continuous professional development or training can be invaluable for PWCs. Where there are gaps in skills or experience, some employers may be willing to train the employee and allow you to hire them and enhance their integration, confidence, and professional development.

Where PWCs are still linked to state agencies (on parole, probation, etc.), a willingness to liaise with staff may help to demonstrate the progress and contributions of the new employee. Such interactions can enhance the self-esteem and confidence of the PWCs while satisfying formal or informal benchmarks required in some cases (i.e., sustaining constructive employment, punctuality, responsibilities, and trustworthiness).

Mentoring programmes or 'buddy' systems provide an accessible and less formal point of contact for new employees. Existing frameworks for other marginalised groups may already contain these but they are adaptable for PWCs. Having a colleague to go to with queries and help settle into the ways of the company. Moreover, a familiar face to chat with can be invaluable for PWCs who may be anxious or unsure in social settings. Research consistently finds that PWCs have concerns about being judged or talked about in the employment settings so a mentor may help to alleviate this and help integrate the newcomer.

It is, however, important to be clear on the boundaries of the mentor-mentee relationship to best manage the expectations of both parties and the co-ordinator. An effective mentor is someone who can listen confidentially, use their experience to answer questions, advise and offer constructive feedback or guidance. A mentor must not be considered a councillor, a solver of all issues (personal and professional), a line manager or a close personal friend. Additionally, some PWCs want to move beyond their label, get on with the job, move on from their past, and excel in their new role. Allowing someone to step back from certain programs or engagement is important too. Setting these parameters out at the beginning with appropriate training for both parties is the key to a successful mentorship programme.

Many PWCs may prefer not to disclose or avail of such programmes. Rather, they may be more comfortable getting on with their work like their colleague without their convictions being a distinctive or public feature of their working lives. This is very understandable and should be considered in the promotion and offering of these programmes.



Consider reasonable arrangements while scheduling work hours, especially when helping fulfil someone's convictions or release conditions.



Use plain language to help any onboarding, training, or workplace materials to be accessible.



Mentoring programmes, whether formal or informal, can be beneficial but be clear on the boundaries to manage expectations including non-disclosure and/or participation.

5.3 Support and reasonable arrangements for PWCs

Disclosures may happen in informal social interaction, necessity in requests for reasonable accommodations, role-related reasons or due to discovery by others (see the 'Google Effect' in Section 2.2). Should this occur, follow the same advice as previously discussed in the section on disclosures at the interview stage. Be empathetic, consider your body language and reassure the colleague that you appreciate their trust in telling you and that you will maintain strict confidentiality unless it is necessary to inform a manager or HR.

Workplaces are professional environments so if the disclosure is inappropriate in the context of the situation (i.e., oversharing, too much detail within earshot of unaware others, ill-timed), it is reasonable to politely communicate this to the employee. Like any other employee, if inappropriate behaviour continues, this would be referred to the organisation's disciplinary procedure.

If the disclosure takes place in a minuted meeting or other notes are being taken, consider how the information will be documented and why. For instance, is the disclosure relevant to the meeting topic, the role being performed by the employee or any Garda Vetting criteria? Further considerations will include but are not limited to the availability of

the minutes/notes (i.e., the employee, colleagues, management, HR, oversight bodies, outside agencies/tribunals), the context of the meeting and the disclosure within it, and your organisation's document retention policies (see the 'Google Effect' in Section 2.2).

Not all staff will react the same way to a disclosure of a conviction through whichever means it occurs. If a staff member does react negatively to a colleague's disclosure of a criminal conviction, this should be addressed as soon as possible. This may include a dialogue with staff member(s) in a group or one-to-one format where misconceptions regarding PWCs, the challenges they face and the organisation's approach and commitment to fair chance principles and practices (see Appendix A) including the rationale behind them can be discussed and reaffirmed. Opportunities to partake in EDI training should also be available. Further, offering mentorship programmes may offer a proactive solution which can support an individual with a conviction to integrate positively into the organisation, while enabling other employees to make positive connections with those hired.



If a disclosure occurs after starting the job, be empathetic, and respectful, maintain confidentiality (as appropriate) and consider the context in which it occurred.



5.4 PWC employee story: Anthony

Anthony is enjoying consistent employment for the first time in his life, at the age of 52, after multiple decades in and out of institutions including prison. Work represents respect for Anthony by “respecting the few quid that you get at the end of the week because you worked for it”. This contrasts with the negative effects on his confidence and sense of self while living on social welfare payments. The self-esteem and dignity that are generated are best put simply as: “You feel a bit good in yourself”.

Anthony's previous perspective on employment opportunities was so negative that when his employer was suggested, he replied, “Working? I have a criminal conviction” assuming that this would be the end of the matter. His experience had taught him the perils of disclosure suggesting “If I wasn't to say that I have a criminal conviction, they'd probably hire me” but “they'd do a bit of research to see had you got a criminal conviction and then they'd just let you go.” To his surprise and relief, he was told, “This place won't discriminate against you” and he applied.

“That's their past life and if people want to change their life and work for a living, then good and fair.”

As discussed in Section 5.1, the potential barriers to employment for PWCs did not stop at the job offer stage. When completing the onboarding questionnaire, Anthony was asked if he had a conviction and when he clicked yes, “it wouldn't let me submit.” This triggered the anxieties that many PWCs feel, “I was thinking, I have a criminal conviction, no one is going to hire me”. Thankfully, the manager was empathetic and explained that this would not impede his employment. The reception in his new job was “warm and welcoming”, including some new colleagues with prison experience which eased the starting and settling-in process. His employer provided reasonable accommodations, allowing him to fulfil mandatory appointments with flexibility in his work schedule.

Anthony's experience reflects many of the fears and discriminatory practices reported by PWCs. However, his enthusiasm and pride in his work demonstrate the opportunities available for employers and PWCs when they are offered fair chances at employment. To employers, Anthony advises, “That's their past life and if people want to change their life and work for a living, then good and fair.”

Hiring PWC Checklist





Hiring PWC Checklist

- Preparation is key but take the first step and you will learn along the way.
- Develop an inclusive fair chance policy to provide structure for hiring People with Conviction(s) (PWCs).
- Communicate with staff while aligning fair chance hiring with your organisation's values to develop an inclusive organisational culture.
- Consider creating a program for including and supporting PWCs in the workplace through apprenticeships or mentorships.
- Give due consideration to the personal and professional developments of the candidate since the conviction(s).
- Ask for Garda Vetting only when required for the role.
- If Garda Vetting is not required, carefully consider why you would ask someone about their convictions history.
- If you are asking for convictions information, make sure you have the grounds to do so and are not collecting and storing this information as this could have legal implications under GDPR.
- Though not legally bound to, we recommend aspiring to afford PWCs the same protections as other protected category groups.
- Shift mindsets and review existing policies and procedures to inclusive principles.
- Where possible, aim to avoid including questions about criminal convictions on job advertisements, application forms, onboarding forms or others.
- Advertise jobs transparently in plain language with a focus on skills. Assert and overtly communicate your openness to hiring PWCs and commitment to fair chance hiring.
- Do not include conviction information in the shortlisting process.



Hiring PWC Checklist

- If conviction records are known, focus on skills rather than their past.**
- Allow the interviewee time and space to present the circumstances, context and work/life experience since the conviction(s) while being empathetic to the challenges faced in disclosing at this point.**
- You should review existing recruitment processes and design future recruitment material with fair chance hiring practices in mind.**
- Do not assume that any conviction is an implicit bar on hiring.**
- Take the time to assess the convictions data systematically on a case-by-case basis according to appropriate criteria.**
- If deemed necessarily relevant to the job, aim to ask only about the convictions that may impede the candidate from fulfilling the role.**
- Developing a template that sets out the approach and practical elements of the induction process for your organisation is a valuable tool to ensure consistency and effective onboarding (see our transferable sample template in Appendix G).**
- Consider reasonable arrangements while scheduling work hours, especially when helping fulfil someone's convictions or release conditions.**
- Use plain language to help any onboarding, training, or workplace materials to be accessible.**
- Mentoring programmes, whether formal or informal, can be beneficial but be clear on the boundaries to manage expectations including non-disclosure and/or participation.**
- If a disclosure occurs after starting the job, be empathetic and respectful, maintain confidentiality (as appropriate) and consider the context in which it occurred.**

Appendices



A. Frequently Asked Questions

1 Should I ask if an individual has a criminal record and are there legal considerations to be aware of?

For many jobs, there is likely no need to. Consider why you think you should, or would think to, ask an individual about their criminal record. Creating an open inclusive organisational culture (see Section 2.2) and recruitment processes (see Section 4) may mean that the candidate will be comfortable to disclose. You are required to ask if the role requires Garda Vetting for jobs with children or vulnerable adults (see Sections 3.1 and 4.5). Check if you are required to Garda Vet the candidate or if you deem it necessarily relevant to the role to which they are applying. We generally recommend limiting

the extent to which you are collecting and storing information on convictions. Fair-chance hiring doesn't mean ignoring the relevance of a conviction to a job. It's important to assess each candidate's background against the job requirements and conduct individualised assessments as every scenario will be different.

2 Why should I employ someone with a conviction? How will this affect trust and safety in a work environment?

Employing someone from the fair-chance talent pool ensures that employers do not miss out on a significant segment of the workforce. Fair-chance hiring can lead to increased loyalty and reduced turnover, improving return on investment. Moreover, hiring from a diverse pool, including PWCs, supports EDI initiatives, particularly as certain groups are convicted disproportionately. Studies indicate no increased risk to workplace safety from hiring PWCs.

Case Study: A team of researchers at Kellogg and Northwestern University's Pritzker School of Law analysed data on about a quarter of a million applicants for sales and customer service jobs in

the U.S., they found that people with convictions were no more likely to be terminated and were also less likely to quit – saving their firms a significant amount of money in employee turnover costs.

Proof of Rehabilitation: Many pieces of evidence can be used to get a richer understanding of a fair chance job applicant's reintegration and readiness for work. Proof of reintegration may include educational achievements, employment references, participation in counselling or social service programs, volunteer work or community engagement, reference or character letters and more.

3

How can I make the recruitment process and the workplace accessible and inviting for people with convictions?

Applications should have clear, concise language and questions should be straightforward to avoid deterring PWCs from the application process. While we recommend avoiding asking whether an applicant has a criminal conviction and requires you to ask (if deemed necessarily relevant for the role), be clear about your purpose for asking. It should be made apparent that legally, there are few situations where you would be unable to employ somebody as a result of their conviction (see endnote 58). Moreover, it is important to use recruitment methods that are inclusive, non-discriminatory, and focused on assessing qualifications, skills, and potential for success in the role. Ensure that all external communication and recruitment materials highlight your commitment to inclusive hiring and encourage PWCs to apply. To widen your pool of talent, consider working with workforce reentry partners in your local community ([IASIO](#))

and posting on specialised job boards ([Activelink](#)) that promote diverse workplace cultures. Further, it is important to ensure that those involved in the recruitment process are knowledgeable of fair selection methods, dealing with criminal records and the legislation surrounding eligibility (GDPR, Garda Vetting and restrictions such as the Company Act 2014). Once they have been hired, having an open and inclusive approach in your workplace is generally the best first step to welcoming and easing PWCs into their roles. Creating a positive and inclusive environment is supported by having appropriate policies and practices in place (as you can find in the appendices of this toolkit), knowing how to engage with PWCs (empathy, non-judgemental, see Sections 2, 4 and 5) and having appropriate protocols and training in place will help ease their transition into the workplace.

4

If a specific position within this organisation requires a criminal background check / Garda Vetting, how should we proceed when a conviction is disclosed?

It is important to consider the right time to ask this question and to ensure that you are only gathering the required information. We generally recommend asking if necessary at the job offer stage. If your organisation requires that employees be Garda Vetted and this is stated on the application form, the applicant should be aware of the few specific offences which may legally be an issue for employment under the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016. Regardless, try to avoid asking this question about an individual's conviction on the application form as this may deter people with convictions from applying, and allow the Garda Vetting process to gather this information at a later

stage. Once a person is Garda Vetted and/or you have deemed it necessarily relevant to the role, it would be favourable to discuss the conviction during an in-person formal meeting where the applicant has the opportunity to explain their circumstances, address concerns you may have and more importantly, discuss what they have been doing since.

5

What do I do if someone discloses their criminal record during an interview without being asked?

If someone discloses their record unsolicited, the hiring manager should be trained to handle the situation with sensitivity, respect, and professionalism. Actively listen to the candidate, thank them for their honesty, and reaffirm the company's commitment to fair chance employment and inclusive hiring, reminding them that they should never feel pressured to disclose personal history. Continue to focus on the candidate's skills, qualifications and experiences relevant to the job and make an informed assessment of their candidacy after the interview is over. Maintain strict

confidentiality unless explicitly stated otherwise or you are sure that you are required to inform an appropriate colleague (HR or manager). As interviews in many sectors include documented notes that are submitted to HR, consider carefully whether this information should be noted and why. Consider too where these documents will be stored, who will have access to them and for how long (see GDPR Section 3.3). Interview notes are discoverable and may be requested in future legal proceedings and/or tribunals.

6

How should I address customer/ existing staff concerns about hiring individuals with past convictions?

Communicate openly with customers about your hiring policies, emphasising alignment with company values, EDI impact, and security measures. Of course, the company may have to take additional steps to ensure it complies with existing customer agreements and meets its security and privacy requirements. With those safeguards in place, hiring PWCs is a great opportunity to demonstrate to customers, and the wider community, the company's commitment to inclusion.

Address negative reactions to disclosure by staff members swiftly. Dialogues with staff member(s) in a group or one-to-one format where misconceptions regarding PWCs, the challenges they face and the organisation's approach and commitment to fair chance principles and

practices (see Appendix B) including the rationale behind them can be discussed and reaffirmed. Opportunities to partake in EDI training should also be available. Further, offering mentorship programmes may offer a proactive solution which can support an individual with a conviction to integrate positively into the organisation, while enabling other employees to make positive connections with those hired.

B. Inclusive Hiring Principles

Customise this template to align with the specific needs and policies of your organisation. Regularly review and update your inclusive hiring practices for individuals with convictions to ensure they remain effective and compliant with relevant laws and regulations in Ireland.

These principles should be embedded in all aspects of the HR lifecycle, from recruitment to retention and development, ensuring that people with convictions are not only hired but supported and provided with opportunities to thrive within the organization.

Embrace Diversity

Commit to a diverse workforce that welcomes people with convictions, recognising the unique perspectives and strengths they can bring. Integrate efforts to hire and retain people with a criminal history into existing diversity initiatives and consider conducting workshops and training sessions for current employees to educate them on the barriers faced by formerly incarcerated individuals, including the impact of stigma. Employers can also promote success stories of individuals with past convictions to reshape negative perceptions and highlight the value they bring to the workforce. Diversity not only benefits the individuals concerned but also the organization, its community and society at large.

Ensure Non-Discrimination

It is essential to ensure that all job applicants and employees are treated fairly and without bias. Non-discrimination in hiring practices means evaluating candidates based on their qualifications and fit for the role, rather than their past. Uphold fair treatment in the hiring process by focusing on qualifications, skills, and the relevance of the candidate to the position. Ensure that any necessary exclusions based on past convictions are directly related to job responsibilities.

Conduct Individual Assessments

Criminal convictions should not be a blanket disqualifier in the hiring process. Instead, a tailored assessment of each applicant should be conducted. This involves considering the type and severity of the offense, the time that has passed since the conviction, and any evidence of rehabilitation or positive behavior change. This approach allows employers to make more informed decisions and provides a fair opportunity for individuals with convictions to demonstrate their suitability for the job. Training for hiring managers to perform these assessments should also be implemented to ensure consistency in approach for all applicants.

Implement Strength-Based Hiring

A strength-based hiring model focuses on the skills and potential of the individual rather than their criminal history. By prioritizing the skills and competencies that the candidate brings to the table, employers encourage a more dynamic and meritocratic workplace, where success is based on performance and contribution. Employers should look beyond a candidate's criminal record and focus on their skills, qualifications, and potential for success in the role, which may include any transferable skills and relevant experience, in order to tap into a more dynamic workforce.

Provide a Supportive Environment

To successfully integrate individuals with convictions into the workforce, it is essential to cultivate a workplace that champions open communication, inclusivity, and empathy. Training staff on inclusive hiring practices ensures that everyone is aware of the importance of fair treatment and the legal rights of employees with convictions. Likewise, it is important that employees with convictions also understand their rights and the resources available to them. Employers should commit to a structured onboarding process that is sensitive to the needs of employees with convictions, providing clarity on job expectations and introducing them to supportive colleagues or a mentor who can offer guidance and serve as a point of contact for any concerns or questions. By fostering a culture of empathy and understanding, employers can reduce biases and promote a sense of belonging among all employees.

Partner with Community Organisations

Collaboration with community organizations, workforce development agencies and reentry programs can provide employers with access to job-ready candidates who have received support and training to reenter the workforce. These partnerships can also offer valuable resources for ongoing support, post-employment. By tapping into these networks, employers can play an active role in rehabilitation and social reintegration, while strengthening their ties to other community stakeholders.

Guarantee Equal Opportunities

Ensuring equal opportunities for professional growth and development is a fundamental aspect of inclusive hiring. This principle promotes a merit-based system, where all employees, including those with convictions, have the same chances to advance and succeed in their careers. Such practices not only motivate employees but also help to cultivate a more skilled workforce. By establishing clear, transparent pathways for advancement and investing in tailored professional development, employees can thrive.

Respect Confidentiality

Respecting the privacy of individuals with convictions is paramount. Employers must handle sensitive information with discretion and in compliance with the General Data Protection Regulation (GDPR) and national data protection laws. Information about an individual's conviction history should be shared only when necessary and with the individual's knowledge. This protects employees from unnecessary disclosure and upholds their dignity and respect in the workplace.

Maintain Compliance

Employers must adhere to legal frameworks designed to protect the rights of individuals with convictions. This includes staying informed about and compliant with Irish and EU legislation that governs employment discrimination, data protection, and the rehabilitation of offenders. By doing so, employers not only avoid legal repercussions but also contribute to the development of fair and just employment practices.

Commit to Continuous Improvement

Employers should welcome feedback from employees, job applicants, and stakeholders on recruitment and retention strategies, and be committed to continuously improving processes to create a more inclusive and supportive work environment. By establishing regular feedback loops with employees, job applicants, and community partners, employers can ensure that hiring practices remain effective, responsive, and supportive, thereby creating a more inclusive work environment for all.

C. Inclusive Hiring and Retention Policy Template

Last updated: DD/MM/YYYY

**YOUR
LOGO
HERE**

Customize this template to align with the specific needs and policies of your organization. Regularly review and update your inclusive hiring practices for individuals with convictions to ensure they remain effective and compliant with relevant laws and regulations in Ireland.

At **[Company Name]**, we embrace the diversity of our workforce and are committed to inclusive hiring practices that support all candidates, including those with past convictions. Our policy is designed to promote the reintegration of these individuals into the workforce by ensuring that they are assessed on their skills, qualifications, and suitability for the role, rather than solely on their past.

We understand the significance of gainful employment for individuals with convictions and the positive impact it has on their lives and society as a whole. We believe in fair chances and the capacity for personal growth and transformation.

[INSERT your chosen approach to disclosure here, including rationale, and what candidates can expect from the process]

Our recruitment personnel are well-informed about relevant legislation, including the GDPR, National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, and are trained to evaluate the relevance of past convictions.

In accordance with Irish and EU law and best practice guidelines, we ensure that:

- Information about convictions is treated with the utmost confidentiality.
- Candidates are not unfairly excluded for convictions that are not pertinent to the role.
- Each case is assessed individually, considering factors such as the relevance of the conviction to the position, the severity of the offence, the age at the time of the offence, the time elapsed, any patterns of offending behaviour, the context of the offence, and the applicant's current circumstances.

We are transparent about the potential impact of a criminal record on the recruitment process and are committed to having an open dialogue with candidates about any disclosures before making any recruitment decisions. Our inclusive hiring practices are a testament to our dedication to creating a diverse and supportive workplace. We believe that by fostering an environment that values fair chances, we contribute to building a more inclusive society.



D. Inclusive Hiring GDPR Compliance Checklist

- Have I reviewed the General Data Protection Regulation (GDPR)?**
- Do I have a clear reason for collecting or processing data regarding an individual's criminal convictions?**
- Have I limited my data collection to that which is necessary for the stated purpose or specific position/organisation? (see Garda Vetting section below)**
- Is there a legal basis assessed against GDPR criteria which enables the collection and processing of an individual's criminal conviction data? (see GDPR Section 3.3 and Garda Vetting Section below)**
- Do I have the individual's consent to collect this data? Have I made an individual aware that this data will be collected?**
- Once collected, have I considered where this data will be stored?**
- Have I considered how many people will have access to the information about this individual?**



E. Garda Vetting Checklist

- Have I reviewed the National Vetting Bureau (Children and Vulnerable Persons) Act 2012?**
- Does my organisation require employees to be Garda Vetted? Particularly, will employees be carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons?**
- If a conviction is present on a Garda Vetting Disclosure, have I considered the following?**
 - Relevance: the relevance of the conviction(s) to the role being interviewed for.**
 - Nature: the category and what the offence involved.**
 - Seriousness: the seriousness of the offence (may need advice).**
 - Pattern: a pattern of offending over time and changes to this pattern.**
 - Age: the age the person was when the conviction(s) happened.**
 - Recency: the time that has passed since the conviction(s).**
 - Context: the facts and circumstances around the offence(s) or incident.**

F. Criminal Record Assessment Tool Template

This criminal record assessment template is a modification of a template created by Unlock, a UK-based charity which assists individuals in overcoming the long-term disadvantages caused by their criminal records. We are grateful for their permission to use this template and adapt it to the Irish context.

How to use this template

To ensure that you are conducting a fair assessment, this template should be used **if and after** you have conducted a formal disclosure discussion with the applicant regarding the convictions revealed by the Garda Vetting procedure.

Consider the information received during this disclosure discussion for each of the factors listed below. The applicant **will not** be present for this stage of the process. If you only request details about restrictions or supervisory conditions, you can go straight to sections 7 and 8.

Any staff completing this assessment should be appropriately trained.

Information about an applicant's criminal record is sensitive personal data, so don't share it unless strictly necessary.

What to consider before completing this assessment

To inform the following assessment, you should understand what risks, if any, are specific to the role being considered for the candidate below. This is how you identify the 'relevance' of a criminal record.

Applicant name	
Role applied for	
Date of assessment	
Assessing staff members/s	

Factors	Things to Consider	Notes
1. Relevance	<p>Do any of the convictions listed on the Garda Vetting Disclosure relate to, or impact, the responsibilities of the role?</p> <p>Are the circumstances of the offence relevant to the role?</p> <p>Do any of the convictions listed on the Garda Vetting Disclosure reasonably pose a risk to children or vulnerable persons?</p>	
2. Age/Time	<p>Look at:</p> <ul style="list-style-type: none"> The length of time since the offence was committed Their age when the offence was committed The person's age now <p>Remember: conviction dates can often be much later than when the offence was committed.</p>	
3. Nature	<p>While you should consider the category of the offence, also consider what the offence involved and what the applicant's actions were.</p> <p>For instance:</p> <ul style="list-style-type: none"> Financial offences – was it theft or fraud? Violent offences – was it against a vulnerable person? What was the level of harm caused? Drug offences – was it possession or supply? 	

Factors	Things to Consider	Notes
<p>4. Seriousness</p>	<p>A Garda Vetting Disclosure will tell you what an offence is.</p> <p>How serious the offence is, as determined by the charge and sentence set out on the Garda Vetting Disclosure, may help you determine whether an offence is relevant when balanced against other factors. You may need to take advice on how serious an offence is.</p> <p>However, you should consider:</p> <ul style="list-style-type: none"> • The current spent convictions limitations mean that old and minor offences will continue to be disclosed if the person has more than one conviction. • Just because something appears on a Garda Vetting Disclosure does not always mean it is very serious. • Sentencing is not always uniform or consistent, so do not rely on previous examples of similar convictions to inform your decision and consider the circumstances around the offence. 	
<p>5. Pattern</p>	<p>Consider whether the person committed a single offence, or whether there is/was a pattern of offending. Think about the following:</p> <ul style="list-style-type: none"> • If they committed a number of offences, is there a significant gap between them? • Were the offences committed over a particular period? • How much time has elapsed since the last offence? • Have their circumstances or motivations changed? <p>It is important to remember that some people may receive multiple convictions relating to the same time/incident. This means that multiple convictions do not automatically indicate a pattern of offending.</p>	

Factors	Things to Consider	Notes
<p>6. Circumstances</p>	<p>You may not need to consider the circumstances around every offence (such as minor offences dealt with by way of a caution or fine).</p> <p>Remember that your job is not to judge the actions but to decide whether the offence and circumstances are relevant to the job applied for.</p> <p>If you do need to understand the circumstances, consider what you learned from the disclosure discussion about:</p> <ul style="list-style-type: none"> • What happened • Who was involved • Why it happened (e.g. whether there were any particular aggravating factors such as finances/ accommodation/drug use etc.) <p>Some applicants may be under supervision or have certain requirements for what they do and where they go. These could be bail conditions, probation conditions or reporting requirements with the police.</p> <p>Restrictions of these kinds may have a direct practical effect on whether an applicant can conduct the role they have applied for. For example:</p> <ul style="list-style-type: none"> • Curfews or exclusion zones – can the applicant carry out the work at the particular time and location that the role requires? • Restrictions on the use of the internet or electronic devices. In the course of their work, will the applicant need to access specific devices that are internet-enabled? • Electronic device monitoring. If this restriction is in place, will this pose any challenges to your organisation? If you collect sensitive data about your customers or beneficiaries, you may need to consider how you can protect confidentiality/ trust if the police could access the same data. <p>Consider whether you can offer an adjustment to the role to accommodate any restrictions.</p>	
<p>7. Legal restrictions / probation conditions</p>		

Factors	Things to Consider	Notes
<p>8. Mitigating factors</p>	<p>For any of the potential challenges identified, list here what positive or mitigating factors are also present.</p> <p>You may have already identified some of these above (such as it has been a long time since the last offence) but this is a space to collate and consider others. For example:</p> <p>Any existing risk management measures in the proposed workplace. Such as CCTV, training, passwords, lockers, supervision, employee wellbeing services, etc.</p> <ul style="list-style-type: none"> • Whether the applicant has made an effort to move forward and/or avoid risk in future (such as rehabilitative courses/education or healthier relationships). Remember that many criminal records do not indicate ongoing risk – don't make evidence of rehabilitative activities mandatory. • Whether the candidate is currently being monitored by Garda/Probation Service – if so, mitigations may include: <ul style="list-style-type: none"> A) They will likely have had to seek approval to make an application – which could mean supervising staff don't consider them a risk in this role B) They will continue to be monitored and risk-assessed by professionals 	

Additional notes or information

Include any reasonable adjustments or safeguards that could be put in place to enable the candidate to take up the post – these will need to be documented and agreed with the candidate.

How to store this template

Adhere to existing HR retention and GDPR legislation generally.

Successful Candidates

If you have determined that the convictions listed on the Garda Vetting Disclosure are not relevant and pose no risk, this record should not be retained for longer than six months.

If you have determined that the convictions listed on the Garda Vetting Disclosure may be relevant, or are manageable with certain safeguards, you may retain this record for as long as it is useful for you to inform ongoing or dynamic risk assessment and mitigation processes.

Your data retention policy should reflect that criminal record data is not static. Criminal records can become spent after seven years and this individual may remain in your employment. If you are recruiting for roles covered by the Criminal Justice (Spent Convictions and Disclosures) Act 2016, this assessment may need deleting if a record becomes spent. For roles exempt from the ROA, this assessment may need deleting if a record becomes spent.

Criminal records information should be stored securely, and accessible only to those who need this information. It should be stored separately from the applicant's main personnel file.

Unsuccessful Candidates

Retain records relating to unsuccessful candidates for six months from the date an appointment is made (in case an unsuccessful applicant challenges your decision at an employment tribunal).

G. Inclusive Hiring Induction Form Template

This template is indicative rather than exhaustive. It will not include everything relevant to some organisations and may not be feasible for many others. Adapt to your organisation as appropriate

Name of Employee	
Job Title	
Employee Start Date	
Date of Induction	
Welcomed by	
Inductee Signature	

Task	Done	Date	Notes
INTRODUCTION			
Show the new employee their work area/desk/locker/office, etc.	<input type="checkbox"/>		
Introduce them to their line manager, colleagues, senior managers, and their mentor.	<input type="checkbox"/>		
Show the new employee the building layout/facilities, including accessible entrances/exits, fire assembly points, evacuation routes, restrooms, and rest areas.	<input type="checkbox"/>		
Deal with any key matters such as P45, Personal Public Service Number (PPSN), and security ID.	<input type="checkbox"/>		
Outline key health and safety requirements, including H&S training provided by the organisation.	<input type="checkbox"/>		
Provide an overview of the organisation (people, mission, services, outcomes).	<input type="checkbox"/>		
Share the organisation's future plans (vision) and upcoming developments.	<input type="checkbox"/>		
Give a brief history of the organisation.	<input type="checkbox"/>		
Job profile	<input type="checkbox"/>		
Fully explain the new job role, how it integrates with the organisation, and work practices.	<input type="checkbox"/>		
Outline expected performance and how it will be assessed.	<input type="checkbox"/>		
Discuss job-specific training and development opportunities.	<input type="checkbox"/>		
Review possible opportunities for future development and career progression.	<input type="checkbox"/>		
Go over the new employee's terms and conditions of employment, including job description, and provide a copy.	<input type="checkbox"/>		
Detail any probationary/trial period.	<input type="checkbox"/>		
Explain work hours, breaks, holidays, pay schedule, and pension information.	<input type="checkbox"/>		

Task	Done	Date	Notes
POLICIES AND PROCEDURES			
Job performance expectations.	<input type="checkbox"/>		
Discipline procedures.	<input type="checkbox"/>		
Absence management, including illness and sick pay.	<input type="checkbox"/>		
Complaint procedures against staff, such as for bullying and harassment.	<input type="checkbox"/>		
Use of company resources, including internet, email, and phone.	<input type="checkbox"/>		
Notice periods.	<input type="checkbox"/>		
Grievance procedures	<input type="checkbox"/>		
Details on maternity/paternity/parental leave/shared parental provisions.	<input type="checkbox"/>		
Company policies such as dress code, parking, no-smoking policy, and facilities for rest, kitchen, and dining.	<input type="checkbox"/>		
SECURITY AND PRIVACY			
Complete documentation on the new employee's appointment for their personnel file.	<input type="checkbox"/>		
Ensure the file is kept securely in compliance with GDPR and employee privacy rights.	<input type="checkbox"/>		
Include a confidentiality agreement in the induction documents, which outlines the organization's policy on handling sensitive information regarding an employee's conviction.	<input type="checkbox"/>		
Ensure that any reference to criminal convictions respects the Spent Convictions Act 2016	<input type="checkbox"/>		
WORKER RIGHTS AND COMMITMENT TO EQUALITY			
Reiterate the company's commitment to being an equal opportunity employer and discuss any diversity and inclusion initiatives.	<input type="checkbox"/>		
Inform about employee representation and trade union membership options.	<input type="checkbox"/>		
Confirm that a mandatory inclusivity training program for all staff has been completed, which emphasizes understanding and supporting colleagues with convictions.	<input type="checkbox"/>		

Task	Done	Date	Notes
SUPPORT AND RESOURCES			
Provide a welcome pack that includes information on internal and external reintegration support services.	<input type="checkbox"/>		
Appoint a dedicated HR representative or mentor who is trained in supporting individuals with convictions.	<input type="checkbox"/>		
Supply information on legal rights, advocacy groups, and support services that specialize in the rights of individuals with past convictions.	<input type="checkbox"/>		
Discuss any specific workplace accommodations or support that may be available or required for the employee.	<input type="checkbox"/>		
REVIEWS AND FEEDBACK			
At four/six weeks: Line manager or mentor to hold an informal meeting with the new employee.	<input type="checkbox"/>		
At three months: Review of settling in and performance.	<input type="checkbox"/>		
At six months: If on probation, decision on continuation of employment.	<input type="checkbox"/>		
At 12 months: Feedback session on the induction process.	<input type="checkbox"/>		

Induction Given By: _____

Inductee Signature: _____

H. Inclusive Recruitment and Retention Checklist

**YOUR
LOGO
HERE**

Job Descriptions

- Focus on the essential skills and qualifications necessary for the job.
- Use inclusive language that is accessible to all applicants, reflecting our commitment to diversity.
- Avoid requiring candidates to disclose past convictions in job descriptions.
- If background checks are needed, clearly state this in the job posting and ensure compliance with Irish law.
- Proclaim status as a fair chance employer.

Interview Process

- Center interviews around the candidate's skills, experience, and motivation.
- Do not pose questions about criminal records unless they are relevant and permissible under Irish law.
- Ensure hiring managers are trained to avoid implicit bias.
- Train hiring managers on the appropriate discussion of conviction history, in line with the GDPR, National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

Skill-Based Assessments

- Employ evaluations that are based on the actual skills required for the position and employ a strength or skills-based approach.
- Maintain a structured interview process that is consistent and equitable.
- Clearly communicate our commitment to fair chance employment during interviews.
- When conducting background checks, inform candidates of the scope and the time frame that will be considered, ensuring it complies with the relevant Irish laws.

Support Services

- Provide candidates with information on available support services for individuals with convictions, including local Irish job training and reentry support organizations.
- Partner with workforce intermediaries and other local organizations that support the reintegration of individuals with convictions. They can provide valuable guidance and may also be a source of potential candidates.

Training and Culture

- Provide training to hiring managers on inclusive recruitment.
- Educate the workforce on the value of hiring individuals with convictions and champion an inclusive culture.
- Share fair chance employment success stories and commitments through internal channels.
- Ensure all internal communications use inclusive, human-centered language.
- Disseminate guidelines that promote strengths-based language.
- Have the CEO or leadership team communicate their support for fair chance employment.
- Encourage staff participation in fair chance initiatives through mentoring and shared experiences.
- Establish an Employee Resource Group dedicated to justice-related support.
- Identify and support internal champions for fair chance employment.
- Form a diverse working group to implement second chance employment strategies.
- Regularly meet with the working group to develop and execute strategies.
- Involve community partners and individuals with relevant life experiences in shaping our fair chance employment approach.

Monitoring and Evaluation

- Collect and analyze data on the hiring of candidates with convictions.
- Establish a process for candidates with convictions to provide feedback on their recruitment experience and suggest improvements.
- Compare practices with those of industry peers.
- Set clear goals and performance indicators for fair chance employment.
- Implement systems to evaluate the integration and success of hires through fair chance initiatives.

Compliance

- Ensure all practices are in line with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 as well as GDPR and data protection laws.
- Regularly update the policy to remain compliant with evolving Irish employment law.

Further Resources

Fair Chance Organisations

Mr. Price

Ireland's Largest Discount Store Chain.

www.mrprice.ie

Contact Details:

Social Enterprises

Clean Slate Property Services

Clean Slate is a social enterprise that provides comprehensive property clearance and maintenance to Local Authorities, Housing Associations, Community Organisations, Charities and Private Sector Property Managers in the Dublin area. This service trains, to a high standard, those who have a criminal conviction and offers them an opportunity to access employment.

Dublin, Ireland

www.cleanslateservices.ie

Contact Details: T: 01 473 4644

Renew Enterprises

Renew is a non-profit Social Enterprise which is operated by Treo Port Lairge CLG. It was set up to create full-time employment for people that have been distant from the labour market, including people with convictions, to learn, train and practice new skills and to experience working in a real time working environment.

Waterford, Ireland

www.renewenterprises.ie

Contact Details: T: 089 243 6006. E: info@renewenterprises.ie

Spéire Nua

Spéire Nua assists those with convictions to realise their true potential, while formally recognising and adding value to their efforts to change. They offer a range of services for people with convictions, including a 'Certificate of Commitment to Change' which validates the hard work people with convictions have put in to change their ways and supports them as they seek employment.

Galway, Ireland

www.speirenu.org

Contact Details: T: 087 462 3327 / 087112 3327. E: damien@speirenu.org

Cairde: Making a Difference

Cairde are a commercial social enterprise that make and sell furniture and wood products, while offering employment to people with convictions who are turning their lives around and struggling to secure employment.

Limerick, Ireland

www.cairdeonline.ie

Contact Details: T: 085 860 7455. E: info@cairdeonline.ie

Kafe Connect

This café provides employment to those who have found it difficult to find employment due to previous criminal convictions, or those who are in recovery from addiction. They provide training and real work experience in a range of hospitality related roles including chefs, cooks, pastry chefs, and café management. They have had great success in progressing the trainees into employment areas of hospitality, tourism and catering.

Wexford, Ireland

www.kafekonnnect.ie

Contact Details: T: 087 251 8394. E: info@kafekonnnect.ie

NGO/Community Sector**Irish Penal Reform Trust (IPRT)**

IPRT is Ireland's leading non-governmental organisation campaigning for the rights of people in prison and the progressive reform of Irish penal policy.

Dublin, Ireland

www.iprt.ie

Contact Details: T: 01 874 1400. E: info@iprt.ie

Care After Prison

Care After Prison is a national peer led criminal justice charity dedicated to changing the lives of people who have been affected by imprisonment, including current and former offenders and their families. They prepare their clients with the skills they need to positively reenter society and offering a range of services including: Community Support Scheme, Peer Mentoring & Training, Community Support Post Release & Prison Inreach.

Dublin, Ireland

www.careafterprison.ie

Contact Details: T: 1800 839 970. E: info@careafterprison.ie

The Pathways Centre

The Pathways Centre is an outreach initiative of the City of Dublin Education and Training Board (CDETB) Education Service to Prisons. They offer respite to former prisoners after release by providing information, education, counselling, support and referral in a safe environment. They also employ people with convictions.

Dublin, Ireland

www.pathwayscentre.ie

Contact Details: T: 01 872 6499. E: info@pathwayscentre.ie

Palls: Building a Better Future Together

Palls is a project, based within an education and training centre, which provides individual support for purposeful change for people involved with the Probation Service and the criminal justice system.

Limerick, Ireland

www.palls.ie

Contact Details: T: 061 608 1890. E: info@palls.ie

Cork Alliance Centre

They work with those released from prison and living in the Cork area. They support people to make a fresh start after prison, both in terms of reducing reoffending and increasing positive participation in family and community life, with the ultimate goal of living a crime-free life. They also offer support to employers who wish to hire people with convictions.

Cork, Ireland

www.corkalliancecentre.com

Contact Details: Sheila Connolly, Managing Director. T: 021 455 7878.

E: sheila@corkalliancecentre.com

Criminal Justice Agencies

Irish Prison Service (IPS)

The Irish Prison Service is responsible for the safe and secure custody of those in prison, including those held on remand or immigration matters. It is responsible for providing those in prison with opportunities to engage in a meaningful way to reduce the likelihood of re-offending and assist their reintegration into law-abiding society.

Dublin, Ireland

www.irishprisons.ie

Contact Details: E: info@irishprisons.ie

Probation Service

The Probation Service protects the public and create safer communities by helping offenders to desist from committing more crime. They provide high quality assessment of offenders and a professional and effective management of services and supports to bring about positive change in the behaviour of offenders.

Dublin, Ireland

www.probation.ie

Contact Details: T: 01 817 3600. E: psinfo@probation.ie

State Agencies/Initiatives

Irish Association for Social Inclusion Opportunities (IASIO)

In partnership with a number of State agencies, their mission is to provide a wide range of social inclusion supports to marginalised groups, including access to housing, social welfare, training, education and employment.

Dublin, Ireland

www.iasio.ie

Contact Details: T: 01 866 2706

Within IASIO The Linkage Service provides services to clients referred by the Probation Service only and it is tailored to meet the needs of each individual referral. Guidance counselling, assessment and placement services (training, education and employment) to their clients. They also provide Community Service support in terms of sourcing appropriate sites and group work.

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