



## Criminal Record Checks

This policy sets out the approach that Bouygues will take when recruiting employees, in compliance with legal requirements.

Bouygues is committed to equality of opportunity for all job applicants and aims to select people for employment based on their skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

All applicants are required to declare any unspent convictions in accordance with the Rehabilitation of Offenders Act 1974 and all applicants must answer this question truthfully. Failure to reveal information relating to unspent convictions could lead to withdrawal of an offer of employment, or disciplinary action, including dismissal, for existing staff.

**Not all criminal convictions will be a bar to employment.** Where a conviction has been disclosed in an individual's application for a post with us, an open and measured discussion will take place at interview, or in a separate discussion, on the offences or any other matter that might be relevant to the position.

However, some posts are subject to laws on the safeguarding of children and/or vulnerable adults and in these cases a criminal record check with the Disclosure & Barring Service or Disclosure Scotland will be made and certain types of offences will prevent an offer of employment to be made.

### Disclosure of criminal convictions

The Company requires job applicants for some posts to disclose all criminal convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned).

There are four types of Disclosure and Barring Service (DBS) check:

**Basic disclosure:** Shows details of unspent convictions only.

**Standard disclosure:** Shows details of spent convictions, unspent convictions and cautions that have not been filtered and may be used for positions covered by the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974 e.g. certified/chartered accountants, solicitors and legal executives.

**Enhanced disclosure:** Shows details of spent convictions, unspent convictions and cautions that have not been filtered. It also includes a check of local police records.

An Enhanced Disclosure will be required for certain roles which have contact with children or vulnerable adults, specifically all *regulated positions* or positions where *regulated activity* or *controlled activity* occurs (please see below for further details). We will only utilise Enhanced Disclosures where an individual has direct and unsupervised contact with children and vulnerable adults as part of their day-to-day activities.

**Enhanced disclosure with barred lists check:** Shows details of spent convictions, unspent convictions and cautions that have not been filtered. It will include a check of local police



records and the barred lists held by the DBS, i.e. of those individuals who are barred from working with children and/or vulnerable adults.

### **Considering Disclosure information**

The results of a DBS check will be considered on an individual basis and the company will act in a proportionate manner when deciding whether to proceed with the appointment to the post in question. However, the protection and safeguarding of children and/or vulnerable adults will be the company's primary concern.

If the disclosure identifies convictions or other relevant information the following information will be considered:

- The seriousness of the offence and its relevance to the safety of other employees / members of the public;
- The length of time since the offence occurred;
- Whether the offence was a one-off or part of a history of offending;
- Any relevant information offered by the applicant about the circumstances that led to the offence being committed;
- Whether the individual has disclosed the offence.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

If the decision is not to appoint, a letter will be sent to the applicant withdrawing the offer of employment and stating the reasons for this decision.

### **Process for DBS checks**

Where any type of DBS disclosure, other than a basic disclosure, is required, the company will seek the job applicant's agreement to make a joint application to the DBS for the DBS check.

To enable the job applicant to carry out the DBS check (other than where a basic disclosure only is required), the company will provide the applicant for the post with an application form and ask them to complete and return the form to the company along with documents proving their identity. We will not normally accept a Disclosure report which was obtained for a position in a different organisation.

The company will send the completed form to the DBS together with the application fee. Once the check has been carried out, the DBS should send the certificate to the applicant. The company will ask the job applicant for sight of the DBS certificate.

Where the job applicant for the post is a member of the DBS update service, the company will, with their permission, carry out a status check on any current certificate.



The job applicant will pay the DBS application fee, which the company will refund to the applicant in full upon successful completion of the probationary period.

### **Offers of employment**

An offer of employment for any post will be conditional on the job applicant satisfying the company's usual requirements for employment (for example to provide satisfactory references and evidence establishing their right to work in the UK).

In addition, the offer of employment will be conditional, where required, on satisfactory completion of DBS checks, depending on the post in question. Where the job applicant refuses to agree to an application to the DBS or a DBS check is completed but the job applicant refuses to allow the company to see the DBS certificate, they will be treated as not having satisfactorily completed the DBS check.

No job applicant will be permitted to commence employment with the company until all specified conditions are satisfied.

### **Data protection**

The company processes information about an individual's criminal convictions in accordance with its policies and procedures.

In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the company's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months we will consult the DBS about this and we will give full consideration to the General Data Protection Regulations and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be maintained in the HR system, other than the following.

- The issue date of the DBS Certificate
- The level of check requested, including any checks against one or both of the barred lists.
- The unique reference number of the certificate.
- The DBS check outcome, e.g. post to be offered, offer withdrawn etc.



## **Review**

This policy will be monitored on an on-going basis and will be reviewed every three years and/or in the light of any guidance or legislative changes.