 <p>GIG CYMRU NHS WALES</p> <p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	<p>Name of Meeting People and Organisational Development Committee</p> <p>Date of Meeting 08 November 2023</p> <p>Agenda item: 4.2d</p>
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Policy / Procedure Review and Approval Report

Section 1 - Policy / Procedure Information

Policy / Procedure Title	Employing Ex-Offenders and People with a Criminal Record Policy
Policy Owner	Jenni Morgan
Lead Executive	Neil Lewis
PHW / All Wales?	Public Health Wales
Date of last Review	New Policy
Is the current policy / procedure within date?	n/a New Policy
Approving Body /Group	People & OD Committee
Version Number	1

Section 2 – Recommendation

FOR APPROVING BODY:

That the People and Organisational Development Committee:

- **Considers** the information contained within the Policy and Equalities Impact Assessment
- **Note** that the Leadership Team have endorsed the Policy to the People and Organisational Development Committee for approval
- **Approve** the Policy

3 – Details of the Review:

Background:

Reason for review	N/A New Policy
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Consultation:


Has this Policy / Procedure been through the appropriate consultation process?	Yes
Date range of consultation:	28/08/2023 -27/09/2023
Please provide details of any feedback received and outline what changes if any were made to the document as a result:	
<p>Policy developed in partnership at Policy Workshop in August. Trade Union feedback was received at a later date to the workshop.</p> <p>Workshop Feedback: Feedback on appendices – information could become outdated, so links provided to GOV website where the information is located.</p> <p>More information added to highlight the requirement to seek guidance from POD during the process of withdrawing an offer.</p> <p>Further guidance alongside the policy is needed. Whilst further detail hasn't been added to the policy, a guidance document will be developed to go alongside this.</p> <p>No further feedback received during consultation period</p>	
Had this policy / procedure been considered by any other groups?	Yes Local Partnership Forum
If so, please provide detail of any comments / feedback or amendments made to the documents as a result of this	
The Leadership Team also considered and commented as necessary on the Policy during October 2023.	

4 – Impact Assessments

Equality and Health Impact Assessment	Has been completed and included as an appendix
Risk and Assurance	Relates to Strategic Risk 4. This policy provides managers clarity on attraction and selection in regards to employing ex-offenders and people with a criminal record, which should lead to a consistent approach being undertaken.
Health and Care Standards	<p>This Policy / Procedure supports and/or takes into account the Health and Care Standards for NHS Wales Quality Themes</p> <p>Theme 7 - Staff and Resources Choose an item. Choose an item.</p>
Financial implications	There may be financial implications where legal advice may need to be sought for specific situations such as withdrawing an offer.
People implications	This policy will provide a consistent pair approach to employing ex-offenders and people with a criminal record.

5 - Implementation

Implementation plan (with timescales)		
Next steps	Timescale	Responsible officer(s)
Once approved the updated policy will be launched via the intranet pages.	Within 4 weeks of approval	Jenni Morgan
Additional supporting guidance will be developed following the workshop and feedback to ensure managers have as much information as possible	31/03/2024	Jenni Morgan

 GIG CYMRU NHS WALES	Iechyd Cyhoeddus Cymru Public Health Wales	Reference Number: Version Number: Date of next review:
EMPLOYING EX-OFFENDERS AND PEOPLE WITH A CRIMINAL RECORD POLICY		
Policy Statement This policy aims to ensure that the organisation has a transparent and consistent approach to employing ex-offenders and people with a criminal record.		
Policy Commitment Public Health Wales NHS Trust (the organisation) provides equality of opportunity for all job applicants with the required qualifications, experience, skills, knowledge and qualities as outlined in the job description and person specification for the post. Therefore, the organisation welcomes applications from a diverse range of applicants, including ex-offenders and those with a spent or unspent criminal record. In accordance with the Rehabilitation of Offenders Act 1974, an applicant's criminal convictions will only be taken into account during the recruitment process, where it is relevant to the post applied for. As the organisation has an exemption order under the above Act, any cautions, reprimands or final warnings, which are not criminal convictions, will also be considered as part of this process. Having a conviction will not necessarily prevent applicants from being appointed to posts within the organisation. This will depend on the nature of the post that the applicant has applied for and the circumstances and background to their offence(s).		
Supporting Procedures and Written Control Documents All corporate policies and procedures are available on the Public Health Wales website Other related documents are: <ul style="list-style-type: none"> • Recruitment and Selection Policy (nhs.wales) 		

Scope

This policy applies to all applicants who apply for a post within the organisation.

In accordance with the Rehabilitation of Offenders Act 1974, an applicant's criminal convictions will only be taken into account during the recruitment process, where it is relevant to the post applied for. As the organisation has an exemption order under the above Act, any cautions, reprimands or final warnings, which are not criminal convictions, will also be considered as part of this process.

Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
Approved by	People and Organisational Development Committee
Approval Date	

Review Date	
Date of Publication:	
Group with authority to approve supporting procedures	People and Organisational Development Committee
Accountable Executive Director/Director	Neil Lewis Director of People and Organisational Development
Author	Jenni Morgan Resourcing Advisor - People and OD

Disclaimer:

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).

Summary of reviews/amendments

Version number	Date of Review	Date of Approval	Date published	Summary of Amendments

V1	June 2023			New policy developed

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1. Policy Statement

Public Health Wales NHS Trust (the organisation) provides equality of opportunity for all job applicants with the required qualifications, experience, skills, knowledge and qualities as outlined in the job description and person specification for the post. Therefore, the organisation welcomes applications from a diverse range of applicants, including ex-offenders and those with a spent or unspent criminal record.

In accordance with the Rehabilitation of Offenders Act 1974, an applicant's criminal convictions will only be taken into account during the recruitment process, where it is relevant to the post applied for. As the organisation has an exemption order under the above Act, any cautions, reprimands or final warnings, which are not criminal convictions, will also be considered as part of this process.

Having a conviction will not necessarily prevent applicants from being appointed to posts within the organisation. This will depend on the nature of the post that the applicant has applied for and the circumstances and background to their offence(s).

2. Scope

This policy applies to all applicants who apply for a post within the organisation. As the organisation has an exemption order, which overrules the employment rights of ex-offenders, as outlined in the Rehabilitation of Offenders Act 1974 i.e. they do not have the right to conceal information in respect of spent convictions when applying for jobs within the National Health Service (NHS). All applicants are therefore required to disclose on their application form, any information regarding spent or unspent criminal convictions, cautions, bind overs, reprimands, or final warnings.

The organisation uses the Disclosure and Barring Service (DBS), as part of its recruitment process to help it to assess the suitability of applicants appointed to posts, which will require them to work with vulnerable groups, including children in the course of their normal duties, or those to be employed in a financial role.

Please visit the Government website for further information on this service:

<https://www.gov.uk/disclosure-barring-service-check/overview>

Public Health Wales is an equal opportunities employer, which is committed to the fair treatment of all job applicants. The organisation is committed to not discriminating unfairly against any applicant, where they disclose an unspent or spent criminal conviction, a caution, bind over, reprimand or final warning.

All candidates shortlisted for interview will be selected based on their qualifications, experience, skills, knowledge, and personal qualities as specified in the post's job description and person specification. The declaration of a conviction etc. will not necessarily prevent applicants from being shortlisted for interview or appointed to a post within the organisation. Conviction information will only be considered, to determine the candidate's suitability in respect of the post applied for.

3. Roles and Responsibilities

3.1 Recruiting Manager

The recruiting manager has a responsibility to ensure that they are up to date with the Recruitment and Selection Policy and related guidance.

If the recruiting manager wishes to consider an applicant who has disclosed a conviction, caution, bind over, reprimand or final warning they must undertake a risk assessment, to assess the relevance of the conviction etc. against the post the individual is applying for. This risk assessment must be considered and signed off by the relevant Director before an offer of employment is made. In such circumstances advice should be sought from the People and OD Team, PeopleSupport.PHW@wales.nhs.uk.

3.2 People and OD

The People and OD Team will provide accurate and up to date advice on the legislation and principles that govern the recruitment and selection process for ex-offenders and individuals with a criminal record.

The People and OD Team will also ensure that managers have adequate information, guidance and support to fulfil their role in the fair recruitment and selection of staff.

4. Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act was introduced to help restore the reputation of individuals who had been convicted of an offence but have since reformed and not committed any further offences. The Act specifies the period of time that an offender is required to disclose previous convictions etc., including when applying for a job. The Act was extended to cover police cautions in 2008. (A caution is considered to be spent as soon as it is given).

Amendments to the Rehabilitation of Offenders Act 1974 were also made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in England and Wales and came into effect during March 2014. This Act changed the way some

rehabilitation periods are set, so that they are fairer and better to reflect the seriousness of the sentences imposed.

Details of specific sentences / periods are set out within **Appendix A** of this policy.

4.1 Exceptions Orders 1975

There is an Exceptions Order within the Act, which sets out when the non-disclosure of an offence does not apply. The Order covers posts that involve risks, such as those working with vulnerable children or adults within the healthcare sector and financial services. Where applicants are applying for a post that will require them to work with vulnerable patients or deal with financial matters, they are required to disclose all their previous convictions, whether they are 'spent' or 'unspent'. A list of Excepted Professions, Offices, Employment and Work is set out in **Appendix B**.

There will be a number of posts within our organisation that are exempt from the Act, as this legislation sets out that:

"Where a post is concerned with the provision of health services and it is of such of a kind that requires the post holder to have access to persons in receipt of healthcare services, in the course of their normal duties"

Extract based on wording taken from the Exceptions Order (1975)

In such instances, the applicant is required to disclose 'spent' as well as 'unspent' convictions on their application form.

Should applicants require any additional information regarding how this act applies to their application, they should contact their local Probation Officer, Citizen Advice Bureau, solicitor, or consult the Home Office's rehabilitation document, <http://www.homeoffice.gov.uk/justice>

5. Disclosures

To ensure that all job applicants are familiar with the organisation's policy in relation to disclosure of convictions etc. all job advertisements will clearly state if a Standard, Enhanced or Enhanced with barred lists DBS Check is a requirement for the post. The NHS Wales application form will also contain a statement that will inform applicants that they are required to disclose any unspent or spent criminal convictions, cautions, bind overs, reprimands or final warnings, as part of the recruitment process.

6. Use of Disclosure Information

Where an applicant discloses information regarding convictions etc. on their application form, the organisation will ensure that this information is treated confidentially and only divulged to those who need to access it for recruitment processes, i.e. interview panel members and People and OD.

The lead interview panel member will hold an open discussion with candidates who disclose that they have a spent or unspent conviction, caution, bind over, reprimand or final warning at interview. The purpose of this discussion is to explore the circumstances and background to their conviction etc. and their rehabilitation, to assess their suitability for employment in the post.

7. Withdrawing an Offer of Employment

It is against the law to refuse someone a job because they have got a spent conviction or caution, unless it is because the DBS check shows that they are unsuitable for the post they have applied for (see Exemptions **Appendix B**).

Where an applicant has a conviction, caution, bind over, reprimand or final warning and they fail to disclose this information on their application form, it could result in the withdrawal of an offer of employment

The organisation reserves the right to withdraw an offer of employment following a Disclosure and Barring Service (DBS) check (Standard or Enhanced), where it reveals a conviction etc. which renders the appointee unsuitable to work directly or indirectly with vulnerable patients / children or a finance related post.

In such circumstances, the lead interview panel member will contact the appointee to discuss the information divulged in the DBS Check and explain why the offer of employment is being withdrawn. In such circumstances advice should be sought from the People and OD Team, PeopleSupport.PHW@wales.nhs.uk.

In accordance with the Rehabilitation of Offenders Act (1974) Exception Order, all applicants are required to disclose information in respect of unspent and spent convictions, cautions, reprimands and final warnings on their application form. Where applicants fail to disclose this information and it is later found that they have a conviction, etc. it could result in disciplinary action, including dismissal.

8. Implementation

All staff need to be made aware of the existence of this procedure which can be obtained on the Public Health Wales Policies Intranet page, and will be publicised via the staff intranet.

Line managers should bring the guidance to the attention of their staff for information only.

Whilst training is not offered on this procedure, we encourage staff to seek guidance on this procedure from the People and OD team by contacting PeopleSupport.PHW@wales.nhs.uk

9. Equality and Welsh Language

This policy is available in Welsh on the Public Health Wales Policies Intranet page. Correspondence can be made available in Welsh should a staff member so request.

10. Audit

The named lead will monitor this policy to ensure it is compliant with current legislation, to ensure it is effectively implemented, and ensure that it is reviewed in accordance with the timetable for review.

11. Distribution

All staff will be made aware of this policy upon commencement with Public Health Wales and when approved. Copies can also be viewed on Public Health Wales Internet or obtained via the People and OD department by contacting PeopleSupport.PHW@wales.nhs.uk

12. Review

This policy will be reviewed in 3 years' time or sooner if required.

We are continually looking to improve our employment practices and welcome any feedback you may have in relation to this policy. Feedback can be provided by emailing PeopleSupport.PHW@wales.nhs.uk

Appendix A - REHABILITATION PERIOD PER SENTENCE

The full list of rehabilitation periods can be found at:
<https://www.gov.uk/guidance/rehabilitation-periods>

N.B. Sentences exceeding 4 years are never spent. In such cases it is the sentence imposed by the court which is relevant and not the length of time served in prison / young offenders' institution. A sentence counts in the same way, whether an individual is sent to prison or the sentence is suspended.

Where an individual received two or more prison sentences during the same court case, the rehabilitation period depends on whether the sentences are ordered to take effect concurrently (at the same time) or consecutively (one after the other). For example, if two, six-month sentences are to be served concurrently, the convictions are treated separately, giving each conviction a rehabilitation period of seven years (aged 18 years and over).

If the sentences are to be served consecutively, they are treated as a single term of 12 months, with a rehabilitation period of 10 year (aged 18 years and over).

Source: The Liberty Guide to Human Rights - Spent Convictions and the Rehabilitation of Offenders (2002).

Appendix B - EXCEPTED PROFESSIONS, OFFICES, EMPLOYMENTS AND WORK

Listed below are the relevant excepted NHS professions set out in the Act:

1. Medical practitioner.
2. Barrister (in England and Wales), advocate (in Scotland), solicitor.
3. Chartered accountant, certified accountant.
4. Dentist, dental hygienist, dental auxiliary.
5. Veterinary surgeon.
6. Nurse, midwife.
7. Ophthalmic optician, dispensing optician.
8. Pharmaceutical chemist.
9. Registered teacher (in Scotland).
10. Any profession to which the Professions Supplementary to Medicine Act 1960 applies and which is undertaken following registration under that Act.

Listed below are the relevant NHS excepted offices, employment and work set out in the Act:

Any employment or other work which is concerned with the provision of care services to vulnerable adults and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to vulnerable adults in receipt of such services in the course of his normal duties.

Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties.

Appendix C - Guidance on Posts Requiring Disclosure and Barring Service Checks

Guidance on DBS check eligibility can be found on the [NHS Employers website](#).

STANDARD CHECKS

A standard check contains details of both spent (old) and unspent (current) convictions, including cautions, reprimands and final warnings held in England and Wales on the Police National Computer (PNC). Most of the relevant convictions in Scotland and Northern Ireland may also be included.

Eligibility for Standard Checks

Employers may carry out standard level DBS Checks to assess a person's suitability for work listed in the Exceptions Order i.e. where the type of work enables the person to have '*access to persons in receipt of such services in the course of [their] normal duties*'. The term 'access' only relates to where individuals have direct, physical contact with patients as part of their day to day activities; it does not include positions where there is no contact with patients.

Please note that positions that purely involve having access to records are not covered under the terms of the Exceptions Order and therefore employers cannot obtain a standard or enhanced DBS Check for these positions

ENHANCED CHECKS

An enhanced check contains the same information as a standard check but also includes any non-conviction information held by local police, where they consider it to be relevant to the post. This information is referred to as 'approved information' on the enhanced check certificate.

There are two levels of enhanced check – an enhanced disclosure check for regulated activity i.e. *with* barred list information (Regulated Activity) and an enhanced disclosure *without* barred list information.

Eligibility for Enhanced Checks for Regulated Activity (is work that involves close and unsupervised contact with vulnerable groups including children, and which cannot be undertaken by a person who is on the Disclosure and Barring Services Barred List)

Individuals seeking work in a regulated activity position must be checked against the DBS lists of those barred from working in regulated activity. This check is accessed through the process of applying for an Enhanced DBS Check for regulated activity.

Eligibility for an Enhanced DBS Check

Following recent changes to the eligibility criteria, there are some positions which are no longer eligible for an enhanced disclosure *with* a barred list check. Employers may continue to obtain an enhanced DBS check i.e. *without* a barred list check for those positions that were previously eligible under the Safeguarding Vulnerable Groups Act (SVGA) before 10 September 2012 but no longer fall within the new definition of regulated activity.

Template
Equality & Health Impact Assessment for
EMPLOYING EX-OFFENDERS AND PEOPLE WITH A CRIMINAL RECORD POLICY

Part 1

Please answer all questions:-

	For service change, provide the title of the Project Outline Document or Business Case and Reference Number	N/A
	Name of Clinical Board / Corporate Directorate and title of lead member of staff, including contact details	Neil Lewis Director of People and Organisational Development People and Organisational Development
	Objectives of strategy/ policy/ plan/ procedure/ service	<p>Public Health Wales NHS Trust (the organisation) provides equality of opportunity for all job applicants with the required qualifications, experience, skills, knowledge and qualities as outlined in the job description and person specification for the post. Therefore, the organisation welcomes applications from a diverse range of applicants, including ex-offenders and those with a spent or unspent criminal record.</p> <p>In accordance with the Rehabilitation of Offenders Act 1974, an applicant's criminal convictions will only be taken into account during the recruitment process, where it is relevant to the post applied for. As the organisation has an exemption order under the above Act, any cautions, reprimands or final warnings, which are</p>

		<p>not criminal convictions, will also be considered as part of this process.</p> <p>Having a conviction will not necessarily prevent applicants from being appointed to posts within the organisation. This will depend on the nature of the post that the applicant has applied for and the circumstances and background to their offence(s).</p>
	<p>Evidence and background information considered. For example</p> <ol style="list-style-type: none"> 1. population data 2. staff and service users data, as applicable 3. needs assessment 4. engagement and involvement findings 5. research 6. good practice guidelines 7. participant knowledge 8. list of stakeholders and how stakeholders have engaged in the development stages 9. comments from those involved in the designing and development stages <p>Population pyramids are available from Public Health Wales Observatory and the 'Shaping Our Future Wellbeing' Strategy provides an overview of health need.</p>	<p><u>Policy Workshop</u></p> <p>Policy development workshop held, including managers and staff within the organisation on 1st August 2023. Comments from the workshop have been incorporated into policy, with further revisions following circulation of draft.</p> <p>TU representatives were unable to attend the workshop, but feed back was gained via email.</p> <p><u>Research</u></p> <p><u>GOV statistics May 2023</u></p> <p>New statistics show rapid progress has been made to boost employment for prison leavers, with the number of ex-offenders who have been successfully steered into jobs within 6 months more than doubling from 14% to 30% since April 2021.</p> <p>It is helping to cut crime and tackle the £18 billion annual cost of reoffending as ex-prisoners in steady jobs are known to be up to 9 percentage points less likely to commit further crimes. (GOV website)</p> <p><u>CIPD November 2021</u></p>

		<p>New poll data suggests that over 90% of businesses employing ex-offenders find them to be reliable, good at their job, punctual and trustworthy, and employers in industries such as construction, agriculture and transportation are already seeing the benefits of this.</p> <p>Giving jobs to ex-offenders can also have significant reputational advantages, as over 80% of the general public think businesses taking on ex-offenders are making a positive contribution to society and cut re-offending rates by up to nine percent. This can help to build an employer's brand and make it stand out from competitors.</p> <p><u>Organisation Data</u></p> <p>From 1st January to 19th September 2023 there have been 533 vacancies advertised on Trac. Out of these 120 vacancies required a DBS.</p>
9.	<p>Who will be affected by the strategy/ policy/ plan/ procedure/ service</p> <p>Consider staff as well as the population that the project/change may affect to different degrees.</p>	Managers and applicants.

Part 2- Equality and Welsh language

11. EQIA / How will the strategy, policy, plan, procedure and/or service impact on people?

Questions in this section relate to the impact on people on the basis of their 'protected characteristics'.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
6.1 Age For most purposes, the main categories are: 1. under 18; 2. between 18 and 65; and 3. over 65	This policy will be applied consistently regardless of age. An applicant's criminal convictions will only be taken into account during the recruitment process, where it is relevant to the post applied for.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.
6.2 Persons with a disability as defined in the Equality Act 2010 Those with physical impairments, learning disability, sensory loss or	This policy will be applied consistently regardless of whether or not an applicant has a disability as defined in the Equality Act 2010.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
impairment, mental health conditions, long-term medical conditions such as diabetes.			
6.3 People of different genders: Consider men, women, people undergoing gender reassignment NB Gender-reassignment is anyone who proposes to, starts, is going through or who has completed a process to change his or her gender with or without going through any medical procedures. Sometimes referred to as Trans or Transgender	This policy will be applied consistently regardless of The applicants gender. It may however have more of a positive impact on male candidates as 73% of all convictions within the UK in 2019 were of males, and 90% of custodial sentences were of males also.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
6.4 People who are married or who have a civil partner.	This policy will be applied consistently regardless of an applicant's marital status.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.
6.5 Women who are expecting a baby, who are on a break from work after having a baby, or who are breastfeeding.	This policy will be applied consistently regardless of whether or not an applicant is expecting a baby, is on a break from work after having a baby, or who is breastfeeding.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.
6.6 People of a different race, nationality, colour, culture or ethnic origin including non-English speakers, gypsies/travellers, migrant workers	This policy will be applied consistently regardless of whether or not an applicant is of a different race, nationality, colour, or ethnic origin.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
	<p>It may have a positive impact on candidates of a specific ethnicity based on the average number of people from that ethnicity that have a conviction.</p> <p>Looking at statistics from the Gov website, individuals from a Black ethnic group made up 3% of the population of the UK in 2020, however, they also made up 10% of the population that have a conviction. As well as individuals with mixed ethnicity that made up 2% of the population and made up 3% of individuals with a conviction. These</p>		

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
	two ethnic groups both had higher conviction percentages than their population percentages, compared. These ethnic groups may then see a more positive impact as a result of this policy during the recruitment process.		
6.7 People with a religion or belief or with no religion or belief. The term 'religion' includes a religious or philosophical belief	This policy will be applied consistently regardless of an applicant's religion or belief.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
6.8 People who are attracted to other people of: 1. the opposite sex (heterosexual); 2. the same sex (lesbian or gay); 3. both sexes (bisexual)	This policy will be applied consistently regardless of an applicant's sexual orientation.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.
6.9 People according to their income related group: Consider people on low income, economically inactive, unemployed/workless, people who are unable to work due to ill-health	This policy will be applied consistently regardless of an applicant's income or employment status on applying. This policy has a positive impact in that it promotes welcoming applications from a diverse range of applicants including ex-offenders and those with a spent or unspent criminal record. If the applicant is successful then they will	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
	be positively impacted by obtaining the position they applied for.		
6.10 People according to where they live: Consider people living in areas known to exhibit poor economic and/or health indicators, people unable to access services and facilities	This policy will be applied consistently regardless of where the applicant lives. This policy may positively impact some candidates based on socio-economic factors such as where they live, where conviction rates are higher in certain areas of Wales.	Ensure that further support and guidance is provided to managers alongside the policy by the POD team.	Guidance document to be created to sit alongside the policy.
6.11 Consider any other groups and risk factors relevant to this strategy, policy, plan, procedure and/or service	Not applicable.		
6.12 Welsh Language			

How will the strategy, policy, plan, procedure and/or service impact on:-	Potential positive and/or negative impacts (unintended consequences) Opportunities or gaps	Action taken by Directorate. Make reference to where the mitigation is included in the document, as appropriate This column is to be updated in future reviews	Recommendations for improvement/ mitigation/ identified gaps or opportunities
There are 2 key considerations to be made during the development of a policy, project, programme, service to ensure there are no adverse effects and/or a positive or increased positive effect on: (please note these will continue to be reviewed to ensure Public Health Wales fulfils their duties to comply with one or more standards outlined within the Welsh Language Standards (No 7) Regulations 2018)			
Opportunities for persons to use the Welsh language	During the recruitment process applicants have the option to communicate in English or Welsh. This policy does not negatively or positively impact the opportunity to use the Welsh language.		Ensure that all communication regarding this policy is bilingual when approved.
Treating the Welsh language no less favourably than the English language	During the recruitment process applicants have the option to communicate in English or Welsh. This policy does not negatively or positively impact the opportunity to use the Welsh language.		Ensure that all communication regarding this policy is bilingual when approved.

Part 3 – Health

Questions in this section relate to the impact on the health and wellbeing outcomes of the population **and** specific population groups who could be more impacted than others by a policy/project/proposal.

The part of the assessment identifies;

1. which specific groups in the population could be impacted more (inequalities)
2. what those potential impacts could be across the wider determinants of health framework?
3. Potential gaps, opportunities to maximise positive H&WB outcomes
4. Recommendations/mitigation to be considered by the decision makers

5. Identification of specific population groups

Use the WHIASU Population Groups checklist as a reference to identify the population groups who could be more impacted than others by a policy/project/proposal. The check list can be found on the PHW Integrated EqHIA guidance pages (requires link to PHW Intranet pages for additional information and resources)

The groups listed have been identified as more susceptible to poorer health and wellbeing outcomes (health inequalities) and therefore it is important to consider them in a HIA assessment. In a HIA, the groups identified, as more sensitive to potential impacts will depend on the characteristics of the local population, the context, and the nature of the proposal itself.

7.1 Groups identified	Rational/explanation

Assessment

Complete the wider determinants framework table below providing rational/evidence where appropriate:

1. Consider how the proposal could impact on the population and specific population groups identified above (positive/negative) for each of the wider determinants (the bullets under each determinant are there as a guide)
2. Record any unintended consequences (negative impacts) and/or gaps identified
3. Record any positive impacts or missed opportunities to maximise positive health and wellbeing outcomes
4. identify and record mitigation/recommendations where appropriate

Please note you may find that not all determinants are relevant to the project/plan however recording N/A is not acceptable a rational or evidence should be explained/referenced

Wider determinant for consideration	Positive impacts or additional opportunities	Unintended consequences or gaps	Population groups affected	Mitigation/recommendations
7.2 Lifestyles Diet/nutrition/breastfeeding Physical activity Use of alcohol, cigarettes, e-cigarettes Use of substances, non-prescribed drugs, abuse of prescription medication Social media use Sexual activity Risk-taking activity i.e. gambling, addictive behaviour	This policy will help managers gain further awareness of recruiting ex-offenders and individuals with a criminal record. This could positively impact on the recruitment outcome for these individuals. Employment would positively impact in the individuals lifestyle.			
7.3 Social and community influences on health Adverse childhood experiences Citizen power and influence	This policy will help with awareness of recruiting ex-offenders and	Potential gaps could be further guidance and support from outside		Further guidance documentation to be developed to go further into process.

<p>Community cohesion, identity, local pride Community resilience Domestic violence Family relationships Language, cultural and spirituality Neighbourliness Social exclusion i.e. homelessness Parenting and infant attachment Peer pressure Racism Sense of belonging Social isolation/loneliness Social capital/support/networks Third sector & volunteering</p>	<p>individuals with a criminal record, which could lead to a better sense of belonging in the workplace and promote a better sense of community for individuals with a criminal record or ex-offenders.</p>	<p>organisations or support once in the role if needed.</p>		
<p>7.4 Mental Wellbeing</p> <ol style="list-style-type: none"> 1. Does this proposal support sense of control? 2. Does it enable participation in community and economic life? 3. Does it impact on emotional wellbeing and resilience? 	<p>This policy should positively impact a sense of control and clarity for both managers and applicants when it comes to recruiting ex-offenders and individuals with a criminal record.</p>			
<p>7.5 Living/ environmental conditions affecting health</p> <ol style="list-style-type: none"> 1. Air quality 2. Attractiveness/access/availability/quality of area, green and blue space, natural space. 3. Health & safety, community, individual, public/private space 4. Housing, quality/tenure/indoor environment 5. Light/noise/odours, pollution 6. Quality & safety of play areas (formal/informal) 	<p>This policy does not impact directly on living or environmental conditions affecting health.</p>			

7. Road safety 8. Urban/rural built & natural environment 9. Waste and recycling 10. Water quality				
7.6 Economic conditions affecting health Unemployment Income, poverty (incl. food and fuel) Economic inactivity Personal and household debt Type of employment i.e. permanent/temp, full/part time Workplace conditions i.e. environment culture, H&S	This policy could impact on unemployment by providing clarity to both managers and potential applicants on recruiting ex-offenders and individuals with a criminal record.			
7.7 Access and quality of services Careers advice Education and training Information technology, internet access, digital services Leisure services Medical and health services Other caring services i.e. social care; Third Sector, youth services, child care Public amenities i.e. village halls, libraries, community hub Shops and commercial services Transport including parking, public transport, active travel	This policy does not impact directly on access and quality of services.			
7.8 Macro-economic, environmental and sustainability factors Biodiversity Climate change/carbon reduction/flooding/heatwave Cost of living i.e. food, rent, transport and house prices Economic development including trade	This policy does not impact directly on Macro-economic, environmental and sustainability factors.			

Government policies i.e. Sustainable Development principle (integration; collaboration; involvement; long term thinking; and prevention) Gross Domestic Product Regeneration				
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Stage 3

Summary of key findings and actions Please answer question 8.1 following the completion of the EHIA and complete the action plan

Key findings: Impacts/gaps/opportunities	Actions (what is needed and who needs to do) to address the identified mitigation and recommendations	Lead		
From the policy workshop it was established that further guidance is needed for managers.	This guidance is to be developed that can then sit alongside this policy.	Jenni Morgan		

Alternatively, if appropriate, please explain the steps taken to consult with and consider the differential impact of the changes on the various protected characteristic groups (part 2) or any specific identified population groups (part 3).