

## Policy statement on the recruitment of ex-offenders

- The Council only requests a criminal records check if it is deemed relevant to the post. If the post is identified in the Police Act 1997 then an enhanced check will be undertaken. Posts subject to the Basic Personnel Security Standard will be checked at the basic level. Where it is identified as a requirement the supporting recruitment documentation for the post (the job profile) will contain a statement indicating that the check will be requested in the event of the individual being offered the position.
- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the Council complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly. We also comply fully with our obligations under GDPR and other relevant legislation.
- The Council undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- The Council can only ask an individual to provide details of convictions and cautions that the Council are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).
- The Council can only ask an individual about convictions and cautions that are not protected.
- The Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- The Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.
- The Council select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

- The Council ensures that all those in the Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- The Council also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- At interview, or in a separate discussion, the Council ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- The Council makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.
- The Council undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- Having a criminal record will not necessarily bar a person from working for the Council. This will depend on the nature of the position and the circumstances and background of the offences. Criminal records will only be taken into account when the conviction is relevant.

**Please note:**

Failure to declare a conviction, caution or pending police action, will disqualify the applicant from appointment or result in summary dismissal if the discrepancy comes to light later. If applicants would like to discuss whether a conviction held would debar them from working in the position applied for, they should telephone Human Resources on (01709) 334141 in confidence, for advice.

**The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act enables some criminal convictions to be ignored after a rehabilitation period. The purpose of the Act is to ensure that people do not have a lifelong blot on their records because of a relatively minor offence in their past. The rehabilitation period is automatically determined by the sentence, and starts from the date of the conviction. After this period, if there has been no further conviction the conviction is "spent" and, with certain exceptions, need not be disclosed by the ex-offender in any context e.g. when applying for a job.

Certain professions and employments are exempt from the Act so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions in similar fields. Those professions relevant to the Council include:

- Those working with children and other vulnerable groups, such as teachers and social workers
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden
- Accountants

- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services
- Officers and other persons who execute various court orders
- Taxi drivers and other transport workers.

Details of all the legislation mentioned in this document can be found on the [HR intranet site](#).