

Policy Statement on the Recruitment of Ex-Offenders

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Scope

The Policy Statement on the Recruitment of Ex-Offenders applies to current and prospective employees, casual workers, and volunteers of Charnwood Borough Council.

Principles

As an organisation which assesses 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, Charnwood Borough Council complies fully with the DBS [Code of Practice](#) for registered bodies and other recipients of Disclosure information, which is available on the Gov.uk website. Copies of the Code of Practice can be provided on request.

Charnwood Borough Council uses Leicestershire County Council as an umbrella body to provide access to the Disclosure and Barring Service in order to assess applicant's suitability for position of trust.

The Policy Statement on the Recruitment of Ex-Offenders will be made available to applicants as part of the recruitment process. Where a DBS Disclosure is required in respect of a particular post, this will be confirmed in the job description and job advertisement, and a copy of this Policy Statement will be provided prior to the DBS application being requested.

A criminal record will not necessarily debar an applicant from being employed or engaged to work for the Council. The Council undertakes to treat all applicants for positions fairly, and decisions in this regard will only be taken following a detailed and considered assessment of the circumstances and the Council's responsibilities especially in safeguarding children and vulnerable adults.

Those involved in recruitment and selection processes have undertaken training, and have guidance available relating to the employment of ex-offenders sufficient to equip them to identify and assess the relevance and circumstances of criminal offences and related information.

The Council is fully committed to the principles of equality of opportunity and gives an undertaking that current and prospective employees, casual workers and volunteers will be treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender identity and gender re-assignment, and criminal convictions that are not relevant to the post in question.

Disclosure of Information about Criminal Offences

Applicants will only be asked or expected to disclose information about convictions and cautions if the Council is legally entitled to know about them, and will not be asked to apply for a DBS check unless the Council has assessed that this is 'proportionate and relevant' to the post applied for.

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' or ignored after a rehabilitation period. After this period, an ex-offender is not normally obliged to mention their conviction when applying for a job, obtaining insurance or when involved in criminal or civil proceedings.

If a post is not exempt from the Rehabilitation of Offenders Act 1974, the Council is only entitled to ask applicants to provide information about convictions and cautions that are unspent and not classified as 'protected'. The Council will not expect applicants to disclose information about spent and protected convictions and cautions if the post applied for is not exempt from the Rehabilitation of Offenders Act 1974. If information in this regard is volunteered by an applicant, it will be disregarded.

If a post is exempt from the Rehabilitation of Offenders Act 1974, the Council is entitled to ask applicants to provide information about spent and unspent convictions and cautions which are not otherwise considered to be 'protected'. Information volunteered by an applicant relating to 'protected' convictions and cautions will be disregarded.

'Protected' or 'filtered' convictions are those which the Government have decided should not be included on a DBS Disclosure Certificate. These include convictions which occurred more than 11 years ago (or 5½ years if the individual was under 18 at the time of the offence), and cautions which occurred more than 6 years ago (or 2 years for those under 18 at the time of the offence), where it is the individual's only

offence, did not result in a custodial sentence, and does not appear on the [list of offences which will always be included on a DBS Disclosure](#).

Further guidance relating to [spent](#) and [‘protected’ \(or ‘filtered’\)](#) convictions can be found on the [Gov.uk](#) website.

DBS Checks

The Council undertakes a thorough and considered assessment of each post prior to deciding whether a DBS criminal record check is required and the level of check is Standard or Enhanced. Depending on the requirements of the post, a Barred List check may also be required.

Where a DBS check is required, only preferred candidates to whom a conditional offer of employment or engagement has been made will be asked to apply for the DBS (and Barred List) check. Appointments will not usually be confirmed until the outcomes of these checks have been received and a considered assessment of all the information available has taken place.

Employment, Engagement and Recruitment Decisions

The Council will not unreasonably withdraw any offer to employ or engage an individual, or consider the dismissal of an employee, casual worker or volunteer on the basis of information received about their previous criminal convictions or cautions from any source including a DBS Disclosure Certificate or disclosure by the applicant.

Where the Council receives information about an applicant’s previous convictions or cautions, and is not required to disregard them as described above, an open and measured discussion will take place on the subject of the offences or any other matter that might be relevant to the position applied for. This discussion may take place at interview, if the candidate has been selected to attend and the information has been made available before or at the interview, or separately. The Council encourages candidates to be open and honest during these discussions.

Employment and recruitment decisions will not be taken unless a detailed assessment of the circumstances has been carried out.

Applicants must be aware that failure to reveal, or attempts to wilfully conceal, information that is directly relevant to the position sought could lead to withdrawal of an offer of employment/engagement or dismissal.