

## PERSONNEL COMMITTEE – 13TH JUNE 2017

### Report of the Head of Strategic Support

#### Part A

#### ITEM 9 POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

##### Purpose of the Report

To gain Personnel Committee approval to implement a revised Policy Statement on the Recruitment of Ex-Offenders.

##### Recommendation

That Personnel Committee agree the proposed amendments to the Policy Statement on the Recruitment of Ex-Offenders.

##### Reason

To ensure that the document outlines clear and necessary information in a suitable format for managers and employees.

##### Policy Justification and Previous Decisions

The Guidance and Policy for Applicants on Spent or Ignored Convictions, Disclosure of Criminal Records and Recruitment of Ex-Offenders – Policy Statement on the Recruitment of Ex-Offenders was last amended and agreed at Personnel Committee on 7th April 2014.

The revisions to the policy and assessment form were submitted as an information item to SMT on 26th April 2017 and JMTUM on 18th May 2017.

##### Implementation Timetable including Future Decisions

The revised Policy Statement on the Recruitment of Ex-offenders will be uploaded to the intranet following the agreement of Personnel Committee.

##### Report Implications

The following implications have been identified for this report

##### *Financial Implications*

There are no specific risks associated with this decision.

##### *Risk Management*

There are no specific risks associated with this decision.

Background Papers: none

Appendices: Appendix A – Policy Statement on the Recruitment of Ex-Offenders  
Appendix B – Provisional Offer Letter (DBS Checks)

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## **Part B**

### Background

1. The revised policy outlines enhanced information on the process of assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order, in terms of how to deal with disclosure of information about criminal convictions, DBS checks and employment, engagement and recruitment decisions.
2. In the original policy there was a great amount of specific information in relation to rehabilitation periods and related factors to this such as disqualifications, endorsements, further convictions and concurrent and consecutive sentences. The detail of this information has not proved necessary to be outlined within the policy document, and has therefore been deleted from the proposed policy.
3. Furthermore, to ensure applicants have the necessary information available to them in relation to recruitment of ex-offenders, the policy document will be made available as a link on the internet site when applying for jobs. Also, a link has been added to the Offer to Appoint letter, so that the policy is available prior to a DBS application being requested for DBS posts.





## 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

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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 ie 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.

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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.

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# Charnwood

**Strictly Private & Confidential**

Southfield Road, Loughborough,  
Leicestershire. LE11 2TT  
HR Services Direct Line: 01509 634606  
Email: [hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk)

(INSERT DATE HERE)

Dear

**PROVISIONAL OFFER OF EMPLOYMENT : JOB TITLE (POST NUMBER)**

**Department/Section:**

With reference to your recent interview, I now have pleasure in confirming the provisional offer to you for the post of XXXX based at XXXX.

The commencing salary offered is in accordance with Charnwood Borough Council's grade structure at Grade XX Spinal Column Point XX at £XXXX per annum.

The post is for XX hours per week and your salary will be £XXXX [pro rata for part time].

This provisional offer is subject to the following pre-employment checks being conducted.

**References**

Your appointment is subject to satisfactory references being received from the referees as stated on your application form.

**Medical clearance**

A medical questionnaire will be sent to your email address as stated on your application form, please complete and return as soon as possible. If you experience any problems please do not hesitate to contact the above number.

.....*continued*



Telephone: 01509 263151  
Email: [information@charnwood.gov.uk](mailto:information@charnwood.gov.uk)  
Visit us at [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

The medical questionnaire will be seen only by HR staff or staff at the Occupational Health Unit. The medical questionnaire will not be seen by your prospective line manager. It will be stored securely and will remain strictly confidential at all times.

You are encouraged to give full information regarding any health issue or disability, if applicable, in order to safeguard your welfare at work. If you wish to discuss this beforehand, in confidence, please telephone the above number.

The definition of 'disability' under the Equality Act 2010 is that a person has a disability if:

- They have a physical or mental impairment;
- The impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial;
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions);
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

When determining whether medical clearance should be granted, the decision of the Senior HR Adviser will be final.

**IMPORTANT** - To minimise any delays in the recruitment process it is important that you complete and submit the online Occupational Health questionnaire as soon as possible.

DELETE IF NOT APPLICABLE

Obtaining a report from the Disclosure and Barring Service (DBS) (NOTE: Please delete this section if not required or delete one of the two highlighted wording, regulated activity check includes a barred list check whereas enhanced DBS check does not – a list of posts and the type of check required is on the intranet at [List of DBS Posts](#)

Your post requires an Enhanced check for regulated activity or an Enhanced DBS check and for this purpose your manager will arrange for you to complete an online DBS disclosure application. Your appointment is subject to a satisfactory DBS check being received. When determining whether the report from the Disclosure and Barring Service is satisfactory, the decision of the Head of Human Resources will be final.

If you anticipate or have difficulty providing appropriate documentation required as part of the DBS clearance application process you should seek further guidance from the DBS website; [www.dbs.homeoffice.gov.uk](http://www.dbs.homeoffice.gov.uk).

Further information relating to the employment of ex-offenders is available in the [Policy Statement on the Recruitment of Ex-Offenders](#).

### Prevention of illegal working

As it is a criminal offence to employ someone who does not have the right to work in the UK your employment cannot commence until satisfactory documentary evidence has been provided and photocopies taken.

All documents supplied must be the original documents.

### Other pre-employment checks

You will be required to provide two original documents as proof of identity. These documents need to confirm your full name, date of birth, address and photographic I.D. Photocopies of identification documents (including passports, photo driving licences, ID cards, visas and qualifications etc.) will be taken. Please also bring proof of address eg: utility bill/bank statement.

Your appointment is also dependant on the provision of the following information, if a requirement of the post,

- a) a current and valid driving licence showing any endorsements
- b) education and training qualification certificates

### General information

You are advised not to resign from your present post until you are notified that a satisfactory medical, two acceptable references and DBS clearance has been received. As soon as the appropriate reports have been received, the manager will contact you to agree your actual start date and a full contract of employment will be issued to you.

### Employment Information forms

Please complete and return the following forms to the HR Office, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TT.

- a. Bank Details (**NB Payment of salary can only be made if we have received your bank details.**)
- b. Emergency Details
- c. HMRC Starter Checklist (for use if you have no P45). This should be completed on-line (link below), printed, signed and dated then returned to Human Resources.  
<https://www.gov.uk/government/publications/payee-starter-checklist>

We also enclose a Pension scheme application form which you should complete and send to the Leicestershire County Council address as detailed on the form.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely

XXX  
HR Administrator  
Encs