



Policy Statement on the Recruitment of People with a Criminal Record

General Principles

The Authority is committed to the fair treatment of its staff, potential staff or users of its services and actively promotes equality of opportunity. As part of this commitment, this statement on the recruitment of people with criminal convictions is available to job applicants.

The Authority welcomes applications for job vacancies from a wide range of candidates and makes job appointment decisions on the basis of merit (skills, experience, essential qualifications, aptitude).

We only ask an individual to provide details of convictions and cautions that our organisation is legally entitled to know about.

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order and using criminal record checks processed through the Disclosure and Barring Service (DBS), the Authority complies fully with the DBS Code of Practice.

We undertake not to discriminate unfairly against any applicant with a criminal record or any applicant who is the subject of a criminal record check on the basis of a conviction or other information revealed.

Working with children and vulnerable adults

1. DBS procedures

Applicants for posts involving work with children and vulnerable adults will be asked about their full criminal record history (see note 1) where a DBS certificate at enhanced level, (also including a DBS Barred list check if the work is regulated activity) can legally be requested (see note 2).

Where a DBS certificate is legally requested (where the position is one that is included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 as amended) and where appropriate Police Act Regulations (as amended), the Authority can only ask an individual about convictions and cautions that are not protected (subject to filtering).

In all other cases, where we cannot ask for a higher level DBS check, we will ask an applicant to declare any unspent convictions (see note 3).

We will only carry out a DBS check after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned, and when check eligibility conditions are met.

All applicants who are asked to undergo a DBS check will be made aware of the existence of the DBS Code of Practice; a copy of which will be available on request.

2. Job application procedures

For those positions where a criminal record check is identified as necessary, the published job details (job advert and/or job description/person specification) will contain a statement that an applicant will need to undergo a DBS check at the appropriate level if a job offer is made.

Applicants are encouraged to disclose relevant information at an early stage in the application/interview process. This information should be sent with job applications, in a separate envelope marked confidential. This will be opened if the applicant is short-listed for interview, and will only be seen by those who need to see it as part of the recruitment process. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

At interview, or in a separate discussion, we will ensure that an open and measured discussion takes place about any offences or other matter that might be relevant.

We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing any conditional offer of employment.

3. Staff competence

We will ensure that all those in our organisation who are involved in the recruitment process are competent to identify and assess the relevance and circumstances of offences, and 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.

Working in other roles

For posts not covered by DBS requirements, the Authority will only ask about applicants' 'unspent' convictions (as defined in the Rehabilitation of Offenders Act 1974).

Applicants are encouraged to disclose relevant information at an early stage in the application/interview process. This information should be sent with job applications, in a separate envelope marked confidential. This will be opened if the applicant is short-listed for interview, and will only be seen by those who need to see it as part of the recruitment process. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

At interview, or in a separate discussion, we will ensure that an open and measured discussion takes place about any offences or other matter that might be relevant.

Explanatory notes

1. Legislation in 2013 allows certain old and minor cautions and convictions to no longer be subject to disclosure; all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will convictions where an individual has more than one conviction recorded.
2. DBS disclosure is covered by the Rehabilitation of Offenders Act 1974 Exceptions Order and the appropriate Police Act Regulations
3. Cautions and convictions are regarded as 'spent' after a specific period of time has passed (which varies according to the sentence or disposal received). Once a caution or conviction becomes spent, an individual is treated as rehabilitated with regards to that offence and they do not have to declare it for most purposes, although see notes on DBS disclosure.

Managers, or individuals with a criminal record, will find help and guidance here <http://www.unlock.org.uk/>