**RECRUITMENT OF EX-OFFENDERS POLICY**

**Introduction**

The aim of this policy is to state the organisation's approach towards employing people who have criminal convictions.

The Council is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. We will not automatically refuse to employ a particular individual just because he/she has a criminal conviction.

The Council will therefore consider ex-offenders for employment on their individual merits.

The Council should ensure that all those who are involved in the recruitment process have the relevant guidance and support to identify and assess the relevance and circumstances of offences.

**The Rehabilitation of Offenders Act 1974**

Our policy is subject to the Rehabilitation of Offenders Act 1974, under which cautions and some convictions become ‘spent’. There are basically two categories of jobs.

1. In the first category of jobs, the Council is not entitled to know about spent cautions and convictions and, if they are spent, an applicant can state that they have none.

In the first category, during the recruitment process, the Council will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions. If an applicant unwittingly declares a conviction which is technically spent, it cannot be a factor in deciding the candidate’s suitability for the role.

1. In the second category, the Council is entitled to know about all cautions and convictions, even if they are spent[[1]](#endnote-1).

Before appointing to certain posts, the Council must carry out criminal record checks processed through the Disclosure and Barring Service (DBS). These jobs are exempt from the normal provisions of the 1974 Act and subject to a separate [code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice).

The Council aims to treat all applicants fairly for all positions so, even in these circumstances, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied or indicates that the candidate is not otherwise suitable.

A risk assessment process and the HR team will support the line manager to make as objective a decision as possible in line with our policy aims.

For jobs that are exempt from the 1974 Act, the Council’s DBS policy insert link should be read in conjunction with this document.

**What to do where an unspent conviction is declared**

If an applicant has a conviction that is not spent, the recruiting manager and HR should review the individual circumstances of the offence.

Recruiting managers should discuss the details of the conviction(s) with the candidate. They may then not select individual for employment if the nature of the offence is relevant to the job for which he/she has applied or indicates that the candidate is not otherwise suitable.

The decision-making process should be recorded on the risk assessment form (INSERT LINK) and stored with the candidate’s application form.

Information relating to the Rehabilitation of Offenders Act; <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf>

Other documents contains relevant material;

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf>

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

1. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 [↑](#endnote-ref-1)