

# Policy on the Recruitment of Ex- Offenders

HR Service Effective from August 2018

## 1. General

All individuals or organisations using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust and who are recipients of Disclosure information must comply fully with the DBS Code of Practice. In compliance with the DBS Code of Practice, London Borough of Bexley treats all applicants for employment who have a criminal record fairly and does not discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

## 2. Statement

This statement will be made known to all applicants for positions where a DBS Disclosure is requested.

London Borough of Bexley's Policy on the Recruitment of Ex-Offenders provides that:

- having a criminal record will not necessarily bar someone from employment. This will depend on the nature of the position, circumstances and background of the offences
- 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 endeavours to comply fully with the [DBS Code of Practice](#) and undertakes to treat all applicants for positions fairly. 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
- within the defined categories set out by the DBS, the Council will exercise the same care in assessing the suitability of volunteers and non-employees for whom the Council as we would for employees in the same service area
- the Council can only ask an individual to provide details of convictions and cautions that London Borough of Bexley 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 will actively promote 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. All candidates will be selected for interview based on their skills, qualifications, experience and suitability and appointments will be made on merit
- an application for a criminal record check is only submitted to DBS after the Council's own risk assessment has indicated that one is both appropriate/proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, job descriptions/person specifications, job adverts and/or recruitment briefs will contain a statement

that an application for a DBS certificate will be requested in the event of the individual being offered the position.

- where a Disclosure is to form part of the recruitment process the advertisement and/or recruitment briefs will inform prospective applicants of this and the Council will expect all applicants called for interview to be prepared to discuss details of their criminal record, in confidence, with the interview panel at this stage of the recruitment process.
- unless the nature of the position allows the Council to ask questions about an applicant's entire criminal record i.e; it is exempt under the Act, the Council will only ask about "unspent" convictions as defined in 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 or a review of their employment with the Council
- the Council ensures that staff involved in the recruitment process and in assessing the relevance and circumstances of the offences and act in accordance with the relevant legislation relating to the employment of ex-offenders
- the Council ensures that all those in the organisation 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
- the Council makes every subject of a criminal record check submitted to DBS aware of the existence of the [DBS 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.<sup>1</sup>

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