

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 Leicestershire County Council, except for those working in or applying for appointments in schools and colleges with delegated budgets with their own policies.

Principles

Leicestershire County Council 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 (DBS) and complies fully with the DBS [Code of Practice](#) for registered bodies and other recipients of disclosure information.

Where a DBS application is required, this will be confirmed in the job description, job advertisement and a copy of this Policy Statement will be provided prior to the DBS application being processed.

A criminal record will not necessarily prevent an applicant from being employed or engaged. The Council undertakes to treat all applicants fairly and decisions will only be taken following a detailed and considered assessment of the circumstances (particularly the Council's responsibilities to safeguard children and vulnerable adults).

Those involved in recruitment and selection processes receive sufficient, guidance and training so as to correctly identify / 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 a [protected characteristic](#) or criminal convictions that are not relevant to the post in question.

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Positivity



Trust and respect



Flexibility



Openness and transparency

Disclosure of Information about Criminal Offences

Applicants will only be asked (but will be expected) to disclose information about convictions / cautions that the Council is legally entitled to request. They will not be asked to apply for a DBS check unless the Council has assessed that this is proportionate and relevant to that post.

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.

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 / cautions if the post applied for is not exempt from the Rehabilitation of Offenders Act 1974. If extra information 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 / 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.

It is against the law for an individual to work, apply for work or volunteer in regulated activity with children and/or adults if they have been added to a [Barred List](#).

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DBS Checks

The Council thoroughly assesses each post prior to deciding which level of DBS criminal record check (if any) is required (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 successful candidates to whom a conditional offer of employment or engagement has been made will be asked to apply.



Appointments should not be confirmed until the outcomes of these checks have been received and considered.

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Employment, Engagement and Recruitment Decisions

A person with a conviction (relevant to their role) that is not spent, will undergo a review of the individual circumstances of the case and the council may reasonably (at its discretion) dismiss them, decline to select someone for employment or withdraw any offer to employ / engage that individual. Failure to reveal and/or attempts to conceal relevant information is a serious conduct issue which can be criminal in certain circumstances.

Where the Council receives information about an applicant's previous convictions or cautions (and is not required to disregard them) 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. This discussion may take place at interview, or separately. The Council encourages candidates to be open and honest during these discussions.

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Data Protection

The organisation processes information about an individual's criminal convictions in accordance with its [data protection policy](#). In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, for progression under the [disciplinary procedure](#).

Please use this Policy Statement in connection with our practical [guidance](#) on conducting a DBS check

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