

## Policy statement on the recruitment of ex-offenders

- The Council undertakes criminal record checks for successful applicants (where applicable) whilst ensuring their suitability for positions of trust. The Council complies fully with appropriate guidelines and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly on the basis of a conviction or other information revealed.
- The Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, and sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- The Council actively promotes equality of opportunity for all and welcomes applications from a wide range of people, including those with criminal records. Applicants are invited to the selection process based only on their skills, qualifications, experience etc. as assessed against the defined criteria for the post.
- Having a criminal record will not necessarily bar a person from working for the Council. This will depend on the nature of the position and the circumstances and background of the offences. Criminal records will only be taken into account when the conviction is relevant.
- The Council only requests a criminal records check if it is deemed relevant to the post. If the post is identified in the Police Act 1997 then an enhanced check will be undertaken. Posts subject to the Basic Personnel Security Standard will be checked at the basic level. Where it is identified as a requirement the supporting recruitment documentation for the post (the job profile) will contain a statement indicating that the check will be requested in the event of the individual being offered the position.
- If the post is deemed exempt from the Rehabilitation of Offenders Act 1974, applicants must provide details in their application of previous convictions **both** spent and unspent. If required this information can be emailed separately to the application form to [hrpDBS@rotherham.gov.uk](mailto:hrpDBS@rotherham.gov.uk)
- The Council ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. They will also have received appropriate guidance and training in the legislation relating to the employment of ex-offenders.
- If applicable, at the selection process or in a separate discussion, the Council will undertake an open and measured discussion regarding offences or any other information disclosed that might be relevant to the position.
- The Council abides by the Code of Practice (established under section 122 of Part V Police Act 1997) which every applicant, who is subject to a criminal records check, is advised to read.
- The Council fully complies with the Code of Practice regarding correct handling, use, storage, retention and disposal of criminal record checks and related information. We also comply fully with our obligations under the Data Protection Act and other relevant legislation.

**Please note:**

Failure to declare a conviction, caution or pending police action, will disqualify the applicant from appointment or result in summary dismissal if the discrepancy comes to light later. If applicants would like to discuss whether a conviction held would debar them from working in the position applied for, they should telephone Human Resources on (01709) 334141 in confidence, for advice.

**The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act enables some criminal convictions to be ignored after a rehabilitation period. The purpose of the Act is to ensure that people do not have a lifelong blot on their records because of a relatively minor offence in their past. The rehabilitation period is automatically determined by the sentence, and starts from the date of the conviction. After this period, if there has been no further conviction the conviction is "spent" and, with certain exceptions, need not be disclosed by the ex-offender in any context e.g. when applying for a job.

Certain professions and employments are exempt from the Act so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions in similar fields. Those professions relevant to the Council include:

- Those working with children and other vulnerable groups, such as teachers and social workers
- Those working in professions associated with the justice system, such as solicitor, police, court clerk, probation officer, prison officer and traffic warden
- Accountants
- Certain officials and employees from government and public authorities with access to sensitive or personal information or official databases about children or vulnerable adults
- Any office or employment concerned with providing health services which would normally enable access to recipients of those health services
- Officers and other persons who execute various court orders
- Taxi drivers and other transport workers.