

## **Policy Statement on the Recruitment of Ex-offenders**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, the Council complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

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 has a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.

We 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. We select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all job profiles, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Principal HR Officer at the Council and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the Council to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974\*.

We ensure that a member of the HR team is involved in all recruitment processes at East Cambridgeshire District Council who are suitably trained to identify and assess the relevance and circumstances of offences.

At interview, or in a separate discussion, we ensure 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.

We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

### **\*What is the Rehabilitation of Offenders Act (ROA) 1974?**

The Rehabilitation of Offenders Act (ROA) 1974 applies to England, Scotland and Wales, and is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since.

Anyone who has been convicted of a criminal offence, and received a sentence of not more than 2.5 years in prison, benefits as a result of the Act, if he or she is not convicted again during a specified period otherwise known as the 'rehabilitation period'. The length of this period depends on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'.

### **Rehabilitation Periods**

A sentence<sup>+</sup> of imprisonment for a term exceeding 6 months but less than 2½ years long:

10 years\*

A sentence<sup>+</sup> of imprisonment not exceeding 6 months :

7 years\*

A fine or other sentence<sup>+</sup> (e.g. a community service order) for which no other rehabilitation period is prescribed

5 years\*

An absolute discharge:

6 months

\* THESE REHABILITATION PERIODS ARE HALVED FOR PERSONS WHO WERE UNDER 17 YEARS OF AGE WHEN THEY WERE CONVICTED.

+ IT IS IMMATERIAL FOR THE PURPOSE OF CALCULATING A REHABILITATION PERIOD WHETHER A SENTENCE IS SUSPENDED OR NOT.

A probation order, conditional discharge or bind over

1 year, or until the order expires (whichever is the longer)

A detention centre order:

3 years

A sentence of borstal training:

7 years

A remand home order, an Approved School order, or an attendance centre order:

The period of the order and a further year after the order expires

A hospital order under the Mental Health Acts:

The period of the order and a further two years after the order expires

Offences committed whilst serving in the **armed forces** are treated as set out above. The following rehabilitation periods are for specific types of punishment, with these rehabilitation periods being halved for offenders under the age of 17 at the time of conviction:

Cashiering, discharge with ignominy or dismissal with disgrace:

10 years

A simple dismissal from the service

7 years

Detention

5 years

Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions order to the ROA. The two main exceptions relate to working with children or working with the elderly or sick people. If a person wants to apply for a position that involves working with children or working with the elderly or sick people they are required to reveal all convictions, both spent and unspent.

It is the policy of the Council to require all applicants for employment in its service to declare any conviction(s) or charge(s) still outstanding against them in respect of a criminal offence subject to the Rehabilitation of Offenders Act 1974 (see Appendix 7). If the position for which the applicant has applied is exempt from the Rehabilitation of Offenders Act\*, this means that the applicant must declare all criminal convictions, including those that would have otherwise been spent (see Appendix 8).

\*At the Council, the following posts have been considered exempt from the Rehabilitation of Offenders Act 1974:

- o Chief Executive
- o Executive Director, Finance
- o Head of Legal Services
- o Principal Solicitor
- o Senior Legal Assistant