



**Melton  
Borough  
Council**

## **Recruitment of Ex-Offenders Policy**

Author:	Clare Bassendine-Mathews
Owner:	HR and Communications Manager
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<b>Version No</b>	<b>Version Date</b>	<b>Author</b>	<b>Summary of Changes</b>
1.0	July 2013	Angela Tebbutt	First Issue
1.1	August 2015	Sarah-Jane O'Connor	Clarification of roles to check following audit recommendations
1.2	March 2019	CBassendine-Matthews	Review and update

### **Distribution**

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Website	July 2013	1.0
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## Recruitment of Ex-Offenders Policy

### 1.0 Purpose

Melton Borough Council is committed to the equality of opportunity and, subject to the over-riding consideration of protecting children and vulnerable people, undertakes to treat all applicants for positions fairly and not discriminate unfairly against an individual on the basis of conviction or other criminal information revealed. The policy aims to outline the Council's approach towards employing people who have a criminal conviction.

### 2.0 Scope

- All potential job applicants
- Existing staff who have unsupervised contact with children or vulnerable adults on a regular basis.

This policy has particular reference to those concerned with recruitment.

### 3.0 Policy Statement

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions which are exempt from the Rehabilitation of Offenders Act 1974, Melton Borough Council complies fully with the DBS Code of Practice 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.

This policy on the recruitment of ex-offenders, will be made available to all 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 individual skills, abilities, experience, knowledge and where appropriate qualifications and training.

The Council will only ask an individual to provide details of convictions and cautions that the Council 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 will only ask an individual about convictions and cautions that are not protected.

An application for a criminal record check will only be submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For positions where a DBS check is required, job adverts and recruitment information will contain a statement that a check will be requested in the event of the individual being offered the position.

We will make every subject of a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request.

A criminal record will not necessarily act as a bar to accessing employment with Melton Borough Council. The nature of the position, the circumstances and background of offences will all be taken into consideration with due consideration given to our responsibilities to protect children and vulnerable adults. In particular, when considering the relevance of a criminal record, risk assessments will be based on:

- the seriousness of the offence and its relevance to the safety of service users, other employees, clients and property;
- an examination of any relevant information regarding the circumstances leading up to the offence;
- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- the length of time since the offence took place;
- the level of supervision required and available, and the ability to manage risks and provide safeguards;
- whether the offence has since been decriminalised by Parliament;
- whether the post involves any direct responsibility for finance or items of value;
- whether the offence was a 'one-off' or part of a history of offending;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person

## **Posts covered by the Rehabilitation of Offenders Act 1974**

Melton Borough Council will not automatically refuse to employ an individual solely on the basis of them having a criminal conviction.

Applicants are asked to disclose any unspent convictions on the application form, however applicants are not requested or expected to disclose information relating to spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the post for which he/she has applied, Melton Borough Council will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

## **Posts exempt from the Rehabilitation of Offenders Act 1974**

Applicants will be required to undertake a DBS check as part of the selection process.

A requirement for a DBS check does not mean that we would refuse to employ or offer employment to an individual with a criminal conviction, unless the nature of the conviction has some relevance to the post for which the individual has applied.

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

## **4.0 Adherence to Policy**

Responsibility for the implementation, monitoring and development of this policy lies with the Human Resources Department. Day to day operation of the policy is the responsibility of Line Managers.

We are committed to ensuring that all information provided about an individual's criminal convictions, including information released by the DBS, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 2018.

The Council will ensure that all those in who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We will also ensure that those individuals 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.

Data held on file about an individual will only be held as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

## **5.0 Complaints**

Any applicant wishing to raise a complaint should do so, in writing, to the Senior Human Resources Officer within 15 working days, at the latest, of the alleged incident. An investigation will then be conducted by a Senior Officer who has not previously been involved in the selection procedure. The individual will receive written notification as to the outcome. This is the final stage of the procedure.