

Version	7
Last Revision Date	January 2023



Recruitment of Ex-Offenders Policy

DOCUMENT CONTROL	
POLICY NAME	Recruitment of Ex-Offenders Policy
Department	Human Resources
Telephone Number	01443 444501/01443 444502/01443 444503
Initial Policy Launch Date	April 2002
Reviewing Officer	Peter Cushion, Alison Cade & Richard Evans
Review Date	April 2022
Date of Equality Impact Assessment	Updated Nov 2011
REVISION HISTORY	
Date	Revised By
April 2006	Richard Evans
June 2009	Peter Cushion, Alison Cade & Richard Evans
September 2012	Peter Cushion, Alison Cade & Richard Evans
July 2016	Peter Cushion, Alison Cade & Richard Evans
Sept 2019	HR Policy Group
January 2023	HR Policy Group
DOCUMENT APPROVAL	
This document has received approval from:	Date of Approval
HR Senior Management Team	April 2002
Corporate Management Team	N/A
Cabinet	N/A

1. INTRODUCTION

The Disclosure and Barring Service (DBS) [code of practice](#) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

This policy statement can also be included within your organisation's equal opportunities policy.

2. BACKGROUND

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- in addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded
- you can direct applicants to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](#) which are now 'protected' so not subject to disclosure to employers.

3. RECRUITMENT OF EX-OFFENDERS

Rhondda Cynon Taf Council (RCT), 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), complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

RCT undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

RCT can only ask an individual to provide details of convictions and cautions that the Council is 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)

RCT can only ask an individual about convictions and cautions that are not protected.

RCT 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.

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

RCT actively promotes 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.

The Council will select all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted to the DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

RCT ensures that all officers in the Council 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 these officers 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.

At interview, or in a separate discussion, RCT officers 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.

RCT makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

RCT undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

DBS Website:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>