



Policy Statement on the Recruitment of Ex-Offenders

Policies and Procedures Control Page

Document Control

Title:	Policy Statement on the Recruitment of Ex-Offenders
Version:	4
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Change History

Version	Description of Changes	Approved By (meeting name and date)
1	New document.	May 2012
2	Updated	January 2013
3	Updated	November 2014
4	Updated in respect of changes in rehabilitation periods from The Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 8) Regulations 2023 have brought into force section 193 of the Police, Crime, Sentencing and Courts Act 2022.	December 2023 Management and Unison Meeting 12 December 2023

Linked Documents

Title
Criminal Records Procedure

1.0 INTRODUCTION

- 1.1 As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, Stratford-on-Avon District Council complies fully with the DBS 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.

Stratford on Avon District 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.

2.0 SCOPE

- 2.1 This written policy on the recruitment of ex-offenders applies to all vacancy applicants.
- 2.2 The written policy is made available on the Council's website at the outset of the recruitment process on our website.

3.0 DETAIL

- 4.1 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.
- 4.2 Unless the nature of the position or occupation allows Stratford-on-Avon District Council to ask questions about spent convictions (as per the Exceptions Order), we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974. You are asked to declare this information on your vacancy application form.
- 4.3 A DBS Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position or occupation concerned (as per the Exceptions Order). For those positions where a Disclosure is required, all application forms, 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.
- 4.4 Where an applicant has unspent convictions or in the case where a Disclosure is required we ask 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 Human Resources Manager within Stratford-on-Avon District Council and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 4.5 We ensure that all those in Stratford-on-Avon District Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they 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.
- 4.6 If you have declared a conviction, then 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.

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- 4.7 We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- 4.8 We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- 4.9 **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.**
- 4.10 Failure to declare an unspent conviction or an ongoing criminal investigation may disqualify you from appointment. It could also result in your dismissal from the Council if the discrepancy comes to light after appointment. If you are unsure whether you are required to disclose one of the above you are advised to speak in confidence to the Human Resources Manager.

5.0 REHABILITATION PERIODS

- 5.1 The reforms to the Rehabilitation of Offenders Act 1974 lays down precisely when certain convictions become spent, which in turn depends upon the type and length of sentence imposed.
- 5.2 Rehabilitation periods for community orders and custodial sentences will comprise the period of the sentence plus an additional specified period, rather than all rehabilitation periods starting from the date of conviction as it is under the current regime.
- 5.3 The periods are halved for persons under 18 at date of conviction (except for custodial sentences of up to 6 months where the buffer period will be 18 months for persons under 18 at the date of conviction).
- 5.4 Under the Rehabilitation of Offenders Act, after a specified period of time most convictions and cautions become spent. The offender is then considered to be rehabilitated. The offenders do not have to reveal their spent convictions or cautions to an employer unless the occupation is covered by the Exceptions Order, for example where the individual will be working with children.
- 5.5 The Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 8) Regulations 2023 have brought into force section 193 of the Police, Crime, Sentencing and Courts Act 2022. This has the effect of reducing the length of time that individuals will have to declare certain convictions to prospective employers and other bodies. The reduction in time limits is intended to assist those with less serious criminal convictions in their rehabilitation by removing barriers to employment and education which in turn should give them better opportunities to live more stable lives and thereby reduce the chances of them re-offending. The most serious convictions (that is being sentenced to more than 4 years imprisonment following a conviction for any serious violent, sexual or terrorist offences) are not affected and it remains the position that these will never be considered spent.
- 5.6 The main new limits are as set out below:

New rehabilitation periods introduced by the Police, Crime, Sentencing and Courts (PCSC) Act 2022

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end date</u> of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end date</u> of the sentence (including the licence period).
Custodial sentence* of under 1 year	12 months	6 months
Custodial sentence of between 1 year and 4 years	4 years	2 years
Custodial sentence of more than 4 years**	7 years	3.5 years

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a sentence of detention under section 250 of the Sentencing Act 2020, a Detention and Training order, a sentence of corrective training and a sentence of Borstal training.

**Excluding serious violent, sexual, or terrorist offences

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Community order / Youth Rehabilitation Order	Period of the order	Period of the order
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months or when the caution ceases to have effect if earlier
Simple caution and youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e., when it is paid in full)	On the discharge of the order (i.e., when it is paid in full)

Community orders

The rehabilitation period for community orders was amended in the PCSC Act 2022. In relation to any community order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

(Tables above are extracted from the Ministry of Justice Guidance on the Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975 dated 28 October 2023)