

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

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.

This written policy on the recruitment of ex-offenders, is made available to all vacancy applicants at the outset of the recruitment process on our website.

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.

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.

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.

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.

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.

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.

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.

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.**

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.

### **Rehabilitation periods**

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.

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.

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).

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.

The applicable periods and changes are as follows:

<b>For custodial sentences:</b>		
<b><i>Sentence length</i></b>	<b><i>Current rehabilitation period (applies from date of conviction)</i></b>	<b><i>New rehabilitation period is period of sentence plus the 'buffer' period below which applies from end of sentence)</i></b>
0 - 6 months	7 years	2 years
6 - 30 months	10 years	4 years
30 months - 4 years	Never spent	7 years
Over 4 years	Never spent	Never spent

<b>For non-custodial sentences:</b>		
<b>Sentence</b>	<b>Current rehabilitation period (applies from date of conviction)</b>	<b>Buffer period (will apply from end of sentence)</b>
Community order (& Youth Rehabilitation Order)	5 years	1 years

<b>Sentence</b>	<b>Current period</b>	<b>New period</b>
Fine	5 years	1 years (from date of conviction)
Absolute discharge	6 months	None
conditional discharge, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	Various – mostly between one year and length of the Order	Period of order

**As with the current scheme, the above 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).**

### **Exclusions**

Certain sentences are excluded from rehabilitation under the Act (s.5 of the Rehabilitation of Offenders Act 1974) including:

- a sentence of life imprisonment;
- a sentence of preventive detention;
- a sentence of imprisonment, youth custody or corrective training for a term exceeding 30 months.

This means that someone whose sentence exceeded 30 months can never be rehabilitated under the Act.

Updated:

May 2012

January 2013

November 2014 (Revisions to Rehabilitation Periods)