

Recruitment of Ex-Offenders Policy



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North Tyneside Council

This document does not form part of an employee's terms and conditions of employment and can therefore be reviewed, amended and withdrawn at the discretion of the Council.

Related Documents: DBS and Safeguarding Checks Procedure; Handling of DBS Certificate Information Policy; Recruitment Procedure including Safer Recruitment;

Introduction

The policy sets out North Tyneside Council's (the Authority's) commitments regarding assessing the suitability of people for positions of trust, in relation to criminal records information.

Scope

The policy applies to all directorates and services across the Authority and to all employees, prospective employees, workers, volunteers, students and self-employed personnel except those who are subject to separate local management of school arrangements. For the purposes of this policy all of these people will be referred to as employees.

Non-employees (e.g. agency workers, contractors and consultants) are excluded where they are subject to separate arrangements from their primary employer.

The policy will apply to existing employees who are subsequently appointed to posts which require a DBS disclosure, or where the Authority requires employees to provide a DBS disclosure due to changes in the nature of work involved and where a DBS check was not previously required.

- The Authority makes assessments of candidates' suitability for jobs, which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, using criminal record checks processed through the Disclosure and Barring Service (DBS).
- The Authority will only ask individuals to provide details of convictions and cautions that the Authority is legally entitled to know about and will only ask individuals about convictions and cautions that are not protected.
- The Authority uses an umbrella body called North East Regional Employers Organisation (NEREO), which is a registered body with the DBS, to process its DBS checks. As the registered body NEREO is required to be fully compliant with the DBS Code of Practice.
- The Authority complies with the elements of the DBS Code of Practice that apply to the parts of the DBS checking process which it carries out.
- The Authority is a recipient of DBS Update Service information and compliant with the DBS Code of Practice in relation to this.

- The Authority makes every person who is the subject of a DBS check aware of the existence of the DBS Code of Practice and makes a copy available via our website or on request.
- We commit to treat all candidates fairly, and not to discriminate unfairly against any person who is the subject of a DBS Check based upon a conviction or other information revealed. In addition, we are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
- The Authority recognises the contribution that people with criminal records can make as employees and volunteers. 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 from those with a criminal record. As such we select our candidates for interview or selection process based upon their skills, qualifications, and experience.
- An application for a DBS check is only submitted after an 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 job descriptions/person specifications, job adverts and recruitment information will contain a statement that an application for a DBS certificate, including the level of check required, will be submitted in the event of the individual being offered the position.
- Where an individual is subject to a DBS Check, we may also require an overseas criminal records check/certificate of good conduct where they have lived overseas for 12 months or more (continuously or in total) in the last 5 years, while aged 18 or over.
- In order to ensure we shortlist purely on merit we don't ask for criminal record details at application stage. An application for a DBS certificate will only be submitted following an offer of employment being made. What applicants are required to disclose via the disclosure certificate will depend upon the role that they are applying for. We will make it clear what level of check is required, and therefore what will need to be disclosed, on the advert for the role.
- We ensure that an open and measured discussion takes place about offences or other matters that might be relevant to the position, at a DBS discussion, which is held following receipt of the DBS Disclosure Certificate. We will discuss any matter revealed on a DBS certificate with the individual before withdrawing a conditional offer of employment.
- Suitable applicants will not be refused posts because of offences that are not relevant to the role for which they are applying. We judge each case on its own merits and do not discriminate unfairly against any candidate based on a conviction or criminal record information disclosed to us.
- Decisions made regarding the relevance of offences will be made following receipt of advice from our Human Resources Department.

- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- This policy regarding the recruitment of candidates with past criminal records is made available to all DBS applicants at the start of the recruitment process.
- We ensure that all those in the Authority who make decisions regarding suitability based on criminal records information have been trained to identify and assess the relevance and circumstances of offences and in the relevant legislation relating to the employment of candidates with past criminal records e.g. the Rehabilitation of Offenders Act 1974.
- Our decision- making process. For any information disclosed, cases will be looked at on an individual basis considering details such as:
 - whether the offence is relevant to the position applied for
 - the age at the time of the offence(s)
 - the length of time since the offence(s)
 - the circumstances surrounding the offence(s) and subsequent changes
 - any attempts by the individual to not re-offend
 - the nature and seriousness of the offence
 - the extent to which the person will be supervised
- Support and Advice. If you have any questions regarding the content of this policy or its application, please email HR.Recruitment&Safeguarding@northtyneside.gov.uk.
- Further advice and support are available through Unlock, a charity for people with convictions, at their website <https://www.unlock.org.uk>