

EMPLOYMENT OF EX-OFFENDERS POLICY

1. Purpose of the Policy

The aim of this policy is to state Peterborough City Council's approach towards employing people who have criminal convictions.

The council is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The council will therefore consider ex-offenders for employment on their individual merits. The council's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

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.

2. Principles

Jobs covered by the Rehabilitation of Offenders Act 1974

The council will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

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

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

If the job into which the council is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2009, the council will require the applicant to disclose all convictions, whether spent or unspent. Even in these circumstances, however, the council will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the council will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions.

The council is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

3.Key Principles

1. As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Peterborough City Council complies fully with the CRB 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 conviction or other information revealed.
2. Peterborough City 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.
3. This policy statement will be made available to all Disclosure applicants at the outset of the recruitment process.
4. 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, (which may include those with criminal records). We select all candidates for interview and appointment based on their skills, qualifications and experience and their ability to meet the requirements listed in the person specification attached to the job description.
5. A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all job adverts and person specifications will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
6. Where a Disclosure is to form part of the recruitment process, we encourage 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 a designated person within Peterborough City Council and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
7. Unless the nature of the position allows Peterborough City Council to ask questions about the entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act (ROA) 1974. Any posts defined by the Safeguarding Vulnerable Groups Act 2006 as falling into regulated activity will be exempt and therefore applicants for these posts must declare any reprimands, cautions, warnings, bind-over's, or convictions on their application forms (including those regarded as 'spent).
8. All those in Peterborough City Council who are involved in the recruitment process will have an understanding and an awareness of the relevant legislation relating to the employment of ex-offenders.
9. 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.
10. We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.