

RECRUITMENT OF EX OFFENDERS

South Kesteven District Council (SKDC) is committed to equality of opportunity for all job applicants with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

All candidates are selected for interview based on their skills, qualifications and experience. SKDC 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.

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

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.

SKDC ensures that all those 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 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

Jobs covered by the Rehabilitation of Offenders Act 1974

SKDC will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

During job interviews, or in a separate discussion, the Council will 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.

The 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

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which they have 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 (Exclusions and Exceptions) (Scotland) Order 2013, the Council will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned). 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 will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate). The Council will reimburse the individual the fee for obtaining the appropriate criminal records certificate. Where the individual is member of the DBS update service, the Council will, with their permission, carry out a status check on any current certificate. The Council undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

The Council 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.

Data protection

The Council processes information about an individual's criminal convictions in accordance with its data protection policy / policy on processing special category personal data and criminal records data. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.