

Recruitment of ex-offenders policy

Purpose

1. To seek approval on the recruitment of ex-offenders policy which has been updated following changes to the DBS filtering rules.

Background

2. Filtering rules were first introduced on 20 May 2013 when amendments were made to legislation that affected both what an employer can ask an individual in relation to convictions and cautions, and what is disclosed on a Standard or Enhanced DBS certificate.
3. The rules were updated on 28th November 2020 as follows:
 - a. Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
 - b. The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

Main considerations

4. To update the policy to clarify that the council's approach towards employing ex-offenders reflects whether a role is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974. It also sets out, in paragraphs 17-22, what convictions or cautions should be disclosed in line with the new filtering rules.
5. To have a recruitment of ex-offenders policy which provides advice to managers, the recruitment team and applicants on the process and circumstances when disclosure of convictions are required as part of the recruitment process or during employment.

Amendments proposed

6. A new section has been added to the policy to provide guidance to managers on what steps they should take when a criminal record or allegation is disclosed or revealed.
7. The council's recruitment process has been reviewed to reflect the changes in the filtering rules so that:
 - a. We ask the right questions depending on whether a role is covered by the Rehabilitation of Offenders Act 1974 or is exempt under the Exceptions Order.
 - b. Applicants are asked to disclose relevant convictions as required for the role they are applying for.

- c. The council is compliant with General Data Protection Regulations (GDPR) by ensuring we are not collecting excessive data during the recruitment process.
8. In line with best practice and following statutory guidance from the DfE, the recruitment process has also been updated so that we now ask candidates to provide information about convictions after shortlisting has taken place as opposed to at the application stage. This approach supports the council's commitment to creating an inclusive workplace, as set out in our Inclusive Workforce Strategy, as it increases the opportunities for people with convictions to access employment at the council by considering candidates on their skills, experience, and ability to do the job first.

Reason for changes to the policy

9. To update the policy so that it reflects the changes of the DBS filtering rules and provides guidance on what steps to take when a criminal record or allegation is disclosed or revealed.

Environmental impact of the proposal

10. It is anticipated that this policy will have a neutral environmental impact, unchanged from the current policy

Equalities impact of the proposal

11. This policy has been taken to an equality impact assessment panel and all comments from this panel have been considered against this policy.

Risk Assessment

12. If the proposed updates are not agreed, the council risks collecting excessive information about offences that have no bearing on suitability for a particular job which could lead to inadvertently discriminating against people with criminal records.

Financial Implications of the proposal

13. There will be no financial impact as a result of the policy updates.

Recommendations

14. It is recommended that Staffing Policy Committee confirm their agreement to the updates to the recruitment of ex-offenders policy.

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