



West Devon  
Borough  
Council

# RECRUITMENT OF EX-OFFENDERS

**DISCLOSURE OF CONVICTIONS  
AND THE USE OF INFORMATION  
DURING THE SELECTION  
PROCESS**

## RECRUITMENT OF EX- OFFENDERS

Details of convictions  
and cautions

DBS checks during  
recruitment

Selection of candidates

## **INTRODUCTION**

1. This Policy document sets out best practice for Managers, HR Specialists or any other member of staff involved with the recruitment and selection process where a Disclosure and Barring Service (DBS) certificate has been obtained and a criminal record or other information has been revealed. This Policy, written in accordance with the DBS code of practice, advises that it is a requirement of all registered bodies to treat all DBS applicants fairly and not to discriminate automatically due to a conviction or other information held.

## **OBJECTIVE**

2. The objective of the Policy is to make sure that the Councils deal with any information obtained from a DBS certificate during a recruitment exercise appropriately and in a non-discriminatory way. This Policy will apply to all roles across the council which require a DBS check at any level and can be made available to DBS applicants at the outset of the recruitment process.

## **EQUALITY**

3. The Manager and HR Specialist should make sure that all stages of the recruitment process, the steps involving a DBS check and the process of considering recruitment of ex-offenders are free from any taint of discrimination on the grounds of a characteristic protected under the provisions of the Equality Act.

## **GENERAL PRINCIPLES**

4. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS); South Hams District and West Devon Borough Councils comply fully with the DBS code of practice and undertake to treat all applicants for positions fairly.
5. The Councils will undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

## **PROVIDING DETAILS OF CONVICTIONS AND CAUTIONS**

6. The Councils can only ask an individual to provide details of convictions and cautions that they, as employers are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).
7. The Councils can only ask an individual about convictions and cautions that are not protected.

## **DBS CHECKS DURING RECRUITMENT**

8. The Councils are committed to the fair treatment of 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.

9. The Councils 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.
10. Following the application stage, the Councils select all candidates for Assessment based on their skills, qualifications and experience.
11. An application for a criminal record check is only submitted to DBS after a thorough risk 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, 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.

### **SELECTION OF CANDIDATES**

12. The Councils ensure that all members of staff who are involved in the recruitment and selection process have been suitably trained to identify and assess the relevance and circumstances of offences.
13. The Councils 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.
14. During the Assessment process or in a separate discussion, the Councils 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.
15. The Councils will make every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and make a copy available on request.
16. The Councils will undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.