

Policy Statement on the Recruitment of Ex- offenders Act 1974 and Exceptions Order 1975

Leicester City Council has a commitment to safeguard and promote the welfare of children, young people and vulnerable adults. We have adopted a Safer Recruitment Policy and robust processes and procedures are in place to reduce the risk and continuously promote a positive culture of safeguarding amongst our workforce.

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 those with criminal records. We select all candidates for interview based on their skills, qualifications and experience. The Council will take criminal records into account for recruitment purposes where the conviction is relevant to the post.

Having a criminal record will not necessarily bar you from working with us.

This will depend upon the nature and the circumstances and the background of your offences.

This policy applies to all relevant posts: employees, agency workers, consultants, and volunteers.

It is the responsibility of managers to ensure the Councils' policy is effectively implemented and followed. Both Managers and employees must comply with the following policy:

- As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, Leicester City Council complies fully with the DBS 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 a conviction or other information revealed.
- Leicester 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.
- 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 those with criminal records. We select all candidates for interview based on their skills, qualifications and experience. The Council will take criminal records into account for recruitment purposes where the conviction is relevant to the post.
- A Disclosure will only be 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, application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will only be requested in the event of the individual being offered the position.



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- 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 in a sealed envelope under separate confidential cover, to the Head of Employment Services within Leicester City Council and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Leicester City Council to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1994. (See Appendix 1)
<http://www.justice.gov.uk/guidance/docs/rehabilitation-offenders.pdf>
<http://www.nacro.org.uk/data/files/nacro-2005020105-194.pdf>
- We ensure that all staff at Leicester City Council who is involved in the recruitment process has been suitably trained to identify and assess the relevance and circumstances of offences. We 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.
- 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.
- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- Where Disclosure information relates to existing staff, disciplinary action will only be taken if the conviction information is relevant any may include redeployment or dismissal.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. After this period, with certain exceptions, a person with a conviction is not normally obliged to mention it when applying for a job. The Act is more likely to help people with few and/or minor convictions because further convictions usually extend rehabilitation periods. People with many convictions, especially serious convictions, may not benefit from the Act unless the convictions are very old.

Rehabilitation periods: The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the rehabilitation period is decided by the original sentence, not the time served (see table below). Custodial sentences of more than two and a half years can never become spent.

Custodial sentences of more than two and a half years can never become spent. The following sentences become spent after fixed periods from the date of conviction:

Sentence	Rehabilitation period for people aged under 18 when convicted	Rehabilitation period for people aged 18 or over when convicted
Prison sentences ¹ of 6 months or less	3.5 years	7 years
Prison sentences of more than 6 months to 2.5 years	5 years	10 years
Borstal (abolished in 1988)	7 years	7 years
Detention centres (abolished in 1988)	3 years	3 years
Fines, ² compensation, probation, ³ community service, ⁴ combination, ⁵ action plan, curfew, drug treatment and testing, and reparation orders service	2.5 years	5 years
Absolute discharge	6 months	6 months

¹ Including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution (abolished for those under 18 in 2000 and for those aged 18–20 in 2001).
² Even if subsequently imprisoned for fine default.
³ For people convicted on or after 3 February 1995. These orders are now called community rehabilitation orders.
⁴ These orders are now called community punishment orders.
⁵ These orders are now called community punishment and rehabilitation orders.

The Crime and Disorder Act 1998 introduced a new custodial sentence for young people with different rehabilitation periods:

Sentence	Rehabilitation period for people aged under 18 when convicted	Rehabilitation period for people aged 18 or over when convicted
Detention and training order of 6 months or less	1 year after the order expires	3½ years
Detention and training order of more than 6 months	1 year after the order expires	5 years



With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation period
Probation ¹ , supervision, care order ² , 1 year or until the order expires	conditional discharge and bind-over (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital order (with or without a restriction order)	order expires 5 years or 2 years after the order expires (whichever is longer)
Referral order once the order expires	Referral order once the order expires

¹ For people convicted before 3 February 1995.

² Care orders in criminal proceedings were abolished by the *Children Act 1989* and effectively replaced by a supervision order with residence requirement.

For further information visit www.cipd.co.uk



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