

SECTION D

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

1. Commitment to comply with CRB Code of Practice

- 1.1 As an organisation using the Criminal records Bureau (CRB) Disclosure Service to assess applicants' suitability for positions of trust, Neath Port Talbot County Borough Council commits itself to comply with the CRB Code of Practice, available upon request from the Personnel unit, or at www.disclosure.gov.uk/PDF/code_of_practice.pdf.

2. Recruitment/Selection

- 2.1 The Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of gender and gender reassignment, age, disability, language, race, responsibility for dependants, marital status, sexuality, HIV/Aids status, trade union activity, religion/belief or offending background.
- 2.2 **Having a criminal record will not necessarily bar a person from working with the Council.** This will depend on the nature of the position and the circumstances and background of the offences.
- 2.3 This written policy on the recruitment of ex-offenders is made available to all applicants at the outset of the recruitment process.
- 2.4 The Council undertakes to :
- √ Treat all applicants for positions fairly and not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
 - √ Actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.
 - √ Select all candidates for interview based on their skills, qualifications and experience.

2.2.1 The main matters that will be considered when deciding whether to appoint will be :

- √ Whether the conviction or other matter revealed is relevant to the position in question.
- √ The seriousness of any offence or other matter revealed.
- √ The length of time since the offence or other matter occurred.
- √ Whether the applicant has a pattern of offending behaviour or other relevant matters
- √ Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters and,
- √ The circumstances surrounding the offence and the explanation(s) offered by the convicted person

2.2.2 Nature of Questioning

Unless the nature of the position allows Neath Port Talbot County Borough Council to ask questions on an applicant's entire criminal record, the Council will only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

2.2.3 Training of Personnel

The Council will ensure that all employees who are involved in the recruitment process:

- √ Have been suitably trained to identify and assess the relevance and circumstances of offences
- √ 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.

3. Request for a Disclosure

3.1 A Disclosure will only be requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

3.2 For those positions where a Disclosure is required, only the applicant actually offered the position will be required to produce a

Disclosure. The application forms, job adverts and other recruitment documentation will contain a statement confirming this.

- 3.3 Notwithstanding the above, where a Disclosure is to form part of the recruitment process, all applicants called for interview will be encouraged to provide details of any criminal record at an early stage in the application process. The Council requests that this information is sent under separate, confidential cover, to the relevant Directorate Personnel Officer and the Council guarantees that this information will only be seen by those who need to see it as part of the recruitment process.

4. **Frequency of requests for Disclosures**

- 4.1 For those positions where it has been determined that a Disclosure is necessary, the individual will be required to produce a Disclosure at least every **three years**.
- 4.2 Where a suspicion arises that an employee might have committed a criminal offence during the intervening period, the employee will be asked to submit a new Disclosure Application Form.

5. **Discussion on the Content of the Disclosure**

- 5.1 On receipt of the Disclosure, the Directorate will ensure that an open and measured discussion takes place, in confidence, on the subject of any offences or other matter that might be relevant to the position. The discussion will normally take place within 7 days of receipt of the Disclosure, which will be after the offer of conditional employment but before commencement. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of a conditional offer of employment or if to dismissal should the information come to light after the employment has commenced. The Risk Assessment Process is covered in Appendix 7.
- 5.2 The Directorate undertakes to discuss any matter revealed in a Disclosure with the person seeking the position **before withdrawing a conditional offer of employment**.

6. Security of the Disclosure Information

- 6.1 The Council has a policy on the security of Disclosure information, the purpose of which is to ensure that only those who are involved in the recruitment exercise handle disclosure information, that the information is stored securely and **destroyed after six months**. This period should only be exceeded in exceptional circumstances which justify retention for a longer period. A copy of the policy is available upon request.

7. Procedure if there is a dispute over the content of the Disclosure

- 7.1 If the individual disputes the content of the Disclosure, the CRB will have an appeals procedure that the individual can pursue. The Directorate, upon request, will give advice on the appeals procedure.
- 7.2 The Directorate will decide on the particular circumstances of the case whether the offer of employment is to be held pending the outcome of the appeal or whether the position is to be filled. The individual will be advised immediately of the final decision in such cases.