

New Somerset Council

Recruitment of Ex-Offenders Policy

Policy Statement

Somerset Council is committed to equality of opportunity for all, therefore job applicants are selected for employment based upon their skills, abilities, experience, knowledge and, where appropriate, qualifications and training. Somerset Council undertakes not to discriminate unfairly against any applicant on the basis of a conviction or other information revealed.

Having a criminal record will not necessarily bar an applicant from working for Somerset Council. Although failure to make a disclosure or provision of false information on the application form may lead to the offer of employment being withdrawn or if already employed, disciplinary action, not excluding dismissal.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Recruitment Process

All applicants for roles at Somerset Council will be asked to disclose any convictions or pending prosecutions on their application form unless they are 'spent' under the Rehabilitation of Offenders Act 1974.

If the role is exempt under the Rehabilitation of Offenders Act, then job applicants will be asked to disclose all convictions, orders and fines whether spent or not. In addition, the Council will request a standard or enhanced criminal records check via the Disclosure and Barring Service (DBS) ([link to be added](#)). This is in accordance with 'regulated activities' defined by the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012.

It will be made clear in the job information if the role is exempt under the Rehabilitation of Offenders Act and therefore requires a criminal records check. For further information including a list of exempt job roles, rehabilitation periods, and exclusions to rehabilitation please follow this [link](#).

Examples of the jobs relevant to the Council that are exempt under the Act include:

- Solicitor, legal executive
- Chartered accountant, certified accountant

- Any employment as a teacher in a school or establishment for further education as to enable the holder to have access to persons under the age of 18
- Any employment in connection with the provision of care services to children and/or vulnerable adults
- Any employment involving a regulated activity with children or vulnerable adults within the meaning of the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012

Process

1. All applicants are asked when making their application to disclose any convictions, cautions, reprimands, or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).
2. If a disclosure is made this can then be discussed openly at interview with the candidate.
3. Depending upon the content of the disclosure, the job type, and the outcome of the interview process, a decision can be made on whether the job role can be offered to the applicant. **HR Advisory** support should be sought in cases where the recruiting manager requires assistance in making this decision.
4. Either outcome should then be discussed with the applicant and the usual recruitment processes (which may include DBS Check) are to be followed (**link to be added**).
5. Any information received as a disclosure will be used fairly, stored, and handled appropriately and in accordance with the provisions of the Data Protection Act 1998 (**link to be added**).

Version	1
Date	
Relevant Legislation	Rehabilitation of Offenders Act 1974 Safeguarding Vulnerable Groups Act 2006 Protection of Freedoms Act 2012 Data Protection Act 1998