

# **Policy on the requirements under the Disclosure and Barring Service in the recruitment of ex-offenders**

People & Technology Division  
Version 1 –





## 1. Introduction

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions to prevent unsuitable people from working with vulnerable groups including children. The DBS code, under section 122 of the Police Act 1997, advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. This policy statement outlines those requirements.

## 2. Roles and Responsibilities

### Line Managers

- To ensure all aspects of dealing with a person's application and any details disclosed to them is dealt with confidentially.
- To ensure that only roles with a specific requirement to have a criminal record check are subject to a DBS clearance process.

### HR

- To provide advice and guidance to managers with regard to the scheme.
- To ensure where a criminal records check is necessary that all recruitment related documents contain a statement that a DBS is required for the role.

### Applicant of the DBS

- To ensure they complete and provide correct, accurate information to ensure a DBS check can be undertaken.
- Once in receipt of a DBS certificate to ensure the original copy is shown to either the line manager or a member of the HR team.

## 3. Principles of the Policy

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), Crawley Borough Council complies fully with the code of practice and undertakes to treat all applicants for positions fairly.

The council undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

We will only ask an individual to provide details of convictions and cautions that the council 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).

We will only ask an individual about convictions and cautions that are not protected.

The 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.

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, all application forms, 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.

We ensure that all those in the council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

The council also ensures 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 criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional