



Telford & Wrekin
Co-operative Council

Protect, care and invest
to create a better borough

Recruitment of Ex-Offenders Policy

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Introduction

This policy sets out Telford & Wrekin Council's approach to employing people who have a criminal record.

The Council is committed to equality of opportunity for all job applicants and aims to select people for employment based on their skills, abilities, experience, knowledge and, where needed, qualifications and training.

Therefore, the Council will consider job applicants who have a criminal record on their individual merits. However, our approach depends on the job, and whether it is covered by, or exempt from, the Rehabilitation of Offenders Act 1974.

Jobs covered by the Rehabilitation of Offenders Act

There are jobs at the Council that are covered by the Rehabilitation of Offenders Act 1974, which means that job applicants for these jobs cannot be treated unfavourably because they have a spent conviction. We will not automatically refuse to employ someone just because they have a previous criminal conviction.

Applicants will be asked to disclose only unspent convictions or adult conditional cautions. For these roles, we will not [at any stage] ask job applicants questions about spent convictions, or expect anyone to disclose spent convictions.

If a job applicant has a conviction that is unspent and if the nature of the offence is relevant to the job they are applying for, we will review the individual circumstances in line with our vetting procedures and in discussion with the applicant.

Jobs exempt from the Rehabilitation of Offenders Act

Many jobs with the Council are exempt from the Rehabilitation of Offenders Act 1974, which means that job applicants for these jobs can be refused employment in the position where they have spent convictions or adult cautions.

For these roles, job applicants will be required to disclose all adult cautions (simple or conditional) and convictions, whether they are spent or unspent*. We will not necessarily refuse to employ a job applicant unless the nature of the conviction has some relevance to the job. However, the Council will ask questions about any disclosed conviction (unless this is "protected") as part of the interview process.

*** Amendments to the Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 (2013 and 2020)**

Provides that certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Further information on the filtering of these cautions and convictions can be found in the [DBS filtering guidance](#) and the [Ministry of Justice Website](#).

Where a job applicant is selected as the preferred candidate for a role that is exempt, we will seek additional documentary evidence to establish whether they have any criminal convictions. This will involve an application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate).

If the preferred candidate has adult cautions (simple or conditional) and/or convictions conviction that are spent or unspent* and if the nature of the offence is relevant to the job they are applying for, we will review the individual circumstances in line with our vetting procedures and in discussion with the applicant.

Regulated Activity

For many of the jobs or volunteer roles at the Council we will be asking about spent convictions under the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012). This legislation seeks to protect children and adults in vulnerable circumstances. It defines the roles which are said to be working in 'regulated activity' for which an enhanced criminal records check has to be made and for which we must check whether the person has been barred from either working with children or adults or both groups. These checks are obtained from the Disclosure & Barring Service (DBS).

Applicants will be made aware at the application stage that it is an offence to apply for a role that involves engaging in regulated activity with children and adults in vulnerable circumstances if the applicant is barred from working with one or both of these groups.

Data Protection

The Council will hold data collected during recruitment securely. We will allow only authorised individuals to access and/or disclose personal data for the purposes of completing the recruitment process.

We will destroy securely any information about criminal records gathered in the course of the recruitment vetting process. No data related to criminal conviction/caution will be transferred to any human resources record.