

# RECRUITMENT OF EX-OFFENDERS POLICY

## Our Approach

Warwickshire County Council aims to promote equality of opportunity for all with the right mix of talent, skills and potential. We welcome applications from a diverse range of candidates. Having a caution or conviction will not necessarily prevent someone for working with us. We know that diversity and inclusion is essential to creating a culture where everyone feels valued and able to be themselves, as well as bringing different views and skills that help us better connect with our customers and communities.

Warwickshire County Council is committed to compliance with the Revised Code of Practice for Disclosure and Barring Service Registered Persons. A copy of that Code is available on request and it can also be accessed at: <https://www.gov.uk/government/publications/dbs-code-of-practice>.

Warwickshire County Council will only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Criminal records will be taken into account for recruitment purposes only when the conviction or caution is relevant to the work concerned. Unless the nature of the work demands it, you will not be asked to disclose convictions or cautions which are “spent” under the Rehabilitation of Offenders Act 1974. Having an “unspent” conviction or caution will not necessarily bar you from employment. This will depend on the circumstances and background to your offence(s). However, any “unspent” convictions or cautions, which are not declared and subsequently revealed, may result in dismissal.

Warwickshire County Council has a legal obligation to protect vulnerable customer and client groups (such as children in schools and in care, and older people) from people who have committed serious offences, and as such meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974 and, where appropriate, the Police Act Regulations (as amended).

All applicants who are offered employment in a post that falls into this category will be subject to a DBS Check from the DBS, before the appointment is confirmed.

At interview, or in a separate discussion, Warwickshire County Council ensures 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.

Warwickshire County Council undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## Government Guidelines

The Disclosure and Barring Service (DBS) remove certain specified old and minor offences from criminal record certificates. This is known as filtering and they are known as protected offences. Job applicants will be asked to disclose any convictions, cautions, reprimands or final warnings that are not deemed to be protected as defined by the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(as amended\)](#) and any applicable Police Act Regulations (as amended) and the governments filtering guidance provides further information <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>.

On 10 March 2014 changes came into force that alter the way some rehabilitation periods are set so that they are fairer and reflect better the seriousness of sentences imposed.

Under the Rehabilitation of Offenders Act 1974, a conviction will become “spent” (i.e. treated as if it had not occurred) where the individual has not, after a specified period of time, committed another serious offence.

Under the 2014 changes, rehabilitation periods for community orders and custodial sentences will comprise the period of the sentence plus an additional specified period, rather than all rehabilitation periods starting from the date of conviction as it was under the previous system. So, for an example, an adult offender sentenced to two and a half years custody, who would previously have had to declare their criminal conviction for ten years from the date of conviction, will now have to disclose their conviction for the period of the sentence plus a further four years (giving a total rehabilitation period of 6.5 years). Rehabilitation periods vary depending on the type and length of conviction originally incurred.

Detailed information in relation to the rehabilitation periods for custodial sentences can be found at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974> and examples of the way the new system works at <https://www.gov.uk/guidance/rehabilitation-periods>

### We are here to help

Further information and assistance can be obtained by contacting us; Vetting Services, Shire Hall, Market Place, Warwick, CV34 4RL.  
Email: [dbs@warwickshire.gov.uk](mailto:dbs@warwickshire.gov.uk) or Tel.: 01926 418264

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