

Recruitment of Ex-offenders

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Consultation	This Guidance is in-line with Somerset County Council's approach to Ex-offenders and the legal requirements related to this. As a result, the policy has not been subject to consultation, but has been shared with the recognised Trade Unions. Somerset County Council expects all Maintained Schools to Adopt this Policy and it is recommended for Academies.

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Introduction

The Council is committed to equality of opportunity for all job applicants and aims to select people for employment based on the applicant's individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training. The Council undertakes not to discriminate unfairly against any applicant on the basis of a conviction or other information revealed.

This policy sets out the Council's approach to employing ex-offenders in accordance with the Rehabilitation of Offenders Act 1974.

Recruitment Process

All job applicants to the 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 (as all posts in schools are) then job applicants will be asked to disclose all convictions, orders, reprimands and fines whether spent or not excluding youth cautions, youth reprimands and youth warnings. In addition, the Council will request a standard or enhanced criminal record, check via the Disclosure and Barring Service (DBS) 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.

The Council will not automatically refuse to employ someone because of a previous conviction, each case will be considered on its own merit and in relation to the relevance of the conviction to the job to which they are applying.

If an applicant provides false information on their application form the offer of employment may be withdrawn or if already employed, they may face disciplinary action, not excluding dismissal.

Exempt Jobs under the Rehabilitation of Offenders Act 1974

Applicants applying for jobs that are listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) are legally obliged to declare all convictions, reprimands, orders or fines excluding youth cautions, youth reprimands and youth warnings whether spent or not.

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 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.

Statutory Rehabilitation Periods

The periods of rehabilitation after which a conviction can be considered to be 'spent' are as follows:

Sentence/Disposal	Spent period for adults (18 years or over at the time of the conviction). This applies from the end of the date of the sentence.
A prison sentence or youth custody for more than 30 months (2½ years), but not more than 48 months (4 years)	7 years
A prison sentence or youth custody of more than six months but no more than 30 months (2½ years)	4 years
A prison sentence or youth custody of six months or less	2 years
A sentence of cashiering, discharge with ignominy, dismissal or dismissal with disgrace from Her Majesty's service	1 year
Any sentence of detention in respect of a conviction in service disciplinary proceedings	1 year
A fine	1 year

A community or youth rehabilitation order	1 year from last day order has effect
A relevant order	Period of the order

There is no rehabilitation period for an absolute discharge (i.e. the conviction is spent immediately).

Rehabilitation periods are halved for offenders under the age of 18 at the time of conviction, except where the prison sentence or youth custody is for six months or less, in which case the rehabilitation period is 18 months from completion of the sentence.

Exclusions to Rehabilitation

Certain sentences are excluded from rehabilitation under the Act:

- A sentence of life imprisonment.
- A sentence of preventive detention.
- A sentence of imprisonment, youth custody or corrective training for a term exceeding 48 months (4 years). This means someone whose sentence exceeded 48 months (4 years) can never be rehabilitated under the Act.

Data Protection

The Council is committed to ensuring that all information provided about an individual's criminal convictions including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

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