

POLICY STATEMENT ON THE USE OF CRIMINAL RECORD CHECKS AND SAFEGUARDING

The following policy applies to the recruitment of prospective employees to the Council.

The licensing of prospective taxi drivers also requires DBS checks to be undertaken; separate policy arrangements are made for this licensing process.

Criminal Records Bureau- Disclosures

Since changes to the DBS Scheme in 2009, only Enhanced DBS Disclosures are recognised for the purpose of checking the suitability for an individual to work with, or provide a service to, young people or vulnerable adults.

The Council maintains a list of posts that it considers require an Enhanced Disclosure. Where appropriate, contractors providing a service on behalf of the Council will be required to provide a current Enhanced Disclosure at the point of commencement of service delivery. Enhanced Disclosures contain information about all criminal records for an individual and state whether they are barred from working with children or vulnerable adults.

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Gedling Borough Council aims to comply with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Gedling Borough 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, disability or offending background.

This written policy on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process or on request.

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.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, application information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Personnel Manager in cases of direct employment. This information is only be seen by those who need to see it as part of the recruitment or application process.

All job applicants will be expected to declare "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. This requirement is highlighted on the standard application form.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are

now 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.

Additionally, if the nature of the work allows Gedling Borough Council to ask more detailed questions about a candidate's criminal record, this will be done sensitively and as far as possible, within the guidance provided by the Criminal Records Bureau.

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

The DBS has produced a Code of Practice and a copy will be provided to anyone who is the subject of a Disclosure application available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar someone from working for, or on behalf of the Council. This will depend on the nature of the position and the circumstances and background of the offences.

Definitions of services; Disclosure and Barring Service

Regulated Activity - The new definition of regulated activity (i.e., work that a barred person must not do) in relation to children comprises, in summary:

- i. unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children.
- ii. work for a limited range of establishments ('specified places'), with opportunity for contact: e.g., schools, children's homes, childcare premises. Not work by supervised volunteers.

Work under (i) or (ii) is regulated activity only if done regularly: "regularly". Generally, for adults, work would be a regulated activity if there is provision of personal care or if there is dependency. The setting and frequency is not relevant.

The DBS provides full definition for the above criteria. The definitions apply to employees and volunteers alike and to providers of service on behalf of the Council. The Council maintains a list of posts that it considers fall under the Regulated Activity definitions.

From October 2009, the Council has a duty to inform the DBS of the details of anyone that it removes from a Regulated Activity where it is felt that the person has or could commit harm to a child or vulnerable adult. The relevant Director will ensure that, through Gedling Borough Council's Personnel Section, this information is passed on to the correct agency.