

Recruitment of Ex-Offenders Policy and Rehabilitation of Offenders statement

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Policy on the Recruitment of Ex-Offenders

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, we aim to comply fully with the DBS Code of Practice and undertake to treat all applicants for positions fairly. We undertake not to discriminate unfairly against anyone who is the subject of a Disclosure on the basis of conviction or other information revealed.

We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex, sexual orientation or offending background.

We actively promote equality of opportunity for all to achieve the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal records. We select all candidates for interview on the basis of their aptitude, skills, qualifications and experience in relation to the requirements of the post.

A DBS check is only requested when it is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, the recruitment information will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

We ensure that all those who are involved in the recruitment process will have suitable guidance to enable them to identify and assess the relevance of the offence in relation to the position applied for. We also ensure that they receive appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 2001.

At interview or in a later 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 applied for could lead to withdrawal of an offer of employment.

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

Having a criminal record will not necessarily bar you from working with us. This will depend on the offence and the relevance of the offence in relation to the position applied for. The factors taken into account will include the responsibilities of the position, the vulnerability of the customer group, the number and pattern of the offences (if there is more than one), the nature of the offence(s), how long ago the offence(s) occurred and the age of the offender when the offence(s) occurred.

Criminal Convictions - Rehabilitation of Offenders

The Rehabilitation of Offenders Act 2001 (the Act) allows persons to be considered as rehabilitated and hence not required to disclose 'spent' convictions.

A conviction may become spent when a specified period of time has elapsed since the conviction was originally imposed. This period of time, otherwise known as the rehabilitation period, varies depending on a number of factors. Examples of these factors include:

- The sentence, fine, or court order imposed, or the combination of these
- The age of the offender, and
- Whether or not the individual has been convicted of a further offence during the rehabilitation period.

However, there are convictions which are never able to be considered spent, i.e. there is no rehabilitation period. These convictions are those which either:

- Attract a custodial sentence of greater than 30 months
- Attract a sentence of detention at Her Majesty's pleasure further to section 8 of the Custody Act 1995 (detention of certain young offenders), or
- Attract a sentence of custody for life.

The Act also provides for exceptions to be made in certain cases so that all information regarding spent convictions must be provided, for example, when applying for certain professions. These exceptions primarily relate to work in sensitive areas such as with children and vulnerable adults, law enforcement and the legal system, and high level financial positions.

Where an exception to the Act exists then the successful applicant must list all convictions, even if they are spent. The employer or licensing body will be eligible to apply for police checks containing that person's full criminal record.

If the position is not subject to an exception under the Act then the employer or licensing body is still eligible to apply for police checks but only in relation to information on any non-spent convictions a person may hold.

Police checks may take place only with the consent of the person who will be the subject of the police check. However, the police may disclose information regarding a person's criminal conviction(s) if they are required to do so in the course of their duties.

For information about Rehabilitation Periods please see the Act [here](#). Further information about young offenders, convictions outside of the island, period of rehabilitation related to disqualifications, disability and prohibition, rehabilitation periods for multiple convictions, rehabilitation periods for suspended sentences and the extension or amendment of rehabilitation periods please see [here](#).

Disclaimer: This information is intended for guidance purposes only. It must not be regarded as a definitive interpretation of the Act. For definitive guidance you are advised to seek professional legal advice.

Document Change Log

Reviewer Name	Changes Made	Date
Recruitment Manager	Updated Rehabilitation of Offenders section following Attorney General's Chambers review.	28/07/2023