

SUMMARY POLICY ON CRIMINAL BACKGROUND CHECKS

Policy statement on the recruitment of people with past convictions

Derbyshire County Council aims to promote equality of opportunity for all, and recognises the importance of employment in the rehabilitation of ex-offenders. Criminal records will be taken into account for recruitment purposes only when a conviction is relevant. Unless the nature of work demands it, applicants will not be asked to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974. Having an 'unspent' conviction will not necessarily bar applicants from employment, and will depend on the circumstances and background to the offence(s).

Applicants who are offered employment to certain posts exempted under the Rehabilitation of Offenders Act 1974, will require a criminal record check ('disclosure') from the Criminal Records Bureau (CRB) before an appointment can be confirmed. These include posts working with children or vulnerable adults. The disclosure will include details of cautions, reprimands or final warnings, as well as convictions.

Criminal Record Bureau Code of Practice

Derbyshire County Council complies fully with the Code of Practice issued by the Criminal Record Bureau, ensuring that information released in disclosures is used fairly and handled and stored appropriately.

The subjects of disclosures should be reassured that the Council will not use disclosure information unfairly against them.

All employees involved in the disclosure process and in making employment related decisions are provided with guidance on employing people with convictions, legislative requirements and the CRB Code of Practice.

A full copy of the Code of Practice is available on request or can be accessed at www.crb.gov.uk

Use of Disclosure Information

A disclosure will only be requested following a successful interview.

It is the responsibility of the Council as employer to decide whether a person subject to a check should be appointed to or continue in a post, taking into account duties under the Criminal Justice and Court Services Act 2000 and any other relevant legal or regulatory requirements.

Applicants are invited to provide any additional information which may improve understanding and fair decision making. Before an employment related decision is made, the applicant will be given an opportunity to discuss any issues revealed in the disclosure.

When disclosures or other information reveal an offence or other matter the following will also be considered in decision making:

- Relevance to the post.
- Nature and seriousness of the offence/matter.
- Length of time since it occurred.
- The circumstances surrounding it and explanation offered.
- Whether there is a pattern of offending behaviour / related matters.
- Whether the applicants circumstances have changed since the offence making re-offending less likely.
- The country in which the offence was committed (what constitutes an offence may differ between countries).
- Whether the offence has since been decriminalised by Parliament.

Decisions will be made as soon as possible after the disclosure is received.

Security and Confidentiality

- Disclosure information will be treated with utmost confidentiality and kept in a suitably secure place.
- Access to disclosure information will be restricted to named individuals entitled to see it in the course of their duties.
- Departments will keep a written record of all those to whom the disclosure information has been revealed.