

REHABILITATION OF OFFENDERS ACT 1974 CONVICTIONS AND 'SPENT' CONVICTIONS OF A CRIMINAL NATURE

ADVISORY NOTE TO APPLICANTS

The workforce which you are applying will have regular contact with children/young people and / or vulnerable adults and is exempt from the Rehabilitation of Offenders Act 1974. You are, therefore, required to declare any convictions, cautions / reprimands, warnings bind-overs, or prosecutions pending you may have, even if they would otherwise be regarded as 'spent' under this Act.

These details should be enclosed in a separate, sealed envelope marked 'confidential' - for the attention of the Chairperson/Manager of the appointing body. The envelope should state clearly the name of the school/establishment or service and the work for which you are applying and be returned with your application form.

The information you give will be treated in confidence and will only be taken into account in relation to an application where the exemption applies.

The Authority is entitled, under arrangements introduced for the protection of children (POCA) and the protection of vulnerable adults (POVA), to check with the Criminal Records Bureau for the existence and content of any criminal record of the successful applicant prior to the confirmation of appointment.

Successful applicants will, therefore, be required to complete a disclosure form to enable a check to be undertaken. Failure to consent to this could prevent the application being considered further. This check involves details being obtained of convictions, including those considered 'spent' under the Rehabilitation of Offenders Act 1974, cautions held at national level and may also include non-conviction information held by the police. You will receive the results of the check from the Criminal Records Bureau, who will also forward a copy to Lancashire Employee Services.

Information received from the Criminal Records Bureau will be kept in strict confidence and will be destroyed immediately the selection process is completed.

The disclosure of a criminal record will not debar you from appointment, unless the Employer considers that the conviction renders you unsuitable for the appointment. In making this decision, consideration will be given to the nature of the offence, how long ago and what age you were when it was committed and any factors which may be relevant.

Failure to declare a conviction, caution, Reprimand/warning or bind-over may, however, disqualify you from appointment, or result in dismissal or disciplinary action if the discrepancy comes to light.

Under the Criminal Justice and Court Services Act 2000 it is an offence for an individual who has been disqualified from working with children to knowingly apply for, offer to do, or accept or do any work in a 'regulated position'.

If you would like to discuss what effect any conviction you have might have on your application, you may telephone the CRB Team, Lancashire Employee Services, County Hall on 01772 536395 / 536391 in confidence, for advice.

LANCASHIRE COUNTY COUNCIL EMPLOYEE SERVICES

POLICY STATEMENT ON THE RECRUITMENT OF EX OFFENDERS

Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Unless the nature of the work demands it, you 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 you from employment. This will depend on the circumstances and background to your offence(s).

Where posts are exempt under the Rehabilitation of Offenders Act 1974, applicants who are offered employment will be subject to a criminal record check from the Criminal Records Bureau, before the appointment is confirmed. In addition to convictions, this will disclose details of cautions, together with any information which might be held on the list kept by the DCSF /Department of Health relating to the Protection of Children (POCA). This lists those individuals considered unsuitable to work with children. The disclosure will also reveal whether the applicant's name is included on the list held by the Department of Health of people considered unsuitable to work with vulnerable adults (POVA).

Any information provided from these sources will be considered in the context of suitability for the post in question.

- In using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Lancashire Employee Services will comply with the CRB Code of Practice and treat all applicants for positions fairly. We work to ensure that no applicant is discriminated against unfairly, following a disclosure, on the basis of conviction or other information revealed.
- Lancashire Employee Services is committed to the fair treatment of staff and potential staff.
- 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.
- A disclosure is only requested after a risk assessment has indicated that one is both proportionate and relevant to the position concerned. For all positions in Schools, a Disclosure is required. Application forms and accompanying 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 and we guarantee that this information is only seen by those who need to see it as part of the recruitment process. We seek to ensure that an open and measured discussion takes place on the subject of any offences or other matter revealed by an applicant who is interviewed 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.
- Those involved in the recruitment process will be provided with appropriate guidance to identify and assess the relevance and circumstances of offences, within the context of the post. Every subject of a CRB Disclosure will be made aware of the existence of the CRB Code of Practice and a copy will be available on request.
- Any matter revealed in a Disclosure will be discussed with the person seeking the position before withdrawing a conditional offer of employment.
- This statement will be drawn to the attention of Governing Bodies and other organisations for whom the LES act as counter signatory, as a model for them to adopt.

If your application is successful it will be necessary under statutory provision for you to provide evidence of your right to work in the United Kingdom. This can be provided by documentary evidence of your National insurance Number. Such documentation can be a P45, a pay slip, a P60, NINO card or via a letter issued by one of the Government bodies concerned. If you do not have a National insurance Number please contact the School and Agency Services Personnel Team for further advice as soon as possible. (Telephone 01772 536328). Please note that the evidence of your right to work must be provided before a letter of appointment can be issued.