

Individual Executive Decision Notice

Report title	Recruitment of Ex-Offenders Policy Statement		
Decision designation	GREEN		
Cabinet member with lead responsibility	Councillor Paula Brookfield Governance and Equalities		
Wards affected	Not applicable		
Accountable Director	David Pattison, Chief Operating Officer		
Originating service	Human Resources		
Accountable employee	Sukhvinder Mattu	Service Lead – HR Policy and Strategy	
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Report to be/has been considered by	Governance Leadership Team	28 April 2021	
	People and Change Leadership	21 April 2021	
	Trade Unions	08 April 2021	

Summary

The Council already has a Disclosure and Barring Service (DBS) Policy, CWC Code of Practice, manager and employee guide covering DBS checks. The DBS code of practice requires registered bodies to have a Recruitment of ex-offenders policy statement.

As a result, Human Resources have developed a Recruitment of ex-offenders policy statement for the Council using the DBS' recommended sample policy.

Trade Unions have reviewed the policy and endorsed its use.

Recommendation for decision:

That the Cabinet Member for Governance and Equalities, in consultation with the Chief Operating Officer:

1. Approve the new Recruitment of Ex-Offenders Policy Statement to be made available to managers and sent to all applicants where the position they are applying for requires a DBS check.

This report is PUBLIC
NOT PROTECTIVELY MARKED

Signature
Name of Cabinet Member

Date:

Signature
Name of Director

Date:

1.0 Background

- 1.1 City of Wolverhampton Council (CWC) is a registered body able to undertake Disclosure and Barring Service (DBS) checks to obtain information about applicants to assess their suitability for employment in positions of trust.
- 1.2 The [code of practice](#) published under section 122 of the Police Act 1997 advises it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.
- 1.3 The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.
- 1.4 Legislation allows certain old and minor cautions and convictions to not be subject to disclosure. This also means employers cannot take these into account when making decisions about recruitment. All cautions and convictions for serious violent and sexual offences and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, remain subject to disclosure, as do all convictions where an individual has more than one conviction recorded.

2.0 Progress

- 2.1 The Disclosure and Barring Service provided registered bodies with sample policy wording to support registered bodies to meet their obligations under the code of practice. This wording has been used to devise the draft policy statement that is attached as appendix 1. The sample policy required minimal alteration to suit the Council. It has been considered and endorsed by recognised trade unions. It was also discussed at Governance and People and Change Leadership meetings.
- 2.2 To prevent automatic discrimination, the code of practice includes a requirement for any matters revealed on a DBS certificate to be discussed with the individual seeking the position before withdrawing a conditional offer of employment. In which case a risk assessment will be conducted by recruiting managers in conjunction with HR. High risk outcomes will be passed to Heads of Service and/or the safeguarding team to consider before a decision is made to continue with an appointment or issue a withdrawal. This requirement is already included within the Council's DBS Managers guidance.

3.0 Evaluation of alternative options

- 3.1 It is a requirement that registered bodies have a Recruitment of ex-offenders policy statement under the Code of Practice published under section 122 of the Police Act 1997. An alternative option would be to design our own Recruitment of ex-offenders policy statement, however, to meet our obligations under the code correctly it was

considered appropriate to use the sample policy statement provided by the DBS and amend it for the Council's use.

4.0 Reasons for decision

4.1 By having a Recruitment of ex-offenders policy statement, the Council would demonstrate a commitment to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

5.0 Financial implications

5.1 There are no financial implications associated with the recommendation in this report.
[GE/29072021/A]

6.0 Legal implications

6.1 Advice will probably be taken from legal colleagues but accountability for appreciating and detailing the legal implications remains with the accountable officer(s).
[TC/16082021/X]

7.0 Equalities implications

7.1 The policy statement will demonstrate the Council's commitment to removing automatic discrimination on disclosures in support of other DBS policies and guidance as mentioned in section 9.0. An equalities impact assessment can be requested from HR.

8.0 All other Implications

8.1 Human Resources will be required to amend the new starter process to include provision of the policy statement to applicants subject to DBS checks.

9.0 Schedule of background papers

9.1 [DBS Policy](#)

9.2 [Code of Practice](#)

9.3 [Manager guidance](#)

9.4 [Employee guidance](#)

10.0 Appendices

10.1 Appendix 1: Draft Recruitment of Ex-Offenders Policy Statement