

## **Criminal Records Bureau and Disclosure of Convictions**

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Rehabilitation of Offenders Act 1974 (Exceptions) Amendments Order 1986 provides exemption from the general provision of Section 4(2) of the Substantive Act for those employed in or seeking employment connected with the provision of Children's Services and/or Adult Social Services.

Applicants for posts which enable the successful post holder to have access to any of the following class of person in the course of their duties will be subject to the disclosure procedure:

- \* persons over the age of 65
- \* persons suffering from serious illness or mental disorder of any description
- \* persons addicted to alcohol or drugs
- \* persons who are blind, deaf or deaf without speech
- \* others persons who are substantially and permanently disabled by illness, injury or congenital deformity
- \* any office or employment concerned with the provision to persons aged under 18 of accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training, being an office or employment of such a kind as to enable the holder to have access in the course of their normal duties to such persons, and any other office or employment the normal duties of which are carried out wholly or partly on the premises where such a provision takes place. – Plus any work which is in a regulated position as defined by the Criminal Justice and Court Services Act 2000 or work in a further education institution where the normal duties of that work involve regular contact with persons under the age of 18 years.

You are therefore required to declare any existing or pending prosecutions, convictions, cautions, reprimands or final warnings you may have, even if they would otherwise be regarded as "spent" under the Act. The information you give will be treated in confidence and will be taken into account only in relation to an application where the exemption applies.

If you have information to declare you must state this in the appropriate section on your application form and attach a sealed envelope containing details of your convictions.

The Authority is also entitled, under legislation introduced for the protection of children and vulnerable adults, to require the successful application for this position to apply for a "Disclosure" of the existence and content of any criminal record from the Criminal Records Bureau (CRB). The Norfolk County Council Security Policy for dealing with Disclosure information complies with the standards of the CRB Code of Practice in treating all information received from the CRB in the strictest confidence.

The County Council is an Equal Opportunities employer and as such the disclosure of a criminal record, or other information, will not necessarily exclude you from consideration for appointment. Any such information will be considered in relation to the tasks and responsibilities required of the postholder and the circumstances and environment in which the job would require you to work.

Failure to declare a conviction, caution, reprimand or final warning may, however disqualify you from appointment, or result in dismissal if the discrepancy comes to light. It should be noted that it is an offence for anyone excluded from working with children and/or vulnerable adults to apply for a regulated position. If you would like to discuss what effect any conviction might have on your application, please contact Rita Mills, CRB counter signatory on 01603 222345 who is a person registered with the CRB to deal with Disclosure information.

## **Policy for employment of persons with criminal convictions**

### **1. Introduction and Policy Statement**

- 1.1 As an equal opportunities employer, Norfolk County Council undertakes to treat all applicants for positions fairly and equitably. The importance of equality of opportunity for all is recognised, as are the benefits of having diversity of talent, skills and potential. As such the County Council welcomes applications from as wide a range of applicants as possible, including those with criminal records.
- 1.2 Norfolk County Council is committed to the fair treatment of its staff, potential staff and users of its services, regardless of race, gender, disability, religion, sexual orientation, responsibilities for dependants, age or offending background.
- 1.3 The County Council uses the services of the Criminal Records Bureau (CRB) Disclosure service to assist in assessment of applicants' suitability for positions of trust. In so doing it undertakes not to discriminate without justification against any subject of a Disclosure on the basis of conviction or other information revealed through the Disclosure process.

### **2. Commitment**

- 2.1 All candidates will be selected for interview on the basis of their skills, qualifications and experience in relation to the requirements of the job.
- 2.2 For certain positions where it is considered relevant, a Disclosure from the CRB of the presence of a criminal record will be required. If this is the case it will be made clear in the recruitment literature. It follows that offers of employment to such positions will be conditional upon further assessment of the relevance of any conviction/s to the job in question before being confirmed
- 2.3 All applicants are encouraged to provide details of a criminal record at an early stage in the application process. It is requested that this be sent under separate cover to the recruiting officer who will use this information only for assessment of suitability for the position being applied for.
- 2.4 Applicants are asked to declare all 'unspent' convictions unless the nature of the position being applied for is exempt as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2001 and it is a requirement that an entire criminal record (including spent convictions) is declared. This will be made clear in the recruitment literature.
- 2.5 Appropriate guidance on identifying and assessing the relevance of the content of criminal records is provided to those involved in the recruitment process.
- 2.6 Where applicable, applicants will be given the opportunity at interview to discuss the subject of any declared offences or other matter and their relativity to the position being sought.
- 2.7 Failure to reveal information that is relevant to the position sought will lead to the immediate withdrawal of any offer of employment.
- 2.8 For positions where a Disclosure will be required, applicants are made aware that the County Council has a Security Policy for dealing with Disclosures and Disclosure information which meets the standards of the CRB Code of Practice and that copies are available on request.

2.9 Any information revealed in a Disclosure, which gives cause for concern to the County Council, will be discussed with the individual before any conditional offer of employment already made is withdrawn.

**3. Employment of persons with criminal records**

3.1 All individuals are assured that the presence of a criminal record will not necessarily exclude them from employment with Norfolk County Council. Any criminal background will be assessed by reference to the circumstances and nature of offences and how these relate to the nature of the position.