

EMPLOYMENT MATTERS COMMITTEE

2 DECEMBER 2015

REVIEW OF THE TREATMENT OF EX-OFFENDERS POLICY

Report from: Tricia Palmer, Assistant Director, Organisational Services

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Summary

The report seeks agreement to the revised Treatment of Ex-Offenders Policy

1. Budget and Policy Framework

- 1.1 The Policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

- 2.1 The Policy has been revised to align with the updated Disclosure and Barring Service Policy, with further amendments being made to reflect revisions in statutory legislation and updates to current post titles.

3. Advice and analysis

- 3.1 This Policy applies to all prospective and existing employees, permanent and temporary and those not employed by the Council where statute requires a criminal record to be disclosed (or checked) to enable them to undertake a specific role or duty.

4. Consultation

- 4.1 Consultation on these changes has taken place involving the trade unions and the employee forums using the agreed consultation protocol.
- 4.2 At the time of writing this report we have received no comments

5. Risk Management

- 5.1 It is important that all eligible staff are made aware of this Policy and their responsibilities within it.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Failure to adhere to the Policy	The council is exposed to a legal challenge	Consistent application of the policy through HR services	E3

- 5.2 Risks are further mitigated through the consistent approach requiring the joint sign-off by the Assistant Director, Organisational Services and the respective Deputy Director/Assistant Director of the relevant service area before any offer of employment can be made.

6. Diversity Impact Assessment (DIA)

- 6.1 A Diversity Impact screening has been undertaken and it is considered that a full DIA is not required. The DIA is attached at Appendix 2 to the report.

7. Financial and legal implications

- 7.1 It is not envisaged that there will be any additional financial implications with the implementation of this Policy.
- 7.2 Implementation of this Policy enables the Council to comply with its various statutory obligations and is within the council's powers. It is essential that a fair and consistent approach is to be applied to all staff in order to minimise successful legal challenges. The council is obliged to ensure that due regard be given to all relevant legislation and in particular the Rehabilitation of Offenders Act 1974 (as amended in 2013) and the Police Act 1997. The Code of Practice published under S.122 of the Police Act 1997 advises that 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. 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.

8. Recommendations

- 8.1 That the Employment Matters Committee approves the revised Policy as set out in Appendix 1 to the report.
- 8.2 That this Policy is reviewed in two years time and any proposed changes are referred to this Committee.

Lead officer contact

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Background papers

None

Appendices

Appendix 1 - Revised Treatment of Ex-Offenders Policy
Appendix 2 - Diversity Impact Assessment