

Important please read

Information for applicants for positions involving working with children or vulnerable adults.

The position for which you have applied for is exempt from the Rehabilitation of Offenders Act 1974. If you are successful at interview and provisionally offered employment, you will be required to complete a Disclosure and Barring Service application form which will be passed to the Disclosure and Barring Service for a record search. Any information received from the Disclosure and Barring Service will be treated in the strictest confidence and will be destroyed after use; in accordance with the Disclosure and Barring Service Code of Practice on the Storage and Handling of Disclosure Information (a copy of the council's Storage and Handling of Disclosure Information Policy is available on request).

Having a criminal record will not automatically exclude you from employment unless it is considered that the conviction is relevant and renders you unsuitable for appointment to the post applied for. In reaching this decision, factors such as the nature of the offence, how long ago it was committed and how old you were at the time will be taken into consideration. However, there are certain council positions working with vulnerable groups where it is unlawful for the council to recruit people with certain convictions or where they have been included on certain Government lists* e.g. Police Act 1997 (Criminal Records), Children's and Adults Barred List Information.

Failure to declare that you have a conviction (spent or unspent) may disqualify you from appointment or may result in your dismissal if a discrepancy subsequently comes to light following your employment.

If you have a criminal record and are unsure as to whether you are required to declare this in relation to your application, further guidance is available by contacting the Recruitment Team by telephone on 01275 888788, or via email at recruitment@n-somerset.gov.uk or by contacting the Recruiting Manager whose details will be on the advert. **This will not be part of the interview process.**



*** Please note that under the Protection of Children Act 1999, the Care Standards Act 2000 and the Criminal Justice and Court Services Act 2000 it is a criminal offence if an individual who is disqualified from working with children or vulnerable adults knowingly applies for, offers to do, accepts or does any work with children or vulnerable adults.**

Similarly, it is a criminal offence for the council to offer a child care position or a position working with vulnerable adults to a 'disqualified' person. In signing the 'Declaration by applicant' section in the application form you are confirming that you are not disqualified from working with either children or vulnerable adults.

Appendix 1 - Policy Statement on Recruitment of Ex-Offenders

North Somerset Council is determined to make all efforts to prevent discrimination or unfair treatment against any staff or potential staff regardless of offending background that does not create a risk to children and vulnerable adults.

People with criminal records applying for positions (paid or unpaid) with the council should be treated according to their merits and to any special criteria of the position (e.g. caring for children and vulnerable adults, which debars some in this category).

Liberata Employment Checks on behalf of North Somerset Council will ensure that as a 'Registered Body' it observes the Disclosure and Barring Service (DBS) Code of Practice on disclosure information. All applicants for positions with the council will be provided with a copy of the council's Policy Statement on the employment of Ex-Offenders and will also be made aware of the existence of the DBS Code of Practice on handling Disclosures, a copy of which will be provided on request.

The council will ensure that all staff involved in the recruitment process are suitably trained to identify and assess the relevant of criminal offences and to take appropriate action.

For those positions requiring a DBS Disclosure, all applicants will be informed at an early stage through recruitment literature issued that a Disclosure will be requested in the event of the individual being provisionally offered the position. Details of a person's criminal record will always be maintained as strictly confidential and will not be passed to persons not authorised to receive it.

It is the council's policy to ask applicants questions about criminal records to ensure that people are not inadvertently placed in vulnerable positions within the council. For certain positions working with children or vulnerable adults applicants will also be required to declare any 'spent' convictions as defined by the Rehabilitation of Offenders Act 1974.

Having a criminal record in itself should not necessarily prevent a person from being appointed to any post, unless the offence statutorily debars the person or renders the person unsuitable to work with children or vulnerable adults. Where it is felt, however, that an offence might mean that the person presents a risk then that person should not be appointed.

If an applicant reveals a criminal record and/or other information which could render the applicant potentially unsuitable then the 'responsible' recruiting manager will arrange to discuss the Disclosure with the applicant in the first instance and before any final decision is made regarding the suitability of the applicant. Following this consultation, the recruiting manager is required to contact the Recruitment Team and arrange to discuss the application in the light of the information disclosed by the DBS and the applicant before a recruitment decision is made and confirmed to the applicant. Generally, a decision to reject an applicant because of, or partly because of, a criminal record should relate to an aspect of the person specification which is seen to be unmet. If possible, an applicant in those circumstances should be advised of why their application has been rejected.

Failure to disclose relevant information could lead to the withdrawal of an offer of employment or other non-employment arrangement e.g. voluntary work or, if subsequently discovered once confirmed in position, could lead to the termination of employment/non-employment arrangement.

V1.1 – Updated August 2023.