

## **City of Lincoln Council**

### **Employment of Ex-offenders and Data Handling Guidance**

#### **Introduction**

This guidance sets out the Councils' approach to employing people who have a criminal record.

The Council is committed to equality of opportunity for all job applicants and aims to select people for employment based on their skills, abilities, experience, knowledge and, where needed, qualifications and training.

Therefore, the Council will consider job applicants who have a criminal record on their individual merits. However, our approach depends on the job, and whether it is covered by, or exempt from, the Rehabilitation of Offenders Act 1974.

#### **Jobs covered by the Rehabilitation of Offenders Act**

Many jobs within the Council are covered by the Rehabilitation of Offenders Act 1974, which means that job applicants for these jobs cannot be treated unfavourably because they have a spent conviction. We will not automatically refuse to employ someone just because they have a previous criminal conviction.

At some stage during the recruitment process, the Council will ask job applicants to disclose unspent convictions. We will not at any stage ask job applicants questions about spent convictions or expect anyone to disclose spent convictions.

If a job applicant has a conviction that is unspent and if the nature of the offence is relevant to the job they are applying for, we will review the individual circumstances and may, at our discretion, not select the individual for employment.

If a job applicant is a member of the DBS update service, we will, with their permission, conduct a status check on any current certificate.

#### **Jobs that are exempt from the Rehabilitation of Offenders Act**

Where a job within the Council is identified as exempt from the Rehabilitation of Offenders Act 1974, this means that job applicants for these jobs can be refused employment in the position where they have a spent conviction.

If the job an individual is applying for is one of the listed excluded jobs, we will require them to disclose all convictions, whether they are spent or unspent (other than protected cautions and protected convictions, which do not need to be disclosed depending on the job concerned). Even in these circumstances, the Council will not necessarily refuse to employ the job applicant unless the nature of the conviction has some relevance to the job.

If the job is exempt, the Council will, if we select a job applicant as the person, we would like to offer employment, seek documentary evidence to establish whether

they have any criminal convictions. We will seek their agreement to make a joint application to the Disclosure and Barring Service (DBS) for a standard, enhanced or enhanced with DBS barred lists check (as appropriate).

### **Data protection**

The Council processes information about individuals' criminal records in accordance with its Data Protection Policy. We hold data collected during recruitment securely. We will allow only authorised individuals to access and/or disclose personal data for the purposes of completing the recruitment process.

Inappropriate access or disclosure of employee data constitutes a data breach and anyone who becomes aware of such a breach should report it immediately in line with the Council's Data Protection Policy. A data breach is also likely to constitute a disciplinary offence, which we will deal with under our disciplinary procedure.

The Council will destroy securely any information about criminal records gathered during the course of the recruitment vetting process. No personal data related to criminal records will be transferred to any human resources record.

The Council is committed to going through the proper DBS channels to establish whether or not an individual has a criminal record. The Council will not require job applicants or existing employees to use their subject access rights under data protection provisions to provide criminal record details.

Human Resources

March 2024