



South Tyneside Council



Recruitment of Ex Offenders

1. Introduction

South Tyneside Council promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from all sections of the community. Candidates are selected for interview solely on the basis of their skills, qualifications, experience and ability to do the job.

This Policy applies to all school-based employees where the Governing Board of individual schools have adopted the Policy.

South Tyneside Council complies fully with the Disclosure and Barring Service Code of Practice and undertakes to treat all applicants for positions fairly, not discriminating unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

2. Our Values

Our Values are the things we most care about. In applying every policy and process, we must consider and uphold our PROUD Values. These define what we stand for as an organisation, how we work and how we act.

Professional – we uphold high standards.

Respectful – we value people.

Open and honest – we trust each other.

Understanding and engaging – we care about people.

Deliver what we say we will - we provide great services.

Under each Value is a set of guiding behaviours. These apply to every person who works for or represents South Tyneside Council. They are our promise to residents, each other and to all who interact with the Council.

3. The Rehabilitation of Offenders Act (1974) and 'filtered' convictions

The Rehabilitation of Offenders Act (ROA) (1974) was introduced to help restore the reputation of a person who has been convicted of an offence but has since stayed on the right side of the law. It also makes it illegal for an organisation to discriminate against an ex-offender on the grounds of a 'filtered' conviction.

A criminal record arises from a conviction. Under the ROA, once a conviction is regarded as 'filtered' the rehabilitated person does not have to disclose the conviction unless they are applying for a post, which is 'exempt' under the act. Exempt posts include those involving access to children, young people, the elderly, disabled people, alcohol and drug misusers or the chronically sick. In such cases, organisations are legally entitled to ask applicants for details of all convictions, irrespective of whether they are filtered or not.

The length of time required for an ex-offender to become 'rehabilitated' depends on the sentence received and the age when convicted, not the offence committed. Once a conviction becomes filtered, it remains this way, even if a person is convicted of other offences later. More guidance and information is available from: www.gov.uk/guidance/rehabilitation-periods

How long does it take before a caution or conviction becomes spent?

The rehabilitation period (the length of time before a caution or conviction becomes filtered) is determined by the type of disposal administered or the length of the sentence imposed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, which is called the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed. The rehabilitation periods for sentences can be found on pages 10 and 11:

[Guidance on the Rehabilitation of Offenders Act 1974](#)

4. **Protection of Children Act (1999) and the Criminal Justice and Court Services Act (2000)**

Under the Protection of Children Act (1999) and the Criminal Justice and Court Services Act (2000) it is an offence for any organisation to offer employment that involves regular contact with young people under the age of 18 to anyone who has been convicted of certain specified offences, or included on lists of people considered unsuitable for such work held by the Department for Education and Employment and the Department of Health. Specified offences include murder or manslaughter, rape, grievous bodily harm and a number of sexual offences involving children. Managers therefore **must not** confirm an offer of employment and employment **must not** commence until necessary clearance from the Disclosure and Barring Service (DBS) has been obtained.

5. **Disclosure and Barring Service**

The Disclosure and Barring Service allows organisations to obtain criminal record information about prospective employees and volunteers from a centralised source. The Council complies fully with the DBS Code of Practice. For further information, please refer to the managers guidelines on the [Disclosure and Barring Checks Policy](#).

6. **Considering the relevance of criminal records**

Risk assessment should be based on:

- An examination of circumstances leading up to the offence
- Repeat offences
- The length of time since the offence took place
- The nature of the job, workplace environment, exposure to money, property and vulnerable people
- The extent of job supervision
- The change in individuals circumstances since the offending behaviour and an individual's attempt to 'go straight'

When a candidate with a criminal record applies for a post, which is exempt under the ROA (1974), an objective assessment should be made as to their suitability for the post. The Council undertakes to discuss any matter revealed in a disclosure with the applicant prior to withdrawing a conditional offer of employment, ensuring a decision is made as soon as possible. Recruiting managers should:

- Focus on the person's abilities, experience and qualifications
- Consider the nature of the conviction and its relevance to the job in question
- Identify the risks to the Council, the public, customers, clients and employees
- Recognise that having a criminal record does not always mean a lack of skills, qualifications and experience
- Note that high-quality training, leading to qualifications, is available in prisons
- Contact HR Services if further information, advice or guidance is required.

7. **Rechecks**

Rechecks of employees who are in posts which require a DBS Disclosure should occur every three years. In between this time employees are responsible for informing their manager if, during the course of their employment they obtain a new criminal conviction. Depending on the nature of the conviction, the Council's [Disciplinary Policy](#) may be instigated.

8. **Equality and Diversity Statement**

South Tyneside Council is committed to promoting equality and valuing diversity. An equality check for this policy was carried out in March 2024 and no equality check implications were identified.

Policy approved by Governors: June 2026

Date of next review by Governors: June 2027