
NON-EXEMPT

HAVANT BOROUGH COUNCIL

HR Committee

23rd March 2022

Recruitment Policy

Recruitment of Ex-Offenders Policy

FOR DECISION

Portfolio Holder: Cllr Narinder Bains

Key Decision: No

Report Number: HBC/035/2022

1. Purpose

- 1.1. This paper is submitted to HR Committee for agreement to implement two policies relating to recruitment at the council.

2. Recommendation

- 2.1. HR Committee are asked to approve:
- a. Recruitment Policy and
 - b. Recruitment of Ex-Offenders Policy

These policies are set out at Appendix A and B.

3. Executive Summary

- 3.1. The council does not currently have a policy in place which specifically outlines the council's approach to recruitment and to the recruitment of ex-offenders.

These policies will support in ensuring that the council is compliant with all relevant recruitment practices and legislation. The effects of noncompliance can be costly in terms of both time and money.

- 3.2. The recent implementation of an Applicant Tracking System¹ has led to a wholesale review of the recruitment approach. The recruitment policy has therefore been revised to reflect this and is accompanied by a revised recruitment process which is available on the council's intranet.
- 3.3. The implementation of the recruitment policy will be accompanied with several 'Bitesize' training sessions for managers on the recruitment process. These will be delivered by HR and are currently in development. The roll out of these training sessions will commence during Q4 2021/22.
- 3.4. Disclosure and Barring Checks are required for some roles within the councils and must be renewed on a regular basis. This means that criminal records are checked at the point of recruitment for some roles, and again during employment. The council already has a process for checking criminal convictions of applicants, and it is important that we now have a policy in place in terms of how we approach applicants and employees who have criminal convictions.
- 3.5. The council is a 'people-oriented' employer that know the importance of its staff. We value our employees' ideas, their contributions and their dedication to excellent service delivery. It is therefore important for us to recruit as diverse a workforce as possible, and the recruitment of ex-offenders is one part of this.
- 3.6. The costs of re-offending are high. A Ministry of Justice report in 2019² noted a cost of approximately £16.7 billion based on economic and social costs of adults re-offending. There is evidence to suggest that employment is one of the key factors in reducing offending. Therefore, it is part of the council's social responsibility to do what it can in supporting this, whilst ensuring its safeguarding responsibilities are also considered.

¹ Hireful Recruitment System

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814650/economic-social-costs-reoffending.pdf

- 3.7. The Recruitment of Ex-Offenders policy outlines an approach to how the council will request applicants and employees' previous conviction information, and how this information should be considered/risk assessed before a decision is made. The council recognises that ex-offenders can bring a wealth of experience and make a valuable contribution to its work. It is therefore important to ensure that anyone with a criminal conviction is not rejected purely based on their convictions.
- 3.8. This policy is in line with the public sector equality duty. The issues that can arise from recruiting have a clear link to Safeguarding, and Equalities policy. The addition of these policies will enable the organisation to manage and fairly support the recruitment from a wide pool of applicants.

4. Additional Budgetary Implications

- 4.1. None

5. Background and relationship to Corporate Strategy and/or Business Plans

- 5.1. The policies support the council values to be a fair employer. The Corporate Strategies highlight the delivery of respect and support for each other, in addition to having fairness and integrity in all that we do. These policies underpin this approach.

6. Options considered

- a) Implement both policies to ensure compliance with the relevant recruitment legislation and processes considering the implementation of the Hireful solution for recruitment. Increasing the possibility for a more diverse workforce by providing opportunity for ex-offenders through a clear published policy being in place.
- b) Implement the recruitment policy only
- c) Implement the recruitment of ex-offenders policy only

d) Do nothing - Recruitment and the recruitment of ex-offenders will continue to take place, but managers will not have sight of the framework of how recruitment should take place, how convictions should be assessed and how this all contributes to the corporate strategy. This approach would not mitigate the identified risks associated with recruitment.

The option which was deemed to mitigate the risk sufficiently for both councils was option a).

7. Resource Implications

7.1. Financial Implications

None directly identified, although robust policies and processes will ensure that any future claims can be managed, and potential costs minimised.

S151 Officer comments

Date: 17th January 2022

No additional financial implications.

7.2. Human Resources Implications

There are no direct HR implications. This policy will be added to the suite of HR policies. It will ensure that staff have an appropriate route to raise any issues and HR/Management will have the appropriate tools to deal with any recruitment matters reasonably and effectively.

7.3. Information Governance Implications

None identified.

Other resource implications

There will be a requirement for communications support to implement the policy across the council.

7.4 Links to Shaping Our Future Programme

There are no direct links to the SoF programme however robust recruitment policies that are compliant with the relevant legislation are essential for the existing organisation and for the future organisation. Ensuring that there are robust recruitment policies in place will be important for the council.

Chief Operating Officer comments

Date: 20th January, 2022

The policies provide the sound HR governance that will support the future transformation of the Council.

Kim Sawyer

7.5 Other resource implications

There are no other resource implications to report.

8. Legal Implications

8.1. It is important to ensure that all recruitment is conducted in a fair and transparent way. The recruitment policy outlines the principles of how this will be undertaken. The consequences of not doing so could lead to discrimination claims under the Equality Act 2010 for either direct or indirect discrimination.

In terms of the recruitment of ex-offenders policy, Section 4(3)(b) of the Rehabilitation of Offenders Act 1974, states that a spent conviction (or a failure to disclose one) is not a proper ground for excluding a person from any office, profession, occupation or employment or for prejudicing them in any way in any occupation or employment, unless the individual falls with an excepted category.

However, there is no specific employment law remedy available. It is possible the employer could be taken to the civil courts for breach of statutory duty if the person affected is not a council employee.

The situation is different for existing employees who have a past conviction, have two years' employment service and who are dismissed without due consideration/risk assessment because the council subsequently discovers that they have a spent conviction. In these circumstances the employee will be able to claim unfair dismissal.

Legal Implications

Monitoring Officer

Date: 11th January, 2022

All Legal Implications are sound.

Surinder Atkar

Principal Solicitor, Planning Litigation and Governance

9. Risks

If a fair, open and transparent recruitment process is not undertaken, including the fair consideration of criminal convictions, this could lead to complaints and potentially discrimination/unfair dismissal cases. This could ultimately lead to employment tribunal claims. This would have cost implications, both in terms of time to respond/deal with these claims and any financial compensation awarded.

This can also negatively impact the reputation of the council.

10. Consultation

10.1. Unison has been consulted on the policies in line with the usual consultation processes.

11. Communication

11.1. The policy will be communicated to all members of staff via internal channels.

12. Appendices

12.1. Appendix A – Recruitment Policy

12.2. Appendix B – Recruitment of Ex-Offenders Policy

13. Background papers

13.1. None

Agreed and signed off by:

Portfolio Holder: Cllr. Narinder Bains 18th February 2022

Director: 20th January 2022

Monitoring Officer: 11th January 2022

Section 151 Officer: 17th January 2022

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