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To: Personnel Committee

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Subject: **Ban the Box**

Classification: Unrestricted

1. Background

- 1.1. The national charity Unlock, established back in 2000, promotes and campaigns for the rehabilitation of offenders and supporting those with convictions, both generally and specifically in the workplace. They have been continuously campaigning to encourage employers to amend their recruitment process as far as possible to support greater applications from individuals with criminal records. Evidence would suggest that very few such individuals pose a serious risk of harm to the public but they can make it challenging to find employment. This specific campaign is 'ban the box'. The box being referred to is on the application form which requires a tick to state that the applicant has a criminal record.
- 1.2. There are an estimated 10 million people with a criminal record in the UK, which represents a significant proportion of the population. At present, over 60 per cent of short-term prisoners re-offend within a year of release at great cost to business, communities and taxpayers. However, research shows that employment reduces reoffending by up to a half, so it is critical to reduce barriers to work for individuals with criminal convictions. Most crime committed is relatively minor, often resulting in fines and community sentences.
- 1.3. It is reported that individuals with a minor conviction which does not have any consequence to their appointment can be put off applying for a job by having to disclose this early in the process. A number of applicants therefore deselect themselves at the outset. There is not a legal obligation to ask at the application stage.
- 1.4. There is however the matter of what is described as 'Regulated activity', where employees and workers are engaged in work that has regular and unsupervised access to children and vulnerable adults. There is no doubt that roles in this area require a mandatory approach to the disclosure of all spent and unspent convictions as a fundamental element of the recruitment process. These roles represent the minority of posts within the County Council.

2. Other employers

- 2.1. There are some 76 employers who have agreed to 'ban the box' from both the private and public sector, financial, service provision and legal companies. One such employer is the Civil Service.
- 2.2. The Minister for the Cabinet Office set out his vision for the Civil Service to lead the way in improving social mobility through an inclusive working environment. To do this they need to ensure they have the best possible mix of talent and act to remove barriers for all individuals, including ex-offenders. Consequently the Civil Service is championing the [Ban the Box campaign](#).
- 2.3. The Civil Service will still ask about criminal convictions during the recruitment process, but we will do this after the initial application form stage. They recognise that there may be some roles with specific security requirements and these will be exempt from this approach.

3. Consultation with the business

- 3.1. The implications have been considered and shared with service Directors, and HR colleagues involved in facilitating the recruitment process.
- 3.2. There is agreement and support across the Directorates in principle to remove the early 'criminal conviction' question from the recruitment process although understandably there is concern for 'regulated' posts. It is important that our supporting recruitment policy is updated and robust in clarifying our position to ensure a suitably consistent approach to this issue and for managers to be clear on our responsibilities and how we expect them to be discharged.

4. Recruitment Process implications

- 4.1. There are 3 categories of posts in terms of declarations of convictions and the required 'checks':
 - Those that do not require any as they are not working with children, vulnerable adults or their sensitive records
 - A basic check is required for those working with sensitive records
 - An enhanced check is appropriate for those working with children and vulnerable adults.
- 4.2. It is possible to alter the application form for general applications but retain for regulated activity roles requiring a DBS check where applicants will need to answer the question in order to apply. For roles requiring a basic check the question can be added as a task for the recruiting manager. If it is established during the application process, or subsequently, that there has been failure to disclose a conviction when required, then this would mean

removal of the person from the process or potential dismissal from employment.

- 4.3. The Oracle recruitment system is currently undergoing significant development which will provide the opportunity for such a process to be automated and monitored.

5. Conclusion

- 5.1 The Ban the Box campaign seeks to support people with criminal records back into the workplace. This is something which KCC can help achieve in a way which is proportionate and does not cause increased risk, particularly to roles which are a regulated activity.
- 5.2 Personnel Committee are invited to consider whether this is something that could be supported with appropriate processes and safeguards.

Paul Royel
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Background documents: None