

## C. The Rehabilitation of Offenders Act

It is recognised that in order to appoint on merit, and to comply with legislation, we must consider candidates for employment from the broadest range possible, which includes ex-offenders. Obtaining a job is an essential part of successful rehabilitation. Cumbria County Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates for interview based on skills, competencies, qualifications and experience.

The Rehabilitation of Offenders Act 1974 (ROA) was introduced to support the rehabilitation of offenders who have not been reconvicted of any serious offence for specific periods. The Act enables criminal convictions to become 'spent' or ignored after a specified 'rehabilitation period'. The Act excludes some offices and occupations - 'Exceptions to the Act' – where people are expected to declare their convictions, even if they are spent.

Changes to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) in 2013 mean that some spent convictions and cautions are 'protected' and do not have to be disclosed by candidates for a role and may not be taken into account by employers when making recruitment decisions. A range of serious offences and those which relate to sexual or violent offending, or are relevant in the context of safeguarding will never be 'filtered' from a criminal record check. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded. Additional information which explains the filtering of old and minor cautions and convictions which are now 'protected' (so not subject to disclosure to employers) is available at <https://www.gov.uk/government/collections/dbs-filtering-guidance>

It is important to note that amongst other defined roles posts involving work with children or vulnerable adults who meet the definitions set out in the Act are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Individuals who are applying for work in this area will be required to state whether or not they have any convictions or criminal charges or summonses pending whether or not their conviction is regarded as 'spent'. Spent convictions which are "protected" or "filtered" from an individual's criminal record do not need to be disclosed.