

Recruitment of ex-offenders policy

1. Introduction and principles

- 1.1. The college complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly. We demonstrate this through assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS),
- 1.2. As an educational establishment, all positions are subject to an enhanced DBS check. All application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- 1.3. The college undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 1.4. The college makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the college. Instead, each case will be decided on its merits and level of potential risk in accordance with the objective assessment criteria set out below.
- 1.5. The college ensures that members of SLT and the HR Manager been suitably trained to identify and assess the relevance and circumstances of offences. In addition, the college ensures that members of the HR team have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 1.6. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.
- 1.7. Under the relevant legislation, it is unlawful for the college to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the college to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the college to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)".
- 1.8. It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the college. The college will report the matter to the Police and/or the DBS if:
 - the college receives an application from a disqualified person;
 - is provided with false information in, or in support of an applicant's application; or
 - the college has serious concerns about an applicant's suitability to work with children

2. Where relevant information arises

- 2.1. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the college will consider the following factors before reaching a recruitment decision:
- whether the conviction or other matter revealed is relevant to the position in question;
 - the seriousness of any offence or other matter revealed;
 - the length of time since the offence or other matter occurred;
 - whether the applicant has a pattern of offending behaviour or other relevant matters;
 - whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
 - in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
 - the circumstances surrounding the offence and the explanation(s) offered by the convicted person.
- 2.2. At interview, or in a separate discussion, the college will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.
- 2.3. The college undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- 2.4. If the post involves regular contact with children, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.
- 2.5. If the post involves access to money or budget responsibility, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.
- 2.6. If the post involves some driving responsibilities, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted of drink or dangerous driving.
- 3. Current staff**
- 3.1. All staff are required to inform the college if they are subject to any criminal investigation, caution or conviction. In addition, the college will ask staff to complete an annual declaration confirming whether or not they have committed any criminal offence since their last DBS check/declaration.
- 3.2. The same principles as above will be applied to current members of staff where relevant information (whether in relation to previous convictions or otherwise) are volunteered on the annual declaration, or obtained through a disclosure check.
- 4. Data Protection Obligations**
- 4.1. The college will comply with its data protection obligations in respect of the processing of criminal records information.