



# East Coast College Policy

## Recruitment of Ex-Offenders Policy

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This document can be provided in a larger font or electronically upon request.

## 1. Introduction and Purpose

The Disclosure and Barring Service (DBS) Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all organisations using the DBS service must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Further legislation came into force in May 2013 that allowed certain old and minor cautions and convictions to no longer be subject to disclosure. In addition, employers were no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, remain subject to disclosure, as do all convictions where an individual has more than one conviction recorded.

Guidance and criteria for the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers can be found at <https://www.gov.uk/government/collections/dbs-filtering-guidance>

## 2. Policy Statement

East Coast College, as an organisation 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), complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly

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;
- will only ask an individual to provide details of convictions and cautions that it is legally entitled to know about, i.e. where a DBS certificate at either standard or enhanced level can legally be requested because the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended;
- will only ask an individual about convictions and cautions that are not protected;
- is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation,

responsibilities for dependants, age, physical/mental disability or offending background;

- has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process;
- can only ask an individual to provide details of convictions and cautions that the College is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended);
- can only ask an individual about convictions and cautions that are not protected;
- actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records;
- selects all candidates for interview based on their skills, qualifications and experience;
- will only make an application for a criminal record check to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, 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;
- ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and they 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;
- ensures that at interview, or in a separate discussion, an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position and that failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment;
- makes every subject of a criminal record check submitted to DBS aware of the existence of DBS Code of Practice and makes a copy available on request;
- undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **3. Scope**

The Policy applies to all employees, volunteers and associates engaged by East Coast College and its subsidiaries.

#### **4. Monitoring and Review**

This Policy will be monitored by the People Team on a three yearly basis, unless changes in employment legislation require earlier review.