

Policy Statement on the Recruitment of Ex-Offenders

1. Background

All individuals or organisations using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust and who are recipients of Disclosure information must comply fully with the DBS Code of Practice. Amongst other things, this requires them to treat all applicants for positions who have a criminal record fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. Halesowen College is obliged to have a written policy on the recruitment of such individuals, which can be given to all applicants for positions where a Disclosure is requested.

2. Policy Statement

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), Halesowen College complies fully with the code of practice and undertakes to treat all applicants for positions fairly and undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Halesowen College can only ask an individual to provide details of convictions and cautions that Halesowen College are 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 (2013 and 2020), and where appropriate Police Act Regulations as amended).

Halesowen College can only ask an individual about convictions and cautions that are not protected. There is a list of offences that will always be disclosed on a Standard or Enhanced DBS certificate (unless they relate to a youth caution). These are known as 'specified offences' and are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults.

3. Disclosure of Convictions

All convictions resulting in a custodial sentence, whether or not suspended, will always be disclosed.

Youth cautions, warnings and reprimands will not be disclosed automatically on a Standard or Enhanced DBS certificate. Please see self-disclosure rules at the end of this document for guidance.

From November 2020 the law changed and the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered as 'protected'. This means that they do not need to be disclosed to employers and if they do the College cannot take them into account.

DBS filtering is as follows:

- warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- the multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

4. Equality and Fair Treatment

Halesowen College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or offending background.

Halesowen College will make this Policy available to all DBS applicants at the start of the recruitment process.

Halesowen College 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.

Halesowen College select all candidates for interview based on their skills, qualifications and experience

All application forms, job adverts, documents relating to recruitment held on the website vacancies page 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.

Halesowen College ensures that all those in Halesowen College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Halesowen College also ensures that 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 (as amended).

At interview, or in a separate discussion, Halesowen College ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

Halesowen College makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

Halesowen College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

| Reviewed / Approved | By | Date |
|---------------------|---|---------------|
| Reviewed by | Rachael Charles | December 2020 |
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| Website | Yes / No | No |
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Self-disclosure rules - ROA Exceptions Order

