



East Coast College Policy

Recruitment of Ex-Offenders Policy

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	Information added in regard to new Act brought in, in October 2023. Adding additional wording to the policy statement regarding regulated activity and Enhanced DBS process

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 organisation's 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 and October 2023 that allowed certain old and minor cautions and convictions to no longer be subject to disclosure, with older, less serious convictions length not being disclosed on a DBS check. 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 aims to adopt a thorough, rigorous and professional approach to the recruitment process to help attract and appoint staff of a high calibre and necessary skills. Ex-offenders must disclose information about spent, as well as unspent convictions if the job for which they are applying is exempt from the Rehabilitation of Offenders Act 1974. As the majority, if not all roles within College are classed as "regulated activity". This means that we will carry out a more detailed check, in the form of an enhanced DBS check which will reveal a spent and unspent convictions and cautions.

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;

- 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 welcomes 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;

The process

Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK. For example:

- If they have a criminal history;
- If they are included on the children's barred list;
- If they are prohibited from teaching;
- If they are prohibited from taking part in the management of an independent school;

- Information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- If they are known to the police and children's local authority social care;
- If they have been disqualified from providing childcare; and
- Any relevant overseas information.
- This declaration will be provided to the interview panel prior to the interview. Candidates will then be given the opportunity to share any relevant information and to discuss their disclosure at the interview. This should be 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 They will then be asked to sign a declaration confirming the information they have provided is true.
 - 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.