

RECRUITMENT & EMPLOYMENT OF EX-OFFENDERS

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1. Introduction

- 1.1 As an organisation using the DBS to assess candidates' suitability for positions of trust, the College complies fully with the [DBS Code of Practice](#) and undertakes to treat all candidates fairly. The College undertakes not to discriminate unfairly against any subject of a DBS certificate on the basis of conviction or other information revealed.
- 1.2 The College can only ask an individual to provide details of convictions and cautions that the 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 as amended, and where appropriate Police Act Regulations as amended).
- 1.3 The College can only ask an individual about convictions and cautions that are not protected.
- 1.4 The College is committed to the fair treatment of its staff/potential staff/users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 1.5 The 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. We select all candidates for interview based on their skills, qualifications and experience.
- 1.6 A copy of this policy will be made available to all applicants and prospective applicants on request and published on the College website

2. Scope

2.1 This policy covers:

- employees/prospective employees of the College;
- agency and supply staff;
- contractors and other workers.

2.2 Any reference to "The College" includes Southport College, King George Vth Sixth Form College, The Bridge and Compete Apprenticeships.

2. Recruitment of Ex-Offenders

- 2.1 All jobs at the College require an Enhanced DBS certificate to be obtained. All posts are therefore exempt from the Exceptions Order of the Rehabilitation of Offenders Act 1974. This includes a check on the Barred List for those banned from working with children for all jobs at King George Vth Sixth Form College and any at Southport College, The Bridge and Compete Apprenticeships that fall within the definition of regulated activity. All application forms, job adverts and recruitment briefs contain a statement that a check will be requested in the event

of the individual being offered the position.

- 2.2 We therefore encourage all candidates called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within the College and we guarantee that this information will only be seen by those who need to see it as part of the recruitment/placement process.
- 2.3 We ensure that those who are involved in the recruitment/placement process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure 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.
- 2.4 At interview, or in a separate discussion, we 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. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment/placement.
- 2.5 We will make every subject of a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request.
- 2.6 We select all candidates for interview based on their skills, qualifications and experience. Having a criminal record is not necessarily a bar to working with the College. This will depend on the nature of the position and the circumstances and background of the offences.

3. Employing/Placing Ex-Offenders

- 3.1 An Enhanced DBS and Barred List check (where appropriate) will show details of convictions, cautions, reprimands, final warnings or non-conviction information plus whether the person is barred from working or seeking work with children.
- 3.2 It is an offence for a person barred from working with vulnerable groups including children to apply for such work and also for an employer to knowingly employ a barred person in such a capacity.
- 3.3 All applicants for posts within the College are required to complete a declaration of criminal record. Students enrolling on courses that require a work placement involving contact with vulnerable groups including children are informed in enrolment literature of the requirement to complete a DBS check. The applicant then has the opportunity to provide more information, in complete confidence, on a separate sheet of paper, which will be seen only by the College's Vice Principal – People & Culture.
- 3.4 If the applicant is offered the appointment, at this stage, a full risk assessment will be undertaken to determine:
 - nature and seriousness of the offence;
 - relevance to the role;
 - age at the time of the offence;
 - pattern of offending behaviour;
 - length of time since the offence;

- evidence of rehabilitation;
- safeguarding implications.

During this, the applicant will fully participate in the process and guidance from the Rehabilitation of Offenders Act 1974 will be used. Certain convictions and cautions are protected under current filtering legislation and are not disclosed on DBS certificates. Applicants are not required to disclose protected convictions or cautions and the College will not take such matters into account. Guidance on offences that are [subject to filtering can be found here](#).

3.5 There may be certain circumstances where employment is prohibited by law, for example:

- Inclusion on a Barred List.
- Prohibition from teaching.
- Specific offences preventing work in regulated activity.

3.6 Where the applicant is still under probation or youth justice supervision, the College reserves the right, with the applicant's consent, to seek advice from a relevant probation officer or youth justice worker about suitability for the post applied for.

3.7 The College also reserves the right to amend the offer of employment to allow for the outcome of the risk assessment to be implemented e.g. to temporarily amend the job description for the post so that the applicant may be given greater opportunity during their initial probationary period to demonstrate their suitability for the post.

3.8 Any subsequent decision to withdraw an offer of employment/placement because of, or partly because of, a criminal record will relate to an aspect of the person/placement specification which is seen to be unmet. In cases such as these, the applicant will be advised of why the offer has been withdrawn.

3.9 In circumstances where the appointment/placement of a person with a serious record might give rise to criticism of the College, the Vice Principal – People & Culture should be consulted before the appointment/placement is confirmed.

3.10 For a student, with a criminal record, applying for a DBS check in order to complete a placement as part of their study course, a separate risk assessment procedure will be followed as determined by the Employer Partnerships Department.

4. Other Links

4.1 This policy should be read alongside other guidance documents, for example:

- DBS Code of Practice [DBS code of practice - GOV.UK](#)
- DBS Recruitment of Ex-Offenders Guidance [Recruitment of ex-offenders guidance - GOV.UK](#)
- DBS Filtering Guide [DBS filtering guide - GOV.UK](#)
- Ministry of Justice guidance on the Rehabilitation of Offenders Act [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK](#)

5. Data and Confidentiality

- 5.1 All personal and sensitive information collected during this process will be managed in accordance with current UK GDPR and data protection laws.

6. Review

- 6.1 This policy will be reviewed annually by the Vice Principal – People & Culture or in line with legislative development and the need for good practice.