



Recruitment of Ex-Offenders Policy

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1. Introduction

The College of West Anglia (“the College”) is committed to ensuring that the recruitment and selection of employees is conducted in a manner that reflects best practice and promotes equality of opportunity.

The College recognises the importance of recruiting from as large a group of people as possible based on merit and ability without unreasonably excluding ex-offenders.

Social exclusion is an important issue for the College and one which the College works to eliminate.

The College also recognises its responsibility to ensure employees are suitable to work with children and vulnerable adults and that they do not compromise or damage the operation of the College. [Keeping Children Safe in Education](#), [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#), [Ministry of Justice: Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#) all form the basis of this policy. The Disclosure & Barring Service provides the means to enforce the legislation set up under the Police Act of 1996.

2. Policy Scope

All employees of the College who are involved in any stage of the recruitment and selection process should be aware of, and adhere to, the contents of this policy. In addition, any external recruiting bodies who assist with the recruitment process must also act in accordance with this policy. It is the responsibility of the Human Resource Department to ensure that the external body is provided with a copy of this policy.

Professional advice and support are available at all stages of the recruitment process from the Human Resources Department.

This policy applies equally to those individuals engaged directly with the College including Governors, those undertaking voluntary work or work experience placements, as well as those engaged in alternative routes such as through other organisations including recruitment agencies.

3. Aims

This policy and procedure aims to achieve the following objectives:

- a. To recruit the required number of staff drawn from all sectors of the population with the appropriate skills, both technical and behavioural, in order to meet the needs of the College
- b. To work to a fair and effective recruitment procedure, which is consistent with employment legislation and the College’s Equal Opportunities Policy and practices
- c. To develop and enhance the public image of the College, both as an employer and as a quality provider of further and higher education.

4. Process

Disclosure of “spent” or “unspent” convictions, cautions, bind-overs or reprimands will not normally be the sole criterion in deciding a person’s fitness for work unless that person is disqualified by the Court or the Department of Education from working in a college.

The College will adhere to the DBS’s Code of Practice. This is designed to ensure the Disclosure Information is used fairly, sensibly and confidentially.

The College will:

- a. Fully consider the relevance of any conviction.
- b. Ensure recruitment information for each post contains a statement that Disclosure will be requested of a successful applicant.
- c. Encourage applicants to declare convictions and encourage confidence in our policy not to automatically exclude ex-offenders.
- d. Ensure this policy is available on request and is automatically given to all applicants of whom a “Disclosure” is requested.
- e. Train recruiters in the use of the policy and the DBS guidelines.

The Human Resources Department will facilitate all applications for DBS certificates and will ensure that the appropriate level of check is undertaken, including the relevant barred list checks depending on the post.

The College will only request “Disclosure” information from an applicant who is offered the post.

The College will only seek “Disclosure” from an existing employee when they are transferred from a post which does not require a disclosure to a post which requires one, such as where they move into a role where a ‘Vulnerable Adults Barred List’ check is required and has not been previously undertaken, or where it is discovered that they have failed to disclose new convictions, or when information comes to the College’s attention which causes concern.

A full risk assessment will be undertaken, including discussing information on disclosures with candidates to ascertain further information, and appropriate steps considered, e.g. redeployment to a non-risk area, or disciplinary action . However, evidence of a previous conviction which has not been declared will not automatically justify dismissal or the withdrawal of an offer of employment.

In the case of an existing employee, the individual’s service record and the nature of the undisclosed conviction will be taken into account. The College reserves the right to invoke the Disciplinary Procedure as appropriate.

5. Refusal to Provide a Disclosure Certificate

Where a prospective employee refuses to share a copy of their disclosure certificate an offer of employment will automatically be withdrawn as the College will not be able to complete all pre-employment checks required under Safer Recruitment guidelines.

Where an existing employee refuses to share a copy of the disclosure certificate, action may be taken under the College's Disciplinary Policy and Procedure. Refusal to share a copy of the disclosure certificate may be deemed gross misconduct, which may result in summary dismissal.

6. Assessing the Relevance of Criminal Record

To assess the relevance of an applicant's criminal record it is necessary to look at the tasks they will undertake. To fully assess the risks involved the following must be considered:

- a. The level of contact with children (under 18) or vulnerable adults.
- b. The level of close supervision the person will receive.
- c. The responsibility for money or items of value.
- d. Will there be opportunities to re-offend at work?
- e. The seriousness of the offence.
- f. The length of time since the offence was committed.
- g. Whether the offence was a "one-off" and/ or carried out when very young.
- h. Whether there are multiple, whether related or not, offences.
- i. Whether the applicants circumstances have changed.
- j. The point at which the offence was declared (such as application, interview, at the point of receiving or through inclusion on the DBS Certificate, and
- k. whether the offence has been decriminalised by Parliament.

The College will take into account all information contained within a certificate when making a recruitment decision including cautions, bind-overs and any other information provided by the Disclosure and Barring Service.

7. Confidentiality

The Human Resources Department will process and receive all DBS Certificates and information on any disclosures. The Human Resources Department will prepare a risk assessment and make recommendations to a member of the Senior Management Team who will make the ultimate decision on whether or not to proceed with an offer of employment or, in the case of an existing employee, whether or not disciplinary action may be taken in line with the College's Disciplinary Policy and Procedure.

The senior manager involved in the recruitment process will be informed if a disclosure reveals an incident but will not be given details about the incident. The manager will be bound by the DBS Code of Practice.

No information will be disclosed to colleagues or students. To encourage confidence in this, the successful applicant will be informed who in the College is aware of the conviction and why they have been told.

8. Advertising Vacancies

All adverts will state that the college welcomes applications from all sectors of the population.

Information on this policy will be included on our website so that it is accessible to all prospective candidates.

9. Archiving of Disclosure Papers

“Disclosure” information will be logged in personnel files by the Human Resources Department in the form of a risk assessment.

The College complies with the DBS Code of Practice including the secure storage, handling, the retention and disposal of disclosures and disclosure information and with its obligations under the Data Protection Act and the College’s Privacy Policy. Disclosure information will only be used for the specific purpose for which it was requested and for which the applicants full consent will be given.

Once a recruitment decision has been made the full DBS disclosure certificate will not be stored unless in exceptional circumstances where it is considered necessary to keep such information for resolution of a dispute. If it is necessary to keep information for longer than six months, consideration will be given to the data protection.

The college will retain an electronic copy of the top portion of the certificate to include the name, certificate number and date of issue for all employees as evidence that the certificate has been verified for all employees.

The details of the disclosure will be removed once the employment ends.

10. Other Relevant Policies

Managers should also refer to the Recruitment and Selection Policy, the DBS Guidelines and Data Policies. All appointments for Governors will be made in accordance with the College’s Instrument and Articles of Governance.

11. References

For further information and leaflets about good management practices in relation to the recruitment and selection of candidates visit: www.acas.org.uk or: www.cipd.co.uk.



DBS DISCLOSURE RISK ASSESSMENT FORM

This Risk Assessment form is to be used to assess the suitability of the applicant where a Disclosure Certificate has revealed offences.

NOTE: You MUST disregard any offences declared by the applicant that do not appear on the certificate.

Please note: the information and evidence referred to in this form will be relied upon to make an employment/ engagement decision. Please ensure that all sections of the form are fully completed and any supporting evidence is provided with the form.

Name of Applicant	
Position Applied For	
Disclosure Type	Enhanced
Barred List(s) Included	
Disclosure Certificate Number	
Disclosure Certificate Issue Date	
Department	
Line Manager	
HR Advisor Undertaking Risk Assessment	
Date of Risk Assessment	

SECTION ONE

Document all information contained within the Disclosure Certificate and details of discussion with applicant (in full) including circumstances/ narrative of the offence

Document information as it appears on the Disclosure Certificate		Further information provided by applicant
Offence		
Date		
Sentence received		
Age at time of offence		
Length of time since offence		
Offence		
Date		
Sentence received		
Age at time of offence		
Length of time since offence		

Offence		
Date		
Sentence received		
Age at time of offence		
Length of time since offence		

SECTION TWO

Further information from discussion between HR Advisor and applicant

Question	Applicable?	Response provided by applicant/ further information
Did the applicant declare the offence(s) on application and/ or at interview?	Yes/ No	If No – full explanation to be provided
Does the applicant agree that the information on the DBS certificate is accurate?	Yes/ No	If No – why? Please note that if the applicant is disputing the certificate contents, continue meeting once dispute has been finalised
Have the applicant's circumstances changed since the offence(s)? e.g. location, friends, partner, etc?	Yes/ No	
Are there any mitigating circumstances? E.g. peer pressure, financial need, lack of judgement, etc?	Yes/ No	
Do the offence(s) disclosed form any pattern? E.g. is there a cycle or history, recurrence, repeat offences, etc.	Yes/ No	
Has the applicant demonstrated any efforts not to re-offend? E.g. a rehabilitation course	Yes/ No	
Will the nature of the post present any realistic opportunities for re-offending?	Yes/ No	
Does the post have any direct contact with children or vulnerable adults, and how vulnerable are they?	Yes/ No	
Does the applicant have any gaps in their employment history?	Yes/ No	
Have satisfactory references been received to cover the last 5 years (with details matching those stated on the application form such as dates, job title, reason for leaving, etc)?	Yes/ No	

What is the nature of the contact the applicant has with children/ vulnerable adults?	N/A	
Can any safeguards be implemented to reduce/ remove any risk?	Yes/ No/ N/A	Give full details if yes
How did the applicant regard the offence(s) with hindsight and what is their attitude towards the matters now?		
What would they have done/ do they do differently now?		
Declaration by applicant and any additional supporting comments:		
I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could result in a withdrawal of an offer of employment		
Print Name	Date	Signed

SECTION THREE

Decision

**Do you wish to proceed with employment/
engagement?**

Additional comments

Senior Manager Name

Senior Manager Signature

Date signed