

Recruitment of Ex-offenders Policy

1. Introduction and Scope

- 1.1 Chichester College is committed to the fair treatment of staff and job applicants, in accordance with the College's Equality, Diversity and Inclusion policy, and welcomes applications from a wide range of candidates, including those with criminal records.
- 1.2 To meet our safeguarding obligations, an enhanced Disclosure and Barring Service (DBS) check (which may include a check of the barred lists), including any relevant overseas checks are undertaken as part of the recruitment process for all new staff.
- 1.3 Anyone who is employed to provide early and/or later year's childcare to children who have not attained the age of eight, or will be directly concerned in the management of that childcare, will be required to sign a self-declaration form relating to the Disqualification by Association regulations, to confirm that they or anyone they live with have not been disqualified from this type of work, in accordance with the Disqualification under the Childcare Act 2006.
- 1.4 Chichester College complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly. The College will not discriminate unfairly against any individual on the basis of a conviction or other information revealed.
- 1.5 This policy applies to all applicants applying for either paid employment or volunteering at the College and is made available to all applicants at the outset of the recruitment process.
- 1.6 It is criminal offence for a barred individual to apply for a role which is classed as regulated activity (i.e. involves working with children and/or adults at risk).

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2. Related Policies

- 2.1 This policy should be read in conjunction with the Recruitment and Selection policy, Disclosure and Barring Service policy, Equality, Diversity and Inclusion policy and Employee Data policy.

3. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

- 3.1 As Chichester College is an educational establishment, it is permitted to ask whether an applicant has any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

4. Principles

- 4.1 The College actively promotes equality of opportunity for all. The College selects all candidates for interview on the basis of their skills, qualifications and experience.
- 4.2 Job adverts, job descriptions and the College website contain a statement that a Disclosure will be requested in the event of the individual being offered the position, so that applicants are aware.
- 4.3 The College website contains a statement to the effect that a criminal record will not necessarily bar an individual from being offered a position. This will depend on the nature of the position and the circumstances and background of the offence(s).
- 4.4 As a Disclosure may form part of the recruitment process, shortlisted candidates are required to provide full details, including the context of any criminal record prior to the scheduled interview. The College requests that this information is sent confidentially to the Human Resources Manager and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process. (Refer to Annex A for the procedure for dealing with a disclosure).

4.5 Where appropriate, we will ensure that confidential and measured discussion takes place on the subject of any offences, or other matters that may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment, or the termination of employment if employment has already started.

5. Confidentiality and Data Security

5.1 Disclosure information will not be passed to anyone not authorised to see it and will be considered only for the purpose for which it was obtained. The College will not keep any photocopy or other image of the Disclosure or any representation of the contents of a Disclosure without consent from the individual, in line with the DBS Code of Practice. For more information, please refer to the Employee Data policy.

5.2 Applicants who have resided abroad for 6 months or more within the last 5 years, may be required to complete a consent form, agreeing for Human Resources to release personal information to a third party to obtain an overseas criminal records check.

6. DBS Code of Practice

6.1 The College undertakes to make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and will make a copy available on request. The Code of Practice can also be downloaded from the College and DBS web-sites www.chichester.ac.uk/jobs, www.dbs.gov.uk.

7. Status of this policy

7.1 The operation of this procedure will be kept under review by the Head of Human Resources. It may be reviewed and varied from time to time by the Resources Committee. It has been equality impact assessed to ensure that it does not adversely affect staff. If you would like to review this policy in a different format please contact Human Resources.

Date reviewed: April 2016

Next review date: April 2018

Annex A

Procedure for dealing with a disclosure

- Shortlisted candidates who have a criminal record, including convictions, cautions, reprimands and final warnings, which would not be filtered in line with current guidance must provide full details including the context of the offences. This information must be sent to the Human Resources Manager prior to the scheduled interview and marked as confidential.
- The Human Resources Manager or an appropriate representative from Human Resources will assess the information based on:
 - Whether the post involves one-to-one contact with children, students or visitors;
 - whether the post involves any direct responsibility for finance or cash handling;
 - the level of supervision the post-holder will receive;
 - the seriousness and relevance of the offence history;
 - whether the offence(s) suggest any safety implications to staff, students or property;
 - the length of time since the offence(s);
 - the age of the applicant at the time;
 - the background to the conviction;
 - any changes to the applicant's circumstances since the offence was committed;
 - whether the offence has been decriminalised or, where the conviction is committed abroad or in Scotland, whether the action would constitute a crime within England and Wales;
 - any relevant information provided by the applicant relating to the offence (e.g. domestic issues, financial difficulties, etc.).
- In exceptional circumstances, where the offence is considered serious enough to bar an individual from employment in the post for which they have applied (for example, the applicant is found to be on the Vetting and Barred List) the Human Resources Manager or an appropriate representative will inform them that the College will be unable to take their application further.

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- Where further information is required, a DBS counter-signatory from Human Resources will contact the applicant directly and, where necessary arrange to meet with the applicant to discuss the relevant conviction.
- Where the information is not considered serious enough to bar an individual from employment in that role, their application will continue through the selection process and will be assessed on the relevant knowledge, skills, qualifications and experience for the role.
- Where the Panel wish to appoint an individual who has provided details of a criminal record, Human Resources will decide whether any further action should be taken.
- As with all new members of staff, the College will obtain an enhanced Disclosure and Barring Service check (which may include a check of the barred lists), including any relevant overseas checks once the applicant has been appointed. All offers of appointment are conditional and are subject to the relevant employment checks, which will include a DBS check and an overseas check, if applicable.
- Where information is received from the DBS that has not been provided, or contradicts the information provided by the applicant, the College will arrange to meet with the new appointee to discuss the information received.
- Failure to provide information or providing inaccurate information could result in the College withdrawing the offer of employment. The final decision will be made by a member of the Senior Management Team.
- Should an employee receive a conviction following the issue of their contract of employment, they are contractually obliged to submit details of the offence to the Human Resources Manager as soon as possible.