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Queen Elizabeth Sixth Form College Recruitment of Ex-Offenders Policy

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Approving Body: Local Governing Body

Committee: Local Governing Body

Review Cycle: 3 years

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1. INTRODUCTION

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. 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), Queen Elizabeth Sixth Form College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

2. DISCLOSURE

Queen Elizabeth Sixth Form College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Queen Elizabeth Sixth Form College 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)), Queen Elizabeth Sixth Form College can only ask an individual about convictions and cautions that are not protected.

3. POLICY

- Queen Elizabeth Sixth Form College 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.

- The College 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. All candidates for interview are selected based on their skills, qualifications and experience.
- All application forms, job adverts and recruitment information will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- At interview, or in a separate discussion, the 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. Where practicable, any matter revealed on a DBS certificate will be discussed with the individual seeking the position before a conditional offer of employment is withdrawn.
- The College ensures that key staff receive appropriate training to identify and assess the relevance and circumstances of offences. Appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 is also given.
- Queen Elizabeth Sixth Form 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.

4. **FURTHER INFORMATION REGARDING CONVICTION INFORMATION**

On the 29 May 2013, legislation¹ came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

In addition, employers are no longer 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 DBS applicants is available on the Gov.UK website which explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers.

¹ See *Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013*; and *Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013*.