

# Recruitment of Ex- Offenders – Policy Statement

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Related Documents:	Recruitment Procedures

## **1. Policy Statement**

- 1.1 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), Joseph Chamberlain College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Joseph Chamberlain College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 1.2 Joseph Chamberlain 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.
- 1.3 We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- 1.4 We actively promote 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.
- 1.5 Joseph Chamberlain 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), Joseph Chamberlain College can only ask an individual about convictions and cautions that are not protected.
- 1.6 An application for a criminal record check is only submitted 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.

- 1.7 We ensure that all those in the Joseph Chamberlain College who are involved in the recruitment 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.
- 1.8 At interview, or in a separate discussion, we 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.
- 1.9 Joseph Chamberlain 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. Alternatively, this information can be directly accessed by visiting:  
<https://www.gov.uk/government/publications/dbs-code-of-practice>.
- 1.10 We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- 1.11 Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.
- 1.12 Joseph Chamberlain College will not be able to take an individual's old and minor cautions and convictions into account when making decisions.
- 1.13 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, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.
- 1.14 For further information, 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

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974/guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975> and the DBS filtering guide <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>