

## **Recruitment of Ex-Offenders Policy**

### **1. PURPOSE**

Blackburn College is committed to providing a 'safe environment' for staff, students and visitors and takes its safeguarding obligations seriously. The 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, offending background or any other protected characteristic as defined by The Equality Act 2010.

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Blackburn College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

### **2. SCOPE**

This policy applies to all prospective employees both at the application stage and any subsequent selection process.

### **3. OBJECTIVES**

3.1 This policy states how criminal conviction information submitted by applicants and data obtained from the DBS may be dealt with fairly and transparently.

3.2 A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

3.3 This written policy is made available to all prospective applicants as part of the web based recruitment information and guidance.

3.4 Where a Disclosure is to form part of the recruitment process, we encourage all applicants 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 the Human Resources Manager at Blackburn College and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

3.5 Human Resources Staff at Blackburn College 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.

3.6 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.

3.7 Every subject of a DBS Disclosure will be made aware of the existence of the DBS Code of Practice, <https://www.gov.uk/government/publications/dbs-code-of-practice> a copy of which is available on the internet.

3.8 We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

3.9 Having a criminal record will not necessarily bar an applicant from an employment opportunity. This will depend on the nature of the employment and the circumstances and background of the offence(s).

### **3.10 Further information regarding conviction information**

The Rehabilitation of Offenders Act (Exceptions Order) 1975 (amended 2013) allows certain old and minor cautions and convictions to no longer be subject to disclosure. Prospective employees are advised to seek advice from the DBS prior to making a job application.

In addition, employers will no longer be 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, 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.

### **3.11 Data protection**

Blackburn College is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 1998, General Data Protection Regulations 2018 and The Disclosure and Barring Service Code of Practice. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

## **4 STAKEHOLDER CONSULTATION**

The procedure will be consulted with The College Safeguarding Team before submission to the Policies and Procedures Review Committee for approval.

## **5. MONITORING AND REVIEWING**

This policy statement will be reviewed every three years or sooner should the relevant legislation change. The next scheduled review date is May 2023.

## **6. RELATED POLICIES/PROCEDURES/CODES AND GUIDANCE**

Recruitment & Selection Policy and Code of Practice

## 7. MANAGEMENT RESPONSIBILITY

The Director of Human Resources and Organisational Development is responsible for the effective operation of this policy

## 8. EQUALITY IMPACT ASSESSMENT

Blackburn College is committed to the promotion of equality, diversity, and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of race, disability, age, gender (including gender identity) religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups

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