

Recruitment and Employment of Ex-Offenders

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Written by:	Operations Manager (Liverpool)
Reviewed/amended by:	n/a
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Related Policies/Procedures:	Recruitment Policy; DBS Policy; Equality and Diversity Policy; Staff Handbook
Policy Owner:	HR Co-ordinator
Amendments:	n/a
Date:	n/a

1. Policy Statement

- 1.1. This document’s main aim is to ensure that New College Group fully complies with the provisions of the Rehabilitation of Offenders Act 1974 and relative best practices when it comes to recruiting and employing staff with a criminal record. The measures contained in this policy should ensure a fairer and more equitable decision making process when it comes to recruiting new staff or confirming the employment of existing staff.
- 1.2. 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), New College Group complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. New College Group undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

2. Scope of the Policy

- 2.1. The provisions of this policy apply to the following subjects, regardless of age, gender, nationality and other personal circumstances:
 - 2.1.1. Anyone who has submitted an application for a job, whether paid or unpaid, at New College Group at any of its locations.

- 2.1.2. Any NCG staff members who are involved in the recruitment process following the opening of a vacancy and the submission of applications from potential candidates.

3. Recruitment of New Staff Members

- 3.1. New College Group can only ask an individual to provide details of convictions and cautions that New College Group are 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), New College Group can only ask an individual about convictions and cautions that are not protected.
- 3.2. New College Group 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.
- 3.3. New College Group has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- 3.4. New College Group 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. New College Group select all candidates for interview based on their skills, qualifications and experience.
- 3.5. 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.
- 3.6. New College Group ensures that all those in New College Group who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. New College Group also ensures 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).
- 3.7. At interview, or in a separate discussion, New College Group 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.
- 3.8. New College Group makes every subject of a criminal record check submitted to DBS aware of the existence of the [DBS Code of Practice](#) and makes a copy available on request.
- 3.9. New College Group undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

4. Obtaining Information from Applicants

- 4.1. The recruiting manager must ensure the DBS requirement is clearly stated on the job description.

- 4.2. The HR Co-Ordinator will ensure that relevant wording is included in the job advert and job description advising that the successful applicant will need to satisfy DBS requirements and undertake an enhanced DBS check.
- 4.3. During the recruitment process, an applicant will be required to disclose both unspent and spent convictions, which are subject to disclosure (for further information please refer to the Exemptions Order of the ROA). New College Group is legally entitled to ask applicants of the details of any spent and unspent conviction.

5. Consideration of Previous Convictions

- 5.1. Where an individual has disclosed a conviction, or a conviction is revealed through an enhanced DBS check, an open and measured discussion will take place with the applicant regarding the offence and its relevance to the position to assess the suitability of the applicant for the job.
- 5.2. When considering the matter, the following examples may be taken into account:
 - 5.2.1. The seriousness of the offence and its relevance to the safety of other employees, students, the public etc.
 - 5.2.2. The length of time since the offence occurred.
 - 5.2.3. Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
 - 5.2.4. The nature of the job and any opportunities that may present the applicant to reoffend.
 - 5.2.5. The country in which the offence was committed – for example, some activities are offences in Scotland and not in England and Wales, and vice versa.
 - 5.2.6. Whether the offence has since been decriminalised by Parliament.
- 5.3. Having carefully considered these matters, a decision should be taken as to whether the individual should be appointed. If the decision is not to proceed with the appointment then the applicant will be written to, formally withdrawing the offer of employment. New College Group will undertake a discussion regarding the content of the disclosure with the applicant before withdrawing any offer of employment.
- 5.4. Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the ROA) could lead to withdrawal of an offer of employment or disciplinary action which could lead to termination of employment.
- 5.5. It is the responsibility of applicants and employees to clarify whether a conviction is spent or unspent. The length of time required for an ex-offender to become rehabilitated depends on the sentence received and the age when convicted. To note, custodial sentences of more than 4 years can never become spent.

6. Existing Staff Members with a Criminal Record

- 6.1. If a member of staff is convicted of a criminal offence whilst in employment, they must report this to their line manager immediately. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with the company's Disciplinary Procedure.
- 6.2. Managers will be expected to carry out a risk assessment, comparing the skills, experience and the circumstances of the conviction against the risk criteria identified for the job. Managers should take an objective approach and advice should be sought from the Principal or HR Co-ordinator, if required.
- 6.3. If a member of staff is concerned about a conviction, they should speak directly to their line manager, Principal or HR Co-ordinator.
- 6.4. For specific roles, regular DBS disclosure renewals will be required every 3 years and it is expected that individuals would have disclosed any new convictions.
- 6.5. Failure to reveal information relating to convictions could lead to disciplinary action which could result in the termination of employment.

7. Implementation and Review

- 7.1. This policy comes into effect after official approval by the Principal (Manchester), who will also establish the date of implementation. As part of the implementation process, this policy will be made known to relevant staff members by e-mail or any other means deemed suitable. An electronic copy of this policy will be stored in the company's shared drive.
- 7.2. The policy will also be made available to the general public via its publication on the company's website.
- 7.3. This policy will be reviewed regularly either:
 - 7.3.1. In light of changes in legislation or any other significant regulations;
 - 7.3.2. In any case, once a year from the date of implementation.