

Portsmouth
College



RECRUITMENT OF EX-OFFENDERS POLICY

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Date of Approval: June 2017

1. Aims and Objectives

- 1.1 Portsmouth College is committed to the fair treatment of its staff, potential staff or users of its services 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 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. Where the term 'applicant' has been used, this can denote job applicants as well as volunteers.
- 1.3 Portsmouth 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.
- 1.4 The aims of this policy are fundamentally achieved through the effective adoption of our College policies and procedures, but with particular reference to:
 - Staff Recruitment and Selection Policy and Procedure
 - Safer Recruitment Policy
 - Equality, Diversity and Inclusion Policy
- 1.5 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.

2. Principles

- 2.1 To meet our safeguarding obligations, an enhanced Disclosure and Barring Service (DBS) check to include a check of the barred list, as well as any overseas checks, are undertaken as part of the recruitment process for all new staff and volunteers.
- 2.2 As Portsmouth 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 as amended in 2013.
- 2.3 It is a 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).
- 2.4 Job adverts and recruitment packs contain a statement to the effect that a Disclosure will be requested in the event of an individual being offered a position, so that applicants are aware.
- 2.5 This policy is displayed on our website within our staff vacancy pages so that applicants are aware 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). We also include within our recruitment pages the Safer Recruitment Policy and the DBS Code of Practice.

- 2.6 On our application form, we advise all applicants we will undertake an Enhanced Disclosure from the Disclosure and Barring Service for all posts, to include the barred list and therefore we ask for applicants to put in writing the HR Director full details of any convictions, cautions, reprimands or final warnings which would not be filtered in line with current legislation. An assessment of the disclosure is then undertaken to assess if this would make them an unsuitable applicant.
- 2.7 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 commenced.

3. Confidentiality and Data Security

- 3.1 Disclosure information will not be passed onto 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 the consent from the individual, in line with the DBS Code of Practice.
- 3.2 Applicants who have resided abroad for 6 months or more within the last 5 years may be required to complete a consent form, agreeing the Personnel Department to release personal information to a third party to obtain an overseas criminal records check.

4. Procedure for Dealing with a Disclosure

- 4.1 All applicants 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 offence. This information must be sent in a sealed envelope to the Personnel Department with their job application form if applying for a job, or with their volunteering application form, marked for the attention of the HR Director.
- 4.2 Should the individual be shortlisted for interview or for potential volunteering, the HR Director, in liaison with Chair of the interviewing panel, will assess the information contained within the letter by completing the College's checklist to assess the risk of employing someone with a criminal record (see appendix A).
- 4.3 Where the offence is considered serious enough to bar an individual from employment or volunteering, the HR Director will inform the individual that the College will be unable to take their application further.
- 4.4 In other cases where the offence/s are not considered serious enough to bar an individual from employment or volunteering, the applicant will be called for interview. The applicant will be expected to discuss the relevant conviction either in a separate interview with the HR Director, or as part of the standard interview.

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- 4.5 Where the interview panel which to appoint an applicant with a criminal record, the HR Director will decide whether any further action should be taken.
- 4.6 As with all new members of staff, the College will obtain an enhanced Disclosure and Barring Service check, including any relevant overseas checks once the applicant has been given a conditional offer. All offers of employment are subject to the relevant employment checks as outlined in the Safer Recruitment Policy.
- 4.7 Where information is received from the DBS that has not been provided by the applicant, or contradicts the information they have previously provided, the College will arrange to meet with the individual to discuss the information received.
- 4.8 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 the Principal.
- 4.9 Should an existing member of staff receive a conviction following an issue of their contract of employment, they are contractually obliged to submit details of the offence to the HR Director as soon as possible.
- 4.10 Similar steps will be taken with regard to volunteering however, no offer of volunteering will be made until a satisfactory DBS checked has been received by the College, along with references and qualification checks.

Appendix A

Checklist to Assess the Risk of Employing Someone with a Criminal Record

Candidate's Name: _____

Post Applied for: _____

Question	Comments
Consider the seriousness of the offence and its relevance to the safety of the students, staff and other users of the College	
The length of time since the offence occurred	
Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example, the influence of domestic or financial difficulties	
Whether the offence was a one-off or part of a history of offending	
Whether the offence has been decriminalised by Parliament	
The country in which the offence was committed. Some activities are offences in Scotland and not in England and Wales or vice versa	
The degree of remorse or otherwise, expressed by the applicant and their motivation to change	
Will the nature of the job present any opportunities for the post holder to reoffend in the course of their work?	

Decision: As a result of conducting this risk assessment, I conclude the above named person:

MAY / MAY NOT commence work (delete as appropriate)

Signed: _____ Date: _____

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Please refer any comments or queries regarding this document to:

Personnel Department. E-mail: personnel@tpc.ac.uk

This document is available from the Personnel Department in large print or digital format.

Associated College Documents	
Name of Document	Author
Safer Recruitment Policy	HR Director
Recruitment and Selection Policy and Procedure	HR Director
Equality, Diversity and Inclusion Policy	HR Director