

Policy on the Recruitment of Ex-Offenders



Ellesmere College



Policy on the Recruitment of Ex-Offenders

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 1975 (Amendment) (England & Wales) Order¹ using criminal record checks processed through the Disclosure Barring Services (DBS), Ellesmere 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 Disclosure on the basis of conviction or other information revealed.
- 1.2 Ellesmere College can only ask an individual to provide details of convictions and cautions that the College 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 (Amendment) (England & Wales) Order¹ and where appropriate Police Act Regulations (as amended), Ellesmere College can only ask an individual about convictions and cautions that are not protected.
- 1.3 Ellesmere 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 dependents, age, physical/mental disability or offending background.
- 1.4 Ellesmere College has this written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- 1.5 Ellesmere College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

2 Disclosure

- 2.1 As a school, an application for a criminal record check is submitted to the DBS as it is both proportionate and relevant to the position concerned. 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.
- 2.2 As a Disclosure will 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 and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
- 2.3 Any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England & Wales) Order¹ must be declared.
- 2.4 We ensure that all those in Ellesmere College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of

¹ Subject to Orders 2013, 2020, 2023



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.

- 2.5 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 a withdrawal of an offer of employment.
- 2.6 We make every subject of a criminal record check submitted to DBS aware of the existence of the DBS Code of Practice and a copy is available on request.
- 2.7 We undertake to discuss any matter revealed on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment.

3 “Protected” Spent Convictions and Cautions

- 3.1 On 29 May 2013, legislation² came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.
- 3.2 We will no longer take an individual’s old and minor cautions and convictions into account when making decisions, subject to sections 3.3, 3.4 and 3.5.
- 3.3 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.
- 3.4 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.
- 3.5 A list of offences that will never be filtered from a DBS certificate³ has been published and will be used for reference (2013, updated 2018).

4 Disqualified Persons

- 4.1 A person is disqualified from working at Ellesmere College if the following apply:
 - 4.1.1 They have been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children.
 - 4.1.2 They are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children.
 - 4.1.3 They have had registration refused or cancelled in relation to childcare of children’s homes or have been disqualified from private fostering.
 - 4.1.4 Any other offences relating to the Protection of Children.
- 4.2 A person may be considered to be disqualified from working at Ellesmere College if the following apply:

² 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) subject to Order 2013, 2020, 2023.

³ [List of offences that will never be filtered from a DBS certificate - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674222/DBS_certificate_filters_2013_2018.pdf)



- 4.2.1 Any offence resulting in a custodial sentence of more than 12 months.
- 4.2.2 Any conviction relating to serious cases of theft/financial irregularities.
- 4.2.3 Any conviction relating to supplying or offering to supply a controlled drug.
- 4.2.4 Any conviction relating to the supply or possession of a Class A drug.
- 4.2.5 Any disqualification from driving, due to dangerous/reckless driving or driving whilst under the influence of alcohol/drugs.
- 4.2.6 Any conviction in the last 10 years (or caution in the last 5 years) relating to falsification of qualifications.
- 4.2.7 Any conviction or caution relating to intolerance and/or hatred on the grounds of race/religion or sexual orientation.
- 4.2.8 Any conviction or caution relating to arson and other major criminal damage.
- 4.2.9 Any conviction or caution relating to the possession of prohibited firearms, knives or other weapons.

Authorised by	The Head
Date	September 2023

Reviewed by	DHP
Date	September 2023