

STATEMENT ON THE RECRUITMENT OF EX OFFENDERS

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), Derby College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Derby College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Derby 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.

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.

This Statement is made available to all Disclosure applicants at the outset of the recruitment process. We ensure that all those in Derby College who are involved in the recruitment process have been suitably trained in Safer Recruitment. We also ensure that appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 is provided to the relevant individuals.

Derby College has a duty to protect children and vulnerable groups from harm or abuse. Therefore the College is exempted from the Rehabilitation of Offenders Act 1974, and asks candidates to provide details of all previous convictions, including those that are spent.

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.

PROCEDURE AN APPLICANT WITH A CRIMINAL RECORD MUST FOLLOW

Applicants must state if they have any convictions spent or unspent. The definition of 'conviction' is any conviction, caution and/or bind-over, including those regarded as 'spent'.

Applicants are obliged to detail all convictions although having a conviction is not necessarily a bar to employment. Applicants who indicate on their application form that they have either a spent or unspent conviction will be asked provide details of the conviction on their application. Please note this information will be considered as sensitive information and will not be provided to the Recruitment Panel.

All successful candidates will have an offer of employment which will be subject to a Disclosure & Barring Service check to the satisfaction of Derby College.

Applicants should therefore consider whether or not to apply for a post, knowing that the relevance of a conviction will be considered.

CONSIDERATION OF A CONVICTION

Part of the College's recruitment procedure is to consider the relevance of any conviction declared to the post applied for. Issues to be taken into account in considering convictions include:

- The length of time since the offence occurred
- Whether the offence was a one-off, or part of a history of offending

- Whether the applicant's personal situation has changed since the offence, making re-offending less likely
- Any mitigation the applicant offered by way of explanation for the offence
- The nature of the post applied for, levels of supervision and responsibility
- The potential access to children and vulnerable groups
- The seriousness of the offence and its relevance to the safety of students and other staff
- The age of the applicant when 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 and financial difficulties
- The country in which the offence was committed as some activities are offences in Scotland and not in England and Wales, and vice versa

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. Where possible, the HR Business Partner and relevant Safeguarding Lead's will make an individual and confidential decision as to whether the applicant may be considered for employment. Permission to discuss their application and conviction will be requested.

If it is deemed that a conviction is not relevant to the post applied for, and at interview the candidate is considered the most suitable for the post, a provisional offer of employment will be made. The offer will be subject to a Disclosure & Barring Service (DBS) check to the satisfaction of Derby College.

Failure by job applicants to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

In certain circumstances the relationship between an offence and the post will obviously render the applicant unsuitable. The applicant will be informed by Human Resources that the College is not prepared to consider their application for employment further.

DISCLOSURE & BARRING SERVICE (DBS) CHECKS

All posts at the College will be subject to a DBS check. Derby College follows the DBS Code of Practice, which is available upon request or accessible from the Home Office DBS website. This ensures that applications for disclosure information are made with the express agreement of the individual concerned, and that the disclosure information received is handled sensitively and fairly.

Any provisional offer of employment is dependent upon the information contained in the DBS disclosure being deemed satisfactory. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Satisfactory Disclosures

For applicants who have already informed Human Resources of a conviction, a satisfactory disclosure will be deemed as one where the information received from the DBS is not contradictory to the information that has previously been provided and considered. This information would therefore not be deemed as cause for concern and the applicant's appointment would be confirmed.

Unsatisfactory Disclosures

If a disclosure contains contradictory information, or new and relevant information relating to a conviction, the applicant will be invited to discuss the information. Human Resources will consider the relevance of any new information using the same criteria as outlined in the above section 'Consideration of a Conviction'. If the Lead Countersignatory is not satisfied with any explanation or assurances given or if the new information is considered too serious they may withdraw the provisional offer of employment.

Right of Appeal

Should an applicant feel that they have been treated unfairly as a result of their conviction they have the right of appeal. An appeal must be made in writing to the CEO within 10 days of having received notification that they were either, not successful with their application, or had not met the appointment criteria with regard to any criminal convictions. The appeal letter should state why the applicant believes they have been treated unfairly.

CURRENT EMPLOYEES WHO HAVE WITHHELD DETAILS OF A CONVICTION

If an employee of the College is discovered to have deliberately withheld details of a conviction they may be subject to the College's Disciplinary and Dismissal Policy. In certain circumstances withholding details of a conviction may be considered Gross Misconduct and could result in dismissal.

CURRENT EMPLOYEES WHO RECEIVE A CONVICTION WHILST EMPLOYED AT THE COLLEGE

If an employee is convicted of a criminal offence whilst employed at the College they must inform Human Resources in writing. Full details relating to the conviction must be sent in a sealed envelope, marked PRIVATE AND CONFIDENTIAL.

The relevance of the conviction will be considered using the same criteria as outlined in the above section, 'Consideration of a Conviction'. The Lead Countersignatory will decide if the conviction has any relevance to the employee's job. If the conviction bears no relevance to their work at the College no further action will be taken.

The employee's Line Manager will only be informed if there is a specific reason for doing so, and the conviction is considered directly connected with their job. In these circumstances the employee will be invited to discuss the reasons behind this decision with Human Resources.

Depending upon the seriousness of the offence the employee may be moved to another role, or safeguards introduced. In certain serious situations the employee may be subject to the College's Disciplinary and Dismissal Procedure. A conviction may be considered Gross Misconduct and could result in their dismissal.

Full details of the College Disciplinary and Dismissal Procedure are available from the College Staff Portal, Documents section..

CONFIDENTIALITY AND STORAGE OF INFORMATION

The only details held relating to a disclosure, are the date and reference number of disclosure and the date issued. These details are held on the 'starters checklist' held on individual files and the Staff Database.

At all stages of recruitment, and employment the College is responsible for ensuring the safe and confidential storage handling, and access to information relating to both spent and unspent convictions. The College also has procedures in place for the disposal of information once a recruitment decision has been made as outlined in the Recruitment and Selection Policy and Procedure.

VETTING AND BARRING SCHEME

The Disclosure & Barring Service (DBS) is responsible for deciding whether someone should be barred and maintains lists of people who have been barred from working with children or vulnerable adults. Truro and Derby College will check against the DBS Barred list to ensure that a prospective employee is not on the list as a barred person.

Derby College is legally obliged to refer information to the DBS if we have moved or removed

an individual because they have harmed or there is a risk of harm to a member of a vulnerable group.