



**Cheshire College**  
**South & West**

## Recruitment of Ex-Offenders Procedure

Key Information	
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ELT Post Responsible for Update and Monitoring	Principal & CEO
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Date approved by ELT	01 September 2024
Date Approved by Governor's Committee (if applicable)	N/A
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Date of Next Policy Review	01 October 2027

## **1. Introduction**

- 1.1 The College is committed to the safeguarding of its staff and learners, and this procedure sets out the College process relating to the recruitment of ex-offenders to work at the College.
- 1.2 This procedure applies to all staff employed by the College.

## **2. Statement Regarding the Recruitment of Ex-Offenders**

- 2.1 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), the College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- 2.2 The College undertakes not to discriminate unfairly against any subject of a criminal record check because of a conviction or other information revealed.
- 2.3 The 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 as amended) and where appropriate Police Act Regulations (as amended), the College can only ask an individual about convictions and cautions that are not protected.
- 2.4 The College actively promotes 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.
- 2.5 The College select all candidates for interview based on their skills, qualifications and experience.
- 2.6 The College is committed to the fair treatment of its staff, potential staff or users of its services regardless of gender, disability, colour, race or ethnic origin, marital status, religion, sexual orientation, Trade Union (TU) membership, age, individual learning needs, nationality or offending background.

## **3. Procedure**

- 3.1 As Enhanced DBS Disclosures are requested for all positions in the College, application forms contain a statement that a Disclosure will be requested in the event of an individual being offered the position.
- 3.2 The College will ask applicants to provide details of their criminal record at an early stage in the recruitment process and the College guarantees that this information is only seen by those who need to see it as part of the recruitment process. Failure to reveal information that is directly relevant to the position sought could lead to a withdrawal of an offer of employment.
- 3.3 The College ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The College 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.
- 3.4 At interview, or in a separate discussion, the College ensures that an open and measured discussion takes place about 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.
- 3.5 The College makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.
- 3.6 The College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- 3.7 Having a criminal record will not necessarily bar a person from working with the College. This will depend on the nature of the position and the circumstances and background of their offences. Any individual denied employment will have the right to make written representations to the Principal, whose decision will be final.

#### **4. Further Information Regarding Conviction Information**

- 4.1 On the 29 May 2013, legislation (1) came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure. (1) *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) Order 2013.*
- 4.2 In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.
- 4.3 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. 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.
- 4.4 Applicants can find further guidance and criteria on the DBS website which explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers.

#### **5. Other Policies and Procedures**

- 5.1 This procedure should also be considered alongside the Safeguarding Policy and the Safety Recruitment Procedure which both make reference to DBS processes.



# Appendix I

Do I need to disclose my conviction?



