



# Recruitment of Ex-Offenders Policy

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## 1. Introduction

The [code of practice](#) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

## 2. 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), DSTC complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.
- DSTC undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- DSTC can only ask an individual to provide details of convictions and cautions that we 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).
- DSTC can only ask an individual about convictions and cautions that are not protected.
- DSTC 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.
- DSTC 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.
- DSTC selects all candidates for interview based on their skills, qualifications and experience.
- 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 (see appendix 1 for details).
- DSTC ensures that all staff who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

- DSTC also ensures that staff 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.
- At interview, or in a separate discussion, DSTC 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.
- DSTC 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.
- DSTC undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## **Appendix 1 - DBS requirements**

A Disclosure and Barring Service (DBS) check is required for all staff directly employed by DSTC in paid positions who will be engaging in regulated activity. Exceptions to this are those who have been continuously employed, or with a break of no more than 12 weeks, within the education sector prior to March 2002.

For those working in regulated activity, confirmation must be sought that the candidate is not included on the Children's Barred List. A check against the Children's Barred list will be requested as part of the DBS disclosure.

Regulated activity is defined as: -

### 1. Activity of a specified nature

- Teaching, training, instruction, care, or supervision of children (except if the person undertaking the activities is under regular supervision) if carried out by the same person frequently or overnight.
- Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional, or educational well-being if carried out by the same person frequently or overnight.
- Driving a vehicle only for children.

### 2. Activity within specified establishment

- Any activity that is for, or on behalf of, the establishment with the opportunity for contact with children if carried out frequently. This does not include the work of supervised volunteers.

### 3. Health or personal care of a child

- Healthcare provided to a child by a healthcare professional or by a person acting under the direction or supervision of a healthcare professional.

- Physical help with eating, drinking, toileting, washing etc. for the reasons of age, illness, or disability.
4. Day to day management of regulated activity
- Day to day management, on a regular basis, of a person who is providing regulated activity in relation to children.

In addition to those in paid employment it is important to note that all volunteers having unsupervised, frequent, or intensive contact with children (i.e., regulated activity) must obtain an enhanced disclosure with barred list check.

DSTC may obtain an enhanced DBS certificate (not including barred list information) for volunteers who are not engaged in regulated activity, but who have the opportunity to come into contact with children on a regular basis e.g., supervised volunteer. Volunteers undertaking other one-off contact such as helping on sports day are not required to have an enhanced DBS check; however, adequate supervision must be in place.

There are some circumstances in which there is no requirement to carry out an enhanced DBS check, please see below, however DSTC will carry out a DBS check for all new employees as there may be occasions where an offence has occurred since the DBS was carried out and this has not been disclosed to the previous employer.

The regulations say that there is no requirement to obtain a new enhanced DBS check, or overseas checks, for employees who have, not more than three months before, worked in a school in England in a post which:

- Brought the person regularly into contact with children.
- To which the person was appointed on or after 12<sup>th</sup> May 2006 and which did not bring the person regularly into contact with children or young persons.
- In another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.
- The requirement to carry out all other relevant pre-employment checks, including a children's barred list check remains.