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## Policy on the Recruitment of Ex-Offenders

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- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal records checks processed through the Disclosure and Barring Service (DBS), Bishop Auckland College, South West Durham Training, Durham Gateway and the nursery (the Group), complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.
- The Group undertakes not to discriminate unfairly against any subject of a criminal record on the basis of a conviction or other information revealed.
- The Group can only ask an individual to provide details of convictions and cautions that they 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) – see below.
- The Group can only ask an individual about convictions and cautions that are not protected – see below.
- The Group 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.
- The Group makes the policy on the recruitment of ex-offenders available to all DBS applicants at the start of the recruitment process.
- The Group 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.
- The Group selects all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record is only submitted to DBS after a 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 information will contain a statement to make the applicant aware that a DBS certificate will be required in the event of the individual being offered a position.
- A DBS will normally be requested for all positions within Bishop Auckland College Group due to the positions being based within an educational institution. All applicants will be informed that a DBS will be requested in the event of the individual being offered the position.
- The Group 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 Group 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.
- At interview or in a separate discussion, the Group ensures that there is an opportunity for 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 or dismissal if already appointed.
- The Group make every subject of a criminal record check submitted to DBS aware of the existence of the DBS Code of Practice and make a copy available on request.

- The Group undertake to discuss any matter revealed on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment.
- Due to the positions within the Group being based in an educational institution, we ask questions about your entire criminal record, including 'spent' and 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

**Please see below information in relation to the Rehabilitation of Offenders Act**

## **EXCEPTIONS ORDER**

### ***Are there any jobs or other activities for which I will have to disclose both spent and unspent cautions and convictions?***

Yes. There are certain exceptions where you may be asked to disclose your caution or conviction even if it is considered spent under the 1974 Act. The provision for this is set out in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended (the "Exceptions Order"). This is in recognition that there are certain activities for which fuller disclosure of a person's criminal record history is relevant, for example, where there is a real risk to children, other people in vulnerable circumstances or some other particularly sensitive area of work. Where the Exceptions Order applies this will usually be indicated in the job advert for the role by stating that a 'standard' or 'enhanced' criminal record check may be required (see further below for explanation of these terms). In these circumstances you are required to list all of your cautions and convictions, including those that are spent, unless for the purposes of the job or activity they are considered to be 'protected' (discussed further below). You should be aware that as well as being able to ask you to disclose your cautions and convictions, in these circumstances the employer, organisation or licensing body will be able to request the same information from the Disclosure and Barring Service ("DBS").

### ***What jobs and activities are listed in the Exceptions Order?***

The jobs and activities listed in the Exceptions Order mainly relate to particularly sensitive areas such as **work with children** or health and social care, work in law enforcement and the legal system, and high-level financial positions. Exceptions also apply to certain certificates and licences (such as a firearms certificate) and to certain proceedings (such as those connected with admission to certain regulated professions).

Which cautions and convictions do I need to disclose under the Exceptions Order? All unspent convictions and cautions must be disclosed just like any job or activity not covered by the Exceptions Order. In addition, spent cautions and convictions must be disclosed if they meet the circumstances described in the Act.

Examples of the types of occupations, posts and activities in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

1. Regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely in charge of children under 18 (including adoption, fostering, day care and childminding)
2. Regulated activity and other activities which involve caring for, training, supervising or being solely in charge of other people in vulnerable circumstances (including social work and advocacy services)

The below link provides further information:

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974/guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975>

**For further information, please contact:**

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