

## Recruitment of Ex-Offenders Procedure

### Document control

Version	Date	Author(s)	Notes on Revisions
1.0	July 2017	Kelly Sooben	Procedure update
2.0	Jan 2019	Kelly Sooben	Procedure update

Owner	SMT Lead	Author	Frequency of review	Next review date	Approval Committee	Next approval Committee Date	Date of last EIA
KS	LF	KS	Annually	Jan 2021	SLT		

South Devon College is an educational establishment that provides education to children and / or vulnerable adults. Therefore the College needs to assess the suitability of an applicant for the position being applied for and are entitled to ask questions about applicants' criminal records.

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), South Devon College complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

South Devon College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

South Devon College will only ask an individual to provide details of convictions and cautions that South Devon College are legally entitled to know about.

South Devon College will only ask an individual about convictions and cautions that are not protected.

South Devon 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.

South Devon 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.

South Devon College select all candidates for interview based on their skills, abilities, qualifications, training, knowledge and experience.

South Devon College ensures that all recruitment panels who are involved in the recruitment process include at least one member who has been suitably trained to identify and assess the relevance and circumstances of offences.

South Devon College also ensures that the College HR Team 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, South Devon College 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.

South Devon College makes every subject of a criminal record check submitted to the DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

South Devon College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

If an applicant is offered employment, any failure to disclose unprotected convictions, cautions or other relevant information could result in withdrawal of their offer of employment or if already appointed could result in their dismissal from the College.

The College will have an open and measured discussion with applicants regarding the relevance of any convictions, cautions, reprimands or outstanding criminal proceedings to the job for which the individual has applied. In this instance, we will conduct an objective assessment of the impact this should have on any offer of employment made to them. The outcome of this assessment will be recorded on a DBS risk assessment form and will be discussed with them. This risk assessment will take account of the following:

- Our duties in law
- The nature of the crime
- When it happened
- The circumstances involved
- The sentence
- Patterns of offending
- Efforts to avoid re-offending
- Job requirements
- Safeguards against offending at work

In all circumstances the safeguarding and protection of the learners will be the overriding priority for the College in reaching any decisions following the risk assessment.