

**Recruitment of Ex-Offenders Procedure
Ref: PR46**

Document control

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Owner	SMT Lead	Author	Frequency of review	Next review date	Approval Committee	Next approval Committee Date	Date of last EIA
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South Devon College is committed to equality of opportunity in employment. This policy outlines the Company's approach to the recruitment of ex-offenders.

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.

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. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance is available on the College's Carers page ([Nacro](#) and [Unlock](#) websites) about whether a conviction or caution should be disclosed to help applicants determine whether a conviction or caution is protected, and whether they are required to disclose it should their application be shortlisted.

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 and that are not protected, and this is requested at the point of being shortlisted, with guidance being sent to determine what needs to be disclosed.

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 DBS [code of practice](#) and undertakes to treat all applicants for positions fairly. South Devon College also ensures that the People 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.

A failure by the candidate to produce information about convictions relevant to the role could lead to the College withdrawing an offer of employment. Where the criminal record information reveals details of an offence, the relevance to the job in question should be fully discussed with the applicant before withdrawing an offer of employment. Criminal convictions will not be relied on as immediate grounds for refusal of employment.

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, but are not limited to, the following:

- Our duties in law
- whether the offence is relevant to the position in question
- The nature and seriousness of any offence
- When it happened and the length of time that has passed since the offence took place
- The circumstances involved and the explanation offered
- The sentence
- Patterns of offending
- whether the applicant's circumstances have changed since the offending took place
- 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.

The provisions of the Data Protection Act will be fully complied with when carrying out criminal record checks and risk assessment processes.

Related Policies

- Code of Conduct
- Disclosure and Barring Service (DBS) Procedure