

## Recruitment of Ex-Offenders Policy

### 1. Policy Statement

- 1.1 Huddersfield New College is committed to promoting 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. This Policy aims to assist all staff involved in the recruitment and management of employees or potential employees, in ensuring that employees or potential employees are not discriminated against due to having a criminal/police record.
- 1.2 Current relevant legislation includes:
- Rehabilitation of Offenders Act 1974
  - Police Act Regulations 1997
  - Safeguarding Vulnerable Groups Act 2006

### 2. Scope

- 2.1 Current legislation allows certain old and minor cautions and convictions to no longer be subject to disclosure. In addition to this, employers will also no longer be able to take an individual's old and minor cautions and convictions into account.
- 2.2 All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with the safeguarding of 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.
- 2.3 In order to assess an applicants' suitability for a position at Huddersfield New College, an enhanced criminal record check will be processed through the Disclosure and Barring Service (DBS). This will comply fully with the DBS code of practice, undertaking to treat all applicants for positions fairly.

### 3. General Principles

- 3.1 Huddersfield New 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 dependants, age, physical/mental disability or offending background.
- 3.2 Huddersfield New College selects all candidates for interview based on their skills, qualifications and experience.
- 3.3 All Job Descriptions will detail that an enhanced criminal record check will be required in the event of a successful appointment and all employees will be subject to this, upon accepting an offer of employment.
- 3.4 Huddersfield New College ensures that the recruiting panel lead, responsible for each recruitment process, has been suitably trained to identify and assess the relevance and circumstances of offences also including relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 3.5 At interview, or in a separate discussion, Huddersfield New 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. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

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- 3.5 Huddersfield New 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.
- 3.6 Huddersfield New 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 It may be appropriate to undertake additional checking, by way of DBS Risk Assessments in the event that any DBS clearance is delayed or any offences are highlighted. The Director of Human Resources will provide advice in these circumstances.

### 4. Responsibilities

#### Applicants

- 4.1 It is the applicant's responsibility to be open and honest in relation to convictions and criminal records, to make the recruitment process effective and enhance their chances of being successful.

#### Employees

- 4.2 It is an employee's responsibility to inform the College of any criminal conviction received while in employment. If an employee receives a criminal conviction while in employment, they will be dealt with as outlined in this policy. Employees have the right to Trade Union representation at any meeting as required.

#### Huddersfield New College

- 4.3 It is the responsibility of the College to follow this policy and strictly adhere to the DBS Code of Practice when conducting disclosure checks. Huddersfield New College will treat all information gathered as confidential and will not divulge any information to any person where unnecessary. All information relating to applicants will be kept secure at all times and access restricted to only those who need to know. Any malpractice or suspected offences in relation to the misuse of a disclosure must be reported to the DBS immediately.

### Rehabilitation of Offenders Act

#### Table of Spent Convictions

Nature of conviction	Period until conviction is 'spent' (Rehabilitation Period)
Community order or youth rehabilitation order	Total length of order plus 1 year (Total length of order plus 6 months if convicted under the age of 18)
Prison sentence or detention in a young offender institution for 6 months or less	Total length of sentence (including licence period) plus 2 years (Total length of sentence (including licence period) plus 18 months if convicted under the age of 18)
Prison sentence or detention in a young offender institution for over 6 months and up to and including 30 months (2½ years)	Total length of sentence (including licence period) plus 4 years (Total length of sentence (including licence period) plus 2 years if convicted under the age of 18)
Prison sentence or detention in a young offender institution for over 30 months (2½ years) and up to	Total length of sentence (including licence period) plus 7 years

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48 months (4 years)	(Total length of sentence (including licence period) plus 3½ years months if convicted under the age of 18)
Imprisonment or detention in a young offender institution for over 48 months (4 years) or a public protection sentence	Never spent (Never spent if convicted under the age of 18)
<p><b>Note: All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with the safeguarding of 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.</b></p>	

### 5. Equality Impact Assessment (EIA)

5.1 The full Equality Impact Assessment is held by the Human Resources department.

### 6. General Data Protection Regulations (GDPR)

6.1 Information provided to Huddersfield New College in relation to this policy is processed under for the purpose of performance of the employment contract, to enable us to comply with our obligations and exercise our rights as an employer and to enable our employees to exercise their rights as employees. The information will be accessed by members of the HR team for the purposes of managing and monitoring employees.

Version	Date	Policy Owner	Comments	Approval Route and Date	Provenance	Date of Next Review	Equality Impact Assessment Completed (Y/N)
1	Oct 2019	Lisa Secker	New Policy	SLT	DBS Section 122 of the Police Act 1997	Oct 2022	Y