

Recruitment of Ex-Offenders Policy

1. Policy Statement

- 1.1 Huddersfield New College (HNC) is committed to promoting equality of opportunity for all with the right mix of talent, skills and potential. 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 are 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 HNC, 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 HNC 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 HNC 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 Upon invite to interview, successful applicants will be required to complete a Self-disclosure Form as part of the recruitment process, prior to interview.
- 3.5 HNC 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 HNC undertakes to discuss any matter revealed via a self-disclosure or DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. An open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. The risk assessment will be completed by the Senior Director of HR and relevant SLT lead, in

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instances whereby a live conviction or pending conviction is disclosed or confirmed via the enhanced DBS check.

- 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. Human Resources (HR) 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 transparent.

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 Professional Association representation at any meeting as required.

Employer (HNC)

- 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. HNC 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.

5. Equality Impact Assessment (EIA)

- 5.1 The full Equality Impact Assessment is held by the HR.

6. General Data Protection Regulations (GDPR)

- 6.1 Information provided to HNC in relation to this policy is processed 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 HR 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	October 2019	Lisa Secker	New Policy	SLT	DBS Section 122 of the Police Act 1997	October 2022	Y
2	September 2022	Lisa Paddon	3 yearly review. Updated to clarify changes in	SLT	Review of current practice and Policy.	September 2025	Y

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			new starter process.				
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This document provides guidance when completing an Equality Impact Assessment (EIA). The EIA template can be found at the end of this document.

Huddersfield New College is committed to promoting equality and participation in all our activities, whether this is related to the work we do with our external stakeholders or our responsibilities as an employer. We are committed to eliminate discrimination, advance equality of opportunity, and foster good relations when making decisions and developing policies. To do this, it is necessary to understand the potential impacts of the range of internal and external activities on different groups of people.

What is an Equality Impact assessment (EIA) and why do we need to complete one?

An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure that their policies, practices, and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. This covers both strategic and operational activities.

The term 'policy', as used throughout this document, covers the range of functions, activities and decisions for which our organisation is responsible e.g. strategic decision-making, training courses and employment policies.

The EIA will help to ensure that:

- We understand the potential effects of the policy by assessing the impacts on different groups both external and internal
- Any adverse impacts are identified and actions identified to remove or mitigate them
- Decisions are transparent and based on evidence with clear reasoning

When might I need to complete an EIA?

Whether an EIA is needed or not will depend on the likely impact that the policy may have and relevance of the activity to equality. The EIA should be done when the need for a new policy or practice is identified, or when an existing one is reviewed. Depending on the type of policy or activity advice can be sought from either the HR team, Director of EDIE or SLT Lead.

Who is responsible for completing and signing off the EIA?

The author of the policy should complete the assessment, which will then require final approval by the SLT Lead.

What is discrimination?

Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality Act are referred to as protected characteristics: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex (gender), and age.

Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality is when you identify ways to remove barriers and improve participation for people or groups with a protected characteristic.



Building the evidence, making a judgement

In cases of new policies or management decisions there may be little evidence of the potential effect on protected characteristic groups. In such cases you should make a judgement that is as reliable as possible. Consultation will strengthen these value judgements by building a consensus that can avoid obvious prejudices or assumptions.

Consultation

Consultation can add evidence to the assessment. Consultation is very important and key to demonstrating that organisations are meeting the equality duties, but it also needs to be proportionate and relevant. Considering the degree and range of consultation will safeguard against 'groupthink' by involving a diverse range of consultees. These are the key considerations, to avoid over-consultation on a small policy or practice and under-consultation on a significant policy or an activity that has the potential to create barriers to participation.

Provisional Assessment

At the initial stages, you may not have all the evidence you need so you can conduct a provisional assessment. Where a provisional assessment has been carried out, there must be plans to gather the required data so that a full assessment can be completed after a reasonable time. The scale of these plans should be proportionate to the activity at hand. When there is enough evidence a full impact assessment should be prepared. Only one EIA should be created for each policy, as more evidence becomes available the provisional assessment should be built upon.

Valuing Differences

EIAs are about making comparisons between groups of employees, service users or stakeholders to identify differences in their needs and/or requirements. If the difference is disproportionate, then the policy may have a detrimental impact on some and not others.

Evaluation Decision

There are four options open to you:

1. No barriers or impact identified, therefore activity will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias, or
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken). Therefore you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

In most cases, where disproportionate disadvantage is found by carrying out EIAs, policies **and practices are usually changed or adapted**.

Guidance and Assessment Template

Equality Impact Assessment

Question	Response
1. Name of policy being assessed	Recruitment of Ex Offenders Policy
2. Summary of aims and objectives of the policy	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.
3. What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)	The Policy has been previously approved by the Senior Leadership Team and Corporation. The policy has been benchmarked against current employment legislation and DBS Guidance.
4. Who is affected by the policy?	Current employees Prospective employees
5. What are the arrangements for monitoring and reviewing the actual impact of the policy?	The policy will be monitored on an ongoing basis in relation to recruitment of ex offender matters. The policy will be reviewed formally every 3 years.

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment made)
Disability	Positive Impact	The policy is compliant with all relevant employment legislation and has been written so as to ensure fair/equal treatment of all. The policy was implemented in 2019 and will be periodically reviewed to ensure it remains up to date and fit for purpose.	N/A
Gender reassignment	Positive Impact	“ “	N/A
Marriage or civil partnership	Positive Impact	“ “	N/A
Pregnancy and maternity	Positive Impact	“ “	N/A

Guidance and Assessment Template

Race	Positive Impact	“ “	N/A
Religion or belief	Positive Impact	“ “	N/A
Sexual orientation	Positive Impact	“ “	N/A
Sex (gender)	Positive Impact	“ “	N/A
Age	Positive Impact	“ “	N/A

Evaluation:

Question	Explanation / justification	
Is it possible the proposed policy could discriminate or unfairly disadvantage people?	The policy has been written to ensure the fair management of employees and that any discriminatory behaviors and actions are addressed and eliminated.	
Final Decision:	Tick the relevant box	Include any explanation / justification required
1. No barriers identified, therefore activity will proceed .	√	Intelligence related to HR best practice and ACAS guidance. DBS guidance. Experience of HR and unions on positive impact this policy has had on previous cases.
2. You can decide to stop the policy or practice at some point because the data shows bias towards one or more groups		
3. You can adapt or change the policy in a way which you think will eliminate the bias		
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.		

Reviewed by: (Author)	Lisa Paddon
Date:	27/09/22



Review date (if applicable):	September 2025
Approval by: (SLT Lead)	Julie Thomas
Date:	27/09/22