

Recruitment of Ex-offenders Policy

Version 2025

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1. Introduction

Joseph Chamberlain College is committed to working in accordance with Keeping Children Safe in Education, DBS Code of Practice and Recruitment of ex-offenders guidance, which requires that the College makes available a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

As an organisation, assessing applicants' suitability for positions, which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order, the College will process a DBS criminal record checks through the Disclosure and Barring Service (DBS). Joseph Chamberlain College will comply fully with the <https://www.gov.uk/government/publications/dbs-code-of-practice> and will treat all applicants for positions in a fair manner, and on an individual basis. Joseph Chamberlain College will not discriminate because of a conviction or other information revealed.

Being an educational institution, Joseph Chamberlain College meets the requirements for exemption from the Rehabilitation of Offenders Act 1974. This means that, where a role involves regulated activity, applicants are required to disclose **relevant** convictions and cautions (excluding exemptions – see section 2) if **shortlisted** for employment in our College.

Having a criminal record will not necessarily bar you from working at our College. The success of your application will depend on your suitability for the job, the nature of the role, and the circumstances and background of any offences.

We are committed to:

Our duty to safeguard children under:

- [Keeping Children Safe in Education](#)
- [The DBS code of practice](#)

This policy applies to all employees and governors of Joseph Chamberlain College.

2. Protections and exemptions

2.1 Rehabilitation of Offenders Act (1974) and the Exceptions Order (1975)

The [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK](#) and the amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) allows most convictions and cautions to be considered spent after a specified period of time. Once a caution or conviction is spent, the person is considered rehabilitated, and the ROA treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information, from a prospective employer, when applying for most jobs. Therefore, a DBS certificate at either standard or enhanced level, with additional barring level checks, 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).

All positions that involve working with children are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Our applicants must therefore declare all

previous convictions and cautions, including those which would normally be considered “spent”, except those received for an offence committed in the United Kingdom which have been filtered in accordance with the DBS filtering rules.

All candidates applying for a vacancy will be asked to complete a Self-Disclosure form only if they are successfully shortlisted. On this form they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or other matters which may affect an applicant’s suitability to work with children. Candidates should be signposted to the Ministry of Justice website to seek guidance and clarity on what offences and issues they are required to disclose. <https://www.gov.uk/government/collections/dbs-filtering-guidance>. Further details available in Section 4.1 of this policy.

2.2 Keeping Children Safe in Education

Keeping Children Safe in Education gives statutory guidance, as we are a role involving engaging in regulated activity relevant to children, we have:

- Included a statement within the information provided during the recruitment process to all applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.
- Provided a copy of our Safeguarding/ Child Protection policy and practices, and policy on Recruitment of Ex-offenders online on the College’s website.
- We will assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) will be clearly documented, so if challenged then we can defend our decision, in line with our policy on Recruitment of Ex-offenders.

2.3 DBS Code of Conduct

The DBS Code of Conduct, published under section 122 of the Police Act 1997, advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Registered Bodies, and those in receipt of the DBS Update Service information, must have a written policy on the suitability of ex-offenders for employment in relevant positions. This should be available upon request to potential applicants and, in the case of those carrying out an umbrella function, should be made available to their clients. Clients of Registered Bodies should make this policy available to their potential or existing employees.

Being an educational institution, a DBS is requested for all positions within the College. The level of check could be standard or enhanced, with additional barring checks conducted if the position requires. All applicants will be informed that a DBS will be requested in the event of the individual being offered the position. An application for a criminal record check is only requested after a thorough 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, this will be made clear in pre and post recruitment briefs, informing the applicants that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

2.4 Types of Offences

'Specified offences' will always be disclosed on a DBS certificate, and should always be included in self-declarations – see the [government's list](#) for further details.

It is a criminal offence for any person who is barred from working with children to apply for a position in a 6th Form College. If the College receives an application from a barred person, we will make a report to the DBS and/or the police as appropriate.

'Protected offences' are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is 'protected' can be found in:

- The Ministry of Justice's [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- The government's tool to [check whether to disclose cautions or convictions](#) applicants **should not** list any 'protected' offences on their self-declaration form, and we will not take them into account if we are made aware of them.

The College will only ask an individual to provide details of convictions and cautions that the College are legally entitled to be aware of and can only ask an individual about convictions and cautions that are not protected.

3. Responsibilities

3.1 College Principal/ CEO

- Uphold the College's commitment to the fair treatment of all job applicants
- Make sure all job application forms contain clear and relevant information about what cautions or convictions applicants are expected to disclose, and what safeguarding checks the College will carry out, and at what stage in the application process
- Make sure staff involved in the recruitment process have received appropriate guidance and Safer Recruitment training about their legal duties in employing ex-offenders, and assessing the relevance and circumstances of offences.

3.2 HR and staff involved in the recruitment process

- Treat applicants fairly, including in relation to any history of offending
- Maintain privacy for applicants, making sure that information about applicants' criminal records will not be seen by anyone outside of the recruitment process
- Make sure that all shortlisted applicants complete a self-declaration form before the interview stage, and that all job offers are conditional, subject to appropriate safeguarding checks
- Hold discussions with applicants about their disclosures, where relevant, and make decisions about suitability based on the circumstances and background of offences. If necessary, the College's Designated Safeguarding Lead (DSL) will be contacted for information and/or advice.
- Seek legal advice where relevant

3.3 All job applicants

- Familiarise themselves with the requirements for self-disclosure, and whether they have any previous convictions or cautions that must be disclosed

- Complete self-declaration forms honestly and completely, disclosing all required spent and unspent convictions and cautions (excluding 'protected' offences)
- Participate in disclosure discussions following either or both of their self-declaration and DBS check

4. The process for disclosing and assessing previous convictions

4.1 Self-declaration

- All shortlisted applicants will be asked to complete a self-declaration form before the interview stage. Applicants must complete these forms accurately, and reveal all relevant convictions, as well as any other information that would make them unsuitable to work with children. Failure to reveal any relevant information could lead to the withdrawal of an offer of employment.
- All job application forms will include information about this requirement.
- Applicants will not be asked for information about previous convictions or cautions before this stage, and any such information that is disclosed before shortlisting stage will not be taken into account in the shortlisting process.
- We will store all sensitive personal data securely, only share it with relevant staff members, and destroy it securely when we no longer need it.
- All our job applications and self-declaration forms go through an filtering process to promote equality of opportunity.
- Self-declaration forms will be reviewed by a staff member who is not involved in making recruitment decisions, and any irrelevant information will be deleted; for example, 'protected' convictions that legally cannot be taken into account.
- Further disclosure discussions (see sub-section 4.3) may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions do not make applicants unsuitable for the role.

4.2 DBS checks

- Successful candidates are subject to DBS and other safeguarding checks, as set out in statutory guidance, Keeping Children Safe in Education. Staff should consider whether:
 - The checks reveal any new information that might prohibit or otherwise make a candidate unsuitable for the role
 - The checks match any information disclosed in an applicant's self-declaration
- Further disclosure discussions (see sub-section 4.3) may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions do not make applicants unsuitable for the role.

4.3 Disclosure discussions

- Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further, and they will be informed that they legally cannot be considered for the job.
- In all other cases, previous convictions will not necessarily prevent applicants from being employed by our College. Staff will determine, with support from HR specialists, whether disclosures warrant a discussion between the College

- and the candidate.
- The College will ensure 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.
 - Where relevant, disclosure discussions will happen as part of the interview process and take the applicant's explanation into consideration. For example, we will consider:
 - The seriousness of any offence and relevance to the post applied for
 - How long ago the offence occurred
 - Whether it was a one-off incident or a history of incidents
 - The circumstances around the incident
 - Whether the applicant accepted responsibility for their actions
 - Staff will then assess whether applicants' previous convictions or cautions make them unsuitable for the role.
 - We will not ask applicants about protected convictions and cautions.
 - The College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

5. College's commitment

Joseph Chamberlain 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.

Joseph Chamberlain College actively promotes 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.

Joseph Chamberlain College selects all candidates for interviews based on their skills, qualifications, and experience.

Joseph Chamberlain College makes every subject of a criminal record check submitted to DBS aware of the existence of the <https://www.gov.uk/government/publications/dbb-code-of-practice> and makes a copy available on request.

Further advice may be sought from the HR Manager.