

HUMAN RESOURCES UNIT

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

1 Background

College posts are exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

2 Policy Statement

This Policy will be made available to all applicants who are required to obtain a Disclosure.

For those positions where a Disclosure is required, recruitment information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position

The College will make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

The College will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar a person from working for the College. The decision will be based on the nature of the position and the circumstances and background of the offence(s).

New members of staff will not be permitted to work alone with under 19s and/or vulnerable adults until the DBS check has been returned and been assessed (see Recruitment & Selection Procedure for risk assessment).

All agency staff working at the College will be notified to Human Resources by Managers so that Disclosure confirmation for DBS can be sought from the agency supplying the personnel. A Children's Barred List check will be undertaken in the first instance.

All volunteers, consultants and work experience personnel working at the College will be notified to Human Resources by Managers so that DBS checks can be carried out if appropriate and/or Children's Barred List.

3 Scope

The Disclosure process applies to all staff recruited to posts which involve contact with learners aged under 18, vulnerable adults, and to all staff who work with children in the College nurseries.

4 Responsibilities

The College is a Registered Body with the DBS. The Lead Signatory is the Head of Human Resources and the Human Resources team are Countersignatory. They will ensure compliance with this Policy.

5 PROCEDURE FOR APPLYING FOR AND RECEIVING DBS CHECKS

Applying for the Disclosure

- 5.1 Applicants for posts which require a DBS check will be given the DBS form and explanatory documentation at the point when the job offer is made.
- 5.2 He/she will be informed that they need to complete the relevant parts of the DBS Application form and present it, together with the appropriate identity documents, to the HR Department or another designated person involved in the recruitment process.
- 5.3 Applications will be processed through the HR Department in accordance with the DBS Code of Practice and the Burton and South Derbyshire College policy on secure storage, handling, use, retention and disposal of confidential information.

Receipt of the Disclosure

- 5.4 The DBS issues 1 copy of a Disclosure to the individual. This must be shown to the HR Department as soon as it is received. Where a satisfactory Disclosure is received, the Human Resources Department will update their record and retain the Disclosure reference number, the date of issue and the level of check.
- 5.5 If a Disclosure is received which contains sensitive information, the member of staff will be asked to meet with the Head of Human Resources and where appropriate another designated person involved in the recruitment process.
- 5.6 At the meeting he/she will be reminded that the College Policy Statement on the Recruitment of Ex-offenders states having a criminal record will not necessarily bar a person from working for the College and the decision will be based on the nature of the position and the circumstances and background of the offence(s). The contents of the Disclosure will be discussed so that a decision can be made on suitability for the post.
- 5.7 If the Head of Human Resources considers the nature of the offence is such that there is no risk to learners then the appointment will be confirmed.
- 5.8 In circumstances where the Head of Human Resources considers there to be any doubt regarding the risk to learners then he/she will refer to the appropriate senior manager for advice and role clarification and a decision will then be taken with the Vice Principal Corporate Relations.
- 5.9 Where the decision is to withdraw a job offer or dismiss the employee, written communication will be provided.
- 5.10 Under normal circumstances the only people to have access to the information detailed in the CRB Disclosure will be the person subject to the Disclosure, those involved in the recruitment process, Human Resources staff and the Vice Principal Corporate Relations.

5.11 The Recruitment & Selection Procedure contains a checklist to approve commencement of employment and an Appendix setting out risk levels and authorisation procedure in cases where the Disclosure is not received prior to commencement of employment.

6 Secure Storage, Handling, Use, Retention and Disposal of Disclosures and disclosure information

General Principles

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, Burton and South Derbyshire College complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Storage and Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure Information has been revealed and we recognise that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it

Usage

Disclosure Information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure Information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure Information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.