

RECRUITMENT OF EX-OFFENDERS

Procedure

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.

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Burton & South Derbyshire College complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

The College will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. The College makes appointment decisions based on merit and ability.

If an applicant has a criminal record this will not automatically bar them from employment with the College. Each case will be decided on its merits in accordance with the objective assessment criteria.

All applicants must 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 if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the College to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the College.

The College will make a report to the Police and/ or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or it has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;

- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant.

A decision will then be made regarding their suitability by People and Performance in conjunction with a Safeguarding Officer.

Disclosure and Barring Service (DBS) Checks

All posts at the College will be subject to a DBS check. The College complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Certificate information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

In accordance with section 124 of the Police Act 1997, certificate 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 certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

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

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Once the retention period has elapsed, we ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

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