

# Preston’s College Disclosure and Barring Service

# Policy Statement on the Employment of Ex-offenders

1. As an organisation using the Disclosure & Barring Service (DBS) to assess applicants’ suitability for positions of trust, Preston College complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The College undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed. In this context, the term “applicant” may include *existing* employees and casual workers who seek to transfer internally to other positions in the College.

2. This written policy on the employment of ex-offenders, is made available upon request to all Disclosure applicants at the outset of the recruitment process.

3. We actively promote equality of opportunity for all with the right mix of talent, skills, and potential and welcome applications from a wide range of candidates, including those with criminal records. An applicant’s criminal record will be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out (but see the next point). We select all candidates for interview based on their skills, qualifications, and experience.

4. We ensure that all those in Preston College’s Human Resources Department who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act, 1974 (Exceptions) Order 1975 (as amended in 2013).

5. All applicants are encouraged to provide details of their criminal record at an early stage in the application process. This information is removed from the application form upon receipt and retained under confidential cover. It is guaranteed that this information will only be seen by those who need to see it as part of the recruitment process. All successful candidates will be informed and offered a conditional offer of employment subject to satisfactory DBS clearance, medical clearance and satisfactory references. At this stage the applicant will be asked to complete a DBS application. The recruitment team will cross reference to any disclosures made at application stage.

6. Following a detailed assessment of posts within the College, a range of positions have been identified as being in regulated activity. Regulated activity in relation to children (under 18 years of age) comprises of:

(a) unsupervised activities: teach, train, instruct, care for or supervise children or provide advice/guidance on well-being, or drive a vehicle only for children;

(b) working for a limited range of establishments (specified places) with opportunity for contact i.e. – a college and/or childcare premises etc.

Work in (a) or (b) is regulated activity if done regularly by the same person frequently (once a week or more often) or on 4 or more days in a 30-day period or overnight.

(c) Relevant personal care e.g. washing or dressing; or health care by or supervised by a professional, even if done once.

(d) Registered child-minding and foster carers.

An individual only needs to engage in the activities listed below once to be carrying out regulated activity related to adults. There are six categories within the new definition of regulated activity for adults:

1. Health care - provided by any health care professional, or under the direction or supervision of one, is regulated activity.
2. Personal care - washing and dressing, eating, drinking and toileting.
3. Social work - in connection with health or social services.
4. Assistance with Household Affairs - cash, bills, shopping.
5. Assistance with the Conduct of Affairs - Power of attorney/Deputies appointed under the Mental Capacity Act.
6. Conveying an Adult - must be for health, personal or social care due to age, illness or disability.

7. If an applicant will be working in regulated activity an ‘Enhanced Check for Regulated Activity’ is required before the appointment of some successful internal applicants and all external applicants can be confirmed. Those applicants subject to an ‘Enhanced Check for Regulated Activity’ will also be checked against the barred listings for a child and/or adult workforce. All application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered employment in a position.

All other posts in the College are subject to Disclosure at an ‘Enhancedlevel’, and similarly all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested.

8. Existing staff will only be subject to Enhanced Check for Regulated Activity where a new appointment is being made via internal promotion/transfer into a job post that operates within the definition of regulated activity from a post that did not fall within this definition.

9. In cases where someone is already employed by the College and it is then discovered that they have failed to disclose an ‘unspent’ conviction, disciplinary action will not *automatically* follow, but, depending on the circumstances, disciplinary action, including dismissal in extreme cases, *could* follow. Each case will be reviewed on its own merits by the Lead DBS Countersignatory.

10. The Rehabilitation of Offenders Act, 1974(Exceptions) Order 1975 (as amended in 2013) means that the applicant is not legally required to disclose information concerning protected cautions and convictions. To determine if a caution or conviction is protected and whether or not it needs to be disclosed, the applicant will need to refer to the DBS filtering guidance.

11. Where a declaration of a criminal conviction or caution has been made and the applicant has subscribed to the ‘DBS Updating Service’ the applicant will be required to provide their membership details to the College and will also be asked to complete a DBS application form in order for the College to assess their DBS certificate.

 Allapplicants should ensure that they contact the College as soon as they receive their DBS certificate to arrange an appointment to bring in this document for assessment.

12. Where a declaration of a criminal conviction or caution has been made each disclosure should be reviewed on its own merits by the Lead DBS Countersignatory. At interview, or in a separate discussion, we 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.

We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.