

RECRUITMENT OF EX-OFFENDERS POLICY

1. Purpose

- 1.1 To explain Xaverian College's obligations and policy in relation to the recruitment of ex-offenders.

2. Introduction

- 2.1 As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Xaverian College complies fully with the code of practice (<https://www.gov.uk/government/publications/dbs-code-of-practice>) and undertakes to treat all applicants for positions fairly. Xaverian College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 2.2 Xaverian College can only ask an individual to provide details of convictions and cautions that Xaverian College is legally entitled to know about. Where a DBS certificate at either standard or enhanced level 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). Xaverian College can only ask an individual about convictions and cautions that are not protected.
- 2.3 Xaverian 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 dependants, age, physical/mental disability or offending background.

3. Policy Statement

- 3.1 The College has a written policy on the recruitment of ex-offenders which is made available to all DBS applicants at the start of the recruitment process.
- 3.2 Xaverian College actively promotes 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. We select all candidates for interview based on their skills, qualifications and experience.
- 3.3 An application for a criminal record check is only submitted to DBS 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, all application forms, job advertisements and recruitment pack information will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

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3.4 The College encourages all applicants called for interview to provide details of their criminal record at an early stage in the recruitment process. We request that this information is sent in writing separately, in confidence to the Human Resources Manager at the College and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.

3.5 At interview, or in a separate discussion, Xaverian College ensures 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.

3.6 Xaverian College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

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

3.8 *Having a criminal record will not necessarily prevent any applicant from working at the College. This will depend on the nature of the position and the circumstances and background of the offence(s).*

4. Responsibilities

4.1 It is the responsibility of the Human Resources Manager to monitor the effectiveness of this policy.

5. Further information about convictions

5.1 In 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

5.2 All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure.

5.3 Further information and guidance which explains the filtering of old and minor cautions and convictions can be found on the following website:
<https://www.gov.uk/government/collections/dbs-filtering-guidance>.

6. Relevant Legislation and Guidance

- Police Act 1997
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- DBS Code of Conduct.

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