



A dynamic College for aspiring communities

Employment of People with a Criminal Record

INTRODUCTION

As an organisation using the Criminal Record Bureau (CRB) Disclosure Service to assess applicants suitability for positions of trust, West Nottinghamshire College complies fully with the CRB Code of Practice and undertakes to treat all applications for positions fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

The College as an employer operates within a framework of equality and diversity. This includes recruiting and employing people with a criminal background. We select all candidates for interview based on their skills, qualifications and experience.

However, the College has a duty of care towards its learners – specifically those under the age of 18 and those over the age of 18 who are considered vulnerable.

Therefore, whilst a criminal record will not necessarily be a bar to employment with us, our duty of care to learners will always be our priority.

PRE EMPLOYMENT CHECKS

The Rehabilitation of Offenders Act 1974

Under this act an individual who has been convicted of an offence not excluded from rehabilitation is to be treated as a rehabilitated person and the conviction is to be treated as spent after the expiry of the applicable rehabilitation period.

Normally employers cannot ask prospective employees about any spent convictions they may have. However, this is subject to exceptions, which include work in a Further Education organisation, where the normal duties of that work involve regular contact with persons under the age of 18 and work is concerned with the provision of care services to vulnerable adults.

Protection of Children Act 1999

Under this act, the Secretary of State shall keep a list of all individuals who are considered unsuitable to work with children.

There is also reference to the Department for Children, Schools and Families and Employment list, which identifies individuals who are prohibited or restricted from being employed as teachers.

Criminal Records Bureau Disclosures

As the College welcomes learners under the age of 18 and learners classed as vulnerable adults, we are entitled to seek information on a prospective employee's full criminal history, including **spent and unspent convictions and other relevant information.**

DISCLOSURES

The College will assess which roles at the College require a disclosure and if so the level of disclosure required.

The College will not unfairly discriminate against an applicant on the basis of the disclosure information.

Types of Disclosure:

- **Standard Disclosures:** will either contain details of any spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally or will state convictions. A Standard Disclosure will also reveal any relevant information held by the Department for Children, Schools and Families and the Department of Health.
- **Enhanced Disclosures:** will contain the same details as a Standard Disclosure. It may also contain non-conviction information from local police records that a Chief Police Officer thinks may be relevant in the connection with the matter in question.

Prospective Employees

Where disclosures are required, an offer of employment is subject to a satisfactory CRB disclosure.

If the disclosure reveals matters of concern to the College, these matters will be discussed with the individual by Human Resources as part of the post interview process before a final decision is made. This will happen on all disclosures revealing information.

Disclosure information will not be used as a substitute for any other pre-appointment checks. Therefore applicants may also be asked for referees and other information relating to their previous employment.

Existing Employees

The College may seek disclosure information in relation to existing employees where the College deems that it is necessary to do so, this includes if the College has particular concerns about the person's suitability to work with children; or if an individual moves into a new role within the College that involves providing education and regularly caring for, training, supervising or having sole charge of persons aged under 18.

If the disclosure reveals matters of concern to the College, which have not previously been disclosed by the individual, this **may** lead to disciplinary action being taken against the individual in accordance with the College's Disciplinary Procedure.

Assessing Disclosure Information

When assessing disclosure information for prospective and existing employees, we will take into account:

- The relevance of the convictions to the individual's existing or intended position.
- The seriousness of the offence(s) or other matters revealed and their relevance to the safety of other employees, learners, clients, property and the public.
- The length of time since the offence(s) or other matters occurred.
- Whether the offence(s) was/were a 'one off' or part of a history of offending.
- Whether the individual's circumstances have changed since the offence(s) or other matters occurred.
- The circumstances surrounding the offence(s) or other matters, including any information offered by the individual about those circumstances during the post interview process outlined on page 2/3.
- Any explanation offered by the individual for the offence(s) or other matters given during the post interview process.
- Disclosure information will also be assessed in relation to the tasks that the individual will be/is expected to perform as part of his/her post.

Confirmation of How to Proceed

Issues of concern will be raised and clarified with the Director: Human Resources before an individual is confirmed in post. A Senior Post Holder will be involved in any decision to withdraw an offer of employment.

Confidentiality and Data Protection

The College will comply with the CRB's Code of Practice relating to the disclosure of information, specifically:

The College will ensure that information regarding previous convictions and other disclosure information is kept confidential and is provided on a 'need to know' basis.

- Disclosure information will be kept securely in lockable cabinets. Access to the keys to those cabinets will be restricted to those individuals employed within Human Resources.
- Disclosure information and any associated correspondence will be kept for a maximum of 6 months other than in very exceptional circumstances or where there is an ongoing dispute to which disclosure information is or may be relevant.
- Disclosure information will be destroyed effectively by the means of shredding or burning.