

KINGSTONUNIVERSITY

RECRUITMENT OF EX-OFFENDERS POLICY

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RECRUITMENT OF EX-OFFENDERS POLICY

Aim: To ensure the University fully complies with the provisions of the Rehabilitation of Offenders Act and best practice in its recruitment of staff with a criminal record

Applies to: All applicants to the University, and all staff

Introduction:

- 1.1 The Rehabilitation of Offenders Act 1974 (ROA), (Exceptions) Order 1975 (as amended in 2013) was introduced to ensure that ex-offenders, who have not re-offended for a specified period of time since their date of conviction, are not discriminated against when applying for a job.
- 1.2 This policy sets out the basis on which the University will seek information from prospective employees about spent and unspent (current) convictions and how this information will be used. The policy will be made available to all disclosure applicants at the outset of the recruitment process. We make every subject of a Disclosure and Barring Service (DBS) check aware of the existence of the DBS Code of Practice and make a copy available on request.
- 1.3 The policy sets out the commitment from the University that all applicants will be treated fairly.

Principles:

- 2.1 Applicants, and members of staff with either a spent, or unspent conviction will not be unfairly discriminated against.
- 2.2 The University uses the DBS Service to check the history of applicants and assess their suitability for posts. A DBS check is only requested after a thorough assessment has indicated that one is both proportionate and relevant to the position.
- 2.3 The University complies fully with the DBS Code of Practice.
- 2.4 Where a DBS check is to form part of the recruitment process, we request all applicants called for interview to provide details of their criminal record at an early stage in the application process in line with the ROA as amended in 2013. We request that this information is sent under separate, confidential cover, to the HR Director within Kingston University and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 2.5 Information obtained from the Disclosure and Barring Service will only be used to assess an individual's suitability for employment, where relevant, and will not be used to discriminate in any way.

The University is committed to the fair treatment of its employees and potential employees regardless of any protected characteristics under the Equality Act 2010 (as amended) or offending background.

- 2.6 We actively promote equality of opportunity for all with the right mix of talent, skill 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.
- 2.7 Where appropriate, adverts and job descriptions will clearly state that a DBS check is a requirement of the job. This will provide a basis for the applicant to decide whether or not to apply for the post.
- 2.8 Disclosure of the information received from the DBS will only be made available to staff who have a specific need to access it in the course of their duties.
- 2.9 This policy should be read in conjunction with the University's Disclosure and Barring (DBS) Procedure.
- 2.10 Kingston University is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the Data Protection Act 1998.

Main Steps

3. Obtaining information from applicants

- 3.1 During our recruitment process the University will normally only ask about unspent convictions as defined by the ROA and are subject to disclosure
- 3.2 For jobs which are exempt from the provisions of the ROA as amended in 2013, an applicant will need to disclose both unspent and spent convictions, which are subject to disclosure. (For further information please refer to the Exemptions Order of the ROA). The University is legally entitled to ask applicants of the details of any spent and unspent conviction.
- 3.3 The recruiting manager must ensure the DBS requirement is clearly stated on the job description, and should complete the relevant section on the online vacancy details screen before submitting it to the Human Resources department. The recruiting manager should also ensure that the post is listed on the Faculty/Departmental DBS catalogue.
- 3.4 Human Resources will ensure that relevant wording is included in the online advert and job description advising that the successful applicant will need to satisfy DBS requirements and undertake a DBS check.

4. Declaring Previous Convictions

- 4.1 Where an individual has disclosed a conviction, or a conviction is revealed through a DBS check, an open and measured discussion will take place with the applicant regarding the offence and its relevance to the position to assess the suitability of the applicant for the job.
- 4.2 When considering the matter, the following examples may be taken into account:
- The seriousness of the offence and its relevance to the safety of other employees, students, research subjects, the public etc.
 - The length of time since the offence occurred.
 - Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
 - The nature of the job and any opportunities that may present the applicant to re-offend
 - The Country in which the offence was committed – for example, some activities are offences in Scotland and not in England and Wales, and vice versa.
 - Whether the offence has since been decriminalised by Parliament.
- 4.3 Having carefully considered these matters, a decision should be taken as to whether the individual should be appointed. If the decision is not to proceed with the appointment then the applicant will be written to, formally withdrawing the offer of employment. The University will undertake a discussion regarding the content of the disclosure with the applicant before withdrawing any offer of employment.
- 4.4 Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the ROA) could lead to withdrawal of an offer of employment or disciplinary action which could lead to termination of employment.
- 4.5 It is the responsibility of applicants and employees to clarify whether a conviction is spent or unspent. The length of time required for an ex-offender to become rehabilitated depends on the sentence received and the age when convicted. To note, custodial sentences of more than two and half years can never become spent.
- 4.6 The University will seek a Disclosure where there is a legal requirement to do so (please refer to Appendix I of the Disclosure and Barring (DBS) Procedure and such jobs roles should be listed on the faculty/departmental DBS catalogue. Disclosures must not be used as a blanket requirement in all circumstances and should meet the criteria set out in the above mentioned Procedure.

5. Existing staff with a criminal record

- 5.1 If a member of staff is convicted of a criminal offence whilst in employment they must report this to their manager immediately. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with the University's Disciplinary Procedure.
- 5.2 Managers will be expected to carry out a risk assessment, comparing the skills, experience and the circumstances of the conviction against the risk criteria identified for the job. Managers should take an objective approach and advice should be sought from HR, if required.

- 5.3 If a member of staff is concerned about a conviction, they should speak directly with their line manager or HR. For specific roles, regular DBS disclosure renewals will be required and it is expected that individuals would have disclosed any new convictions.

Outcome:

- 6.1 A fair and equitable process.

Records:

- 7.1 All relevant information will be held under secure cover on the individuals Personal Record file

Review

- 8.1 This process will be reviewed either;
- In light of new information
 - In any event, two years from the date of the agreement