# University Policy on the Recruitment and Employment of Ex-Offenders

**2019-2021**

# Introduction

The University of Chichester is committed to being an Equal Opportunity employer and 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. 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. All candidates for interview are selected on the demonstration of skills, qualifications and experience.

As one of the major employers in Chichester and Bognor Regis, we recognise our social responsibilities and our position within the local community. We appreciate the important role that continuity of employment can play in the rehabilitation process of ex-offenders when matched with appropriate posts. The specific details of each ex-offender’s case will be considered on an individual basis. In each instance we will review ability to meet the skills and experience requirements of the post and assess the impact of the criminal record upon the needs of the post.

# Using the Disclosure and Barring Service

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions each year by processing and issuing DBS checks for England, Wales, the Channel Islands and the Isle of Man. DBS also maintains the adults’ and children’s Barred Lists and makes considered decisions as to whether an individual should be included on one or both of these lists and barred from engaging in regulated activity.

As an organisation using the DBS to assess applicants’ suitability for positions of trust, we comply with the DBS Code of Practice/Act and undertake to treat all applicants for positions fairly, undertaking not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed. The Policy on the Recruitment of Ex- offenders is available to all applicants at the outset of the recruitment process on the recruitment page of the University’s website and to all staff on the HR page of the Staff Intranet.

Some positions at the University are exempted under the Rehabilitation of Offenders Act 1974 and (Exceptions) Order 1975 and are required to hold Disclosure certification (which may be standard or enhanced). Job advertisements will indicate when a Disclosure check will be requested in the event of an individual being offered a position. We encourage all applicants called for interview to provide details of their criminal record at the initial stage of the recruitment process on the University’s application form. Wherever an applicant declares a previous conviction it will fall within the remit of this policy and procedure.

The University’s main concerns in respect of applicants with criminal convictions are to:

* + Ensure the safety and well-being of our students, staff, visitors and stakeholders
  + Ensure the security of University property
  + Protect the University’s reputation and public standing
  + Carry out our legal responsibilities and duties

Any selection decision will be taken in the light of a risk assessment against these criteria. A DBS Disclosure is only requested after a thorough assessment has indicated that one is both proportionate and relevant to the position concerned. In considering the relevance of offences/criminal convictions, the University will consider the nature of the post, for example, whether the post involves contact with vulnerable groups or adults/children and the activities the post holder is required to undertake.

# Applicants

Unless the nature of the position allows the University to ask questions about an applicant’s entire criminal record, we only ask questions about unspent convictions as decided in the Rehabilitation of Offenders Act 1974. Having an unspent conviction will not necessarily bar an applicant from employment; this will depend on the circumstances and background to the offence with regard to the post applied for.

Applicants who are applying for posts exempted under the Rehabilitation of Offenders Act 1974 and (Exceptions) Order 1975, will be notified through the recruitment process that the post requires the disclosure of all criminal record information, including details and dates of ‘spent’ convictions, reprimands and final warnings. Applicants will be required to complete their application form indicating information about any criminal convictions for which they are not regarded as rehabilitated under the Rehabilitation of Offenders Act 1974. This information must be submitted under separate, confidential cover and will only be seen by those who need to see it as part of the recruitment process. Details of convictions under the Rehabilitation of Offenders Act 1974 must be submitted to the Chief Human Resources Officer by email to [e.whitaker@chi.ac.uk](mailto:e.whitaker@chi.ac.uk).

In exceptional circumstances, if the nature of the offence(s) is considered by the Chief Human Resources Officer, in discussion with the Recruiting Manager, to be (a) highly relevant to the post and (b) serious enough to bar the person from employment within that post, the Human Resources Manager (Recruitment) will write to the applicant to inform them of this. An example of this would be: someone on the Sex Offenders' Register applying for a non-exempted post.

# Appointment process

Criminal records are considered for recruitment purposes only when the conviction is relevant to the work to be undertaken by the person if appointed to the post and at the point of selection of the suitable applicant following interview. The interview panel will make appointment decisions based on an assessment of the applicant’s relevant skills, experience, qualifications and abilities in the normal way.

Where the panel wishes to offer the post to the applicant, the Chair will be advised by the Human Resources Officer and both will decide what further action, if any, should be taken in the light of the information received.

Following interview, the applicant will, in a separate discussion, have an open and measured discussion with the Chair of the Interview Panel or Human Resources Officer about offences and/or convictions that might be relevant to the position applied for. Failure to reveal information that is directly relevant to the position applied for could lead to withdrawal of an offer of employment. A risk assessment will be conducted relevant to the post by the Chair of the Interview Panel and Human Resources. Such an assessment will consider:

* + The seriousness of the offence and its relevance to the safety of students, employees, or other relevant persons, and/or property.
  + 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.
  + Whether the offence was one-off or part of a history of offending.
  + Whether the nature of the job could present opportunities for the post holder to re- offend.
  + Whether the applicant’s circumstances have changed since the offence was

committed, making re-offending less likely.

* + Whether the offence has since been decriminalised by Parliament.

Further exploration may be necessary. This may take the form of a further meeting with the candidate to discuss the relevant convictions. It may also include, with the explicit consent of the individual, references regarding the offence to be taken up; for example, from a probation officer or specialist employment organisation. Should information provided by the DBS, specialist organisation or person contradict that provided by the individual, this will be taken into consideration by the Chief Human Resources Officer and the Chair of the interview panel.

Following receipt of all relevant information, the Chair of the interview panel and the Chief Human Resources Officer will make a recommendation regarding the appointment and this may include discussion with a member of the Vice-Chancellor’s Group who will make the final decision concerning the appointment. Full consideration will be given before withdrawing an offer of appointment.

# On appointment

If it is found that an employee deliberately withheld information which was required under the Rehabilitation of Offenders Act 1974 or (Exceptions) Order 1975, and/or misled the employer to gain employment during the application process, this is likely to lead to dismissal on appointment. Once in employment, employees should inform their line manager and Human Resources of any changes to their circumstances which affects their criminal record status, in order that the impact upon their suitability to undertake their role may be reviewed.

# Data Security

University Counter-signatories authorised by the DBS will ensure that Disclosures and the information they contain will only be released to those managers and staff who need access in the course of their duties (e.g. Chair of Appointment Panel or other University DBS

Counter-signatories). No photocopy or other image of the Disclosure will be retained. Employees are required to provide their DBS check and the date and DBS number are retained. Alternatively, those who are part of the DBS Update Service can provide authorisation to the University to access DBS details. A record of the date of disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken will be retained in accordance with DBS advice.

All information received as part of the application/appointment process will be treated as highly confidential and in-line with the University’s Policy regarding the security, storage and retention of Application/Staff Criminal Records information, as required under by the DBS/Data Protection Regulations.

The University undertakes to comply with the DBS Code of Practice. A copy of the Code is available from the Human Resources Department or from the DBS website: <https://www.gov.uk/government/publications/dbs-code-of-practice>.