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Guidance for Applicants and Staff on the Disclosure and Barring Service (DBS) and the Recruitment and Employment of Ex-Offenders 2022-2025

#### Background and information

##### The University of Chichester (“University”) 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 candidates, including those with criminal records. All candidates for interview are selected on the demonstration of appropriate skills, qualifications and experience.

##### 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.

##### 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 University requires applicants to disclose any “unspent” criminal convictions as part of their application. Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, certain roles will require applicants to disclose their criminal convictions even if they are spent.

##### 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.

##### An application for a criminal record check is only submitted to DBS after a thorough assessment has indicated that one is both proportionate and relevant to the position concerned. A DBS check will only be required in a limited number of roles in the University or the Multi-Academy Trust.

##### This guidance 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 from the HR page of the Staff Intranet.

#### Using the DBS

##### The DBS stands for the Disclosure & Barring Service and the DBS is responsible for processing requests for criminal records checks and deciding whether it is appropriate for a person to be placed on or removed from a barred list or placing or removing people from the DBS children’s barred list and adults’ barred list for England, Wales and Northern Ireland.

##### The 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. It is the method by which employers can legally ascertain if they can employ people into certain types of roles when they have an old or existing criminal record.

##### 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 working in the University and the Multi-Academy Trust;

###### Ensure the security of University property;

###### Protect the University’s reputation and public standing;

###### Carry out our legal responsibilities and duties.

##### 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. If the role involves working on an unsupervised basis with vulnerable groups of either adults or children undertaking regulated activity, an enhanced level DBS check with the relevant barring list information is likely to be required from the applicant. The University will notify the individual if this is likely to be required.

##### 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.

##### 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.

##### 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 contact 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. 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.

##### Where required, an offer of employment will be subject to the appropriate checks being completed before commencement of employment. Relevant information should be submitted under separate, confidential cover to the Chief Human Resources Officer and will only be seen by those who need to see it as part of the recruitment process.

##### 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 where an applicant has declared a criminal conviction. 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.

##### 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.

##### 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 University 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.

##### 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).

##### The University complies with the DBS code of practice including the secure storage, handling, use, retention and disposal of DBS disclosures and disclosure information and with its obligations under the Data Protection Legislation.

<https://www.gov.uk/government/publications/dbs-code-of-practice>.