

# De La Salle College



## Recruitment and Employment of Ex- Offenders Policy and Procedures

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## **Recruitment and Employment of Ex-Offenders Policy and Procedure**

### **1. Introduction**

- 1.1 De La Salle College's policy on the recruitment of ex-offenders seeks to avoid discrimination, whilst carrying out and taking the necessary checks and precautions to safeguard the welfare of its students.
- 1.2 Having a criminal record will not necessarily bar the applicant from working at the College. This will depend on the nature of the position and the circumstances and background on the applicant's offence (s).
- 1.3 Subject to the relevant risk assessments, the College's policy is that of no discriminating against ex-offenders. However, it is prevented by the Safeguarding Vulnerable Groups Act 2006 from recruiting to a regulated activity relating to children, a person who is barred from the relevant activity.
- 1.4 The Jersey Vetting Bureau is a registered body of the Disclosure and Barring Service (DBS). De La Salle College is a Registered Service User of the Jersey Vetting Bureau through which we use the Disclosure and Barring Service as part of our recruitment process to assess an applicant's suitability for employment in posts of trust.
- 1.5 De La Salle College adheres to the Code of Practice Issued by the Disclosure and Barring Service (DBS) and all relevant legislation.

### **2. Scope of Policy**

- 2.1 The Rehabilitation of Offenders Act (ROA) 1974 was introduced in the UK to ensure that ex-offenders who have not re-offended for a period of time since the date of their conviction are not discriminated against when applying for jobs. In Jersey, the equivalent Law is the Rehabilitation of Offenders (Jersey) Law 2001.
- 2.2 However in order to protect certain vulnerable groups within society, there are a large number of posts and professions that are exempted from the Law under the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002 so that individuals are not allowed to withhold details of previous convictions in relation to their job when applying for positions including those individuals applying for positions involving working with children. These additionally include employment within positions of trust.
- 2.3 In such cases, organisations are legally entitled to ask applicants for details of all convictions, whether unspent or spent.
- 2.4 De La Salle College is such an organisation and is exempted under the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002. This policy covers all posts within De La Salle College and includes monthly and weekly paid employees; temporary; agency; occasional; contract and voluntary workers. Only applicants that are offered posts will be subject to a criminal record check via disclosure.

### **3. Application of Policy**

- 3.1 Criminal record checks are required for all positions applied for at De La Salle College. All application forms, job adverts and requirement briefs will therefore contain a statement that a criminal record check will be requested in the event of the individual being conditionally offered the post.
- 3.2 The College will ask the applicant questions about the applicant's entire criminal record; and to disclose spent and unspent criminal convictions and any pending criminal proceedings in line with the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002.

- 3.3 A DBS disclosure will be required by the College if the applicant is offered the post. In the case of regulated activities relating to children, the legislation will also impose a duty to check that a person is not barred from engaging in the regulated activity.
- 3.4 Criminal records will only be taken into account for recruitment purposes where the conviction is relevant; therefore having an unspent conviction will not necessarily bar an applicant from employment as it will depend on the circumstances, relevance and background to the offence(s) and the role to be undertaken. This principle would also apply to spent convictions where a post qualifies for an enhanced DBS check and additional considerations may also include the age of the offence, the seriousness of any offence revealed and whether the applicant has a pattern of offending behaviour or other relevant matter.
- 3.5 Offers of employment will be made subject to satisfactory criminal record checks. De La Salle College will discuss any matter revealed in a disclosure with the applicant before withdrawing a conditional offer of employment. However, it should be noted that a potential outcome could be withdrawal of the offer of employment/termination of employment.
- 3.6 It is the applicants/employees responsibility to ensure that the DBS certificate is provided to Human Resources, prior to starting in post or where this is not possible, as soon as it is received but at the very latest within 60 days of submission of the disclosure request.
- 3.7 Failure to present a certificate within 60 days of the College requesting a disclosure may result in the College withdrawing its conditional offer of employment.
- 3.8 The College has taken a policy decision that a criminal record check must be repeated/conducted every 3 years during employment in an eligible post. Current employees transferring into an eligible post must have a DBS check completed.
- 3.9 The College does not accept portable DBS certificates. For clarity, portability refers to the re-use of a certificate obtained for a position in one organisation and later used for a position in a new organisation including any DBS certificates obtained through the Jersey Education Department.
- 3.10 Once in employment, staff should inform their line manager, in confidence, of any changes to their circumstances affecting their criminal records status, in order that the impact upon their suitability to undertake their post may be reviewed. Failure to inform may result in disciplinary action being taken.

#### **4. Duty to Refer**

- 4.1 De La Salle College is under a duty to inform the Disclosure and Barring Service (DBS) if permission to engage in a regulated activity has been withdrawn or would have so if the person had not otherwise ceased to engage in it (e.g. a member of staff has resigned before disciplinary proceedings have been completed or a student leaves the placement/course before they are withdrawn) because:
  - of concerns regarding harm to a child
  - has committed an offence or an order has been made which would require automatic inclusion in a barred list or
  - the person has engaged in relevant conduct i.e. (a) conduct which endangers or is likely to endanger a child; (b) if repeated against a child would be likely to endanger that child; (c) conduct involving sexual material relating to children (e.g. indecent images relating to children) including possession of such material; (d) conduct involving sexually explicit images depicting violence against humans (including possession), if inappropriate conduct of a sexual nature involving a child, if inappropriate.