



# POLICY

## STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

<b>DOCUMENT CONTROL</b>	
<b>SLT owner:</b>	<b>Assistant Principal Resources &amp; Risk</b>
<b>Together with:</b>	<b>Personnel Manager</b>
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<b>Initials of Assessor:</b>	

### 1. Introduction

- 1.1 The aim of this policy is to state the College's approach towards employing people who have criminal convictions.
- 1.2 The College will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

### 2. Policy

- 2.1 As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Shrewsbury Sixth Form College complies fully with the CRB Code of Practice and undertakes to treat all applicants 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.
- 2.2 Shrewsbury Sixth Form College is committed to 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.
- 2.3 We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- 2.4 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. We select all candidates for interview based on their skills, qualifications and experience.
- 2.5 A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- 2.6 Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early



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stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Shrewsbury Sixth Form College and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

- 2.7 Unless the nature of the position allows Shrewsbury Sixth Form College to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- 2.8 We ensure that all those Shrewsbury Sixth Form College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 2.9 At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- 2.10 We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
- 2.11 We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

**Having a criminal record will not necessarily bar you from working with us.**

This will depend on the nature of the position and the circumstances and background of your offences.

**3.0 Further notes**

Law relating to this document

*Leading statutory authority*

Rehabilitation of Offenders Act 1974

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 SI 1975/1023

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 SI 2003/231

Data Protection Act 1998

- 3.1 The Rehabilitation of Offenders Act 1974 was designed to prevent individuals being rejected for employment on account of a criminal offence committed in their past, provided that they have not subsequently re-offended. Under the Act, a conviction



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becomes 'spent' after the elapse of a defined period of time with the result that the individual becomes 'rehabilitated'. The relevant periods of time are set out in the Act and depend on the type of offence committed. An individual whose sentence exceeded 30 months can never become rehabilitated under the Act.

- 3.2 The effect of these provisions is that people whose convictions are 'spent' and who are therefore 'rehabilitated' must (with some exceptions - see below) be treated for all purposes as if their conviction had never occurred. Job applicants are therefore entitled to conceal details relating to spent convictions from a prospective employer. If the employer nevertheless finds out about a job applicant's spent conviction, the employer must disregard it when making the decision as to whom to employ. A refusal to employ a rehabilitated person on the grounds of a spent conviction is unlawful.
- 3.3 There is, however, a long list of excluded jobs and professions, i.e. jobs where the fact that a conviction is spent does not entitle the individual to decline to disclose it to a prospective employer. Where the job is exempt, the employer may lawfully decide to reject the individual for employment on the grounds of a conviction, whether spent or unspent.
- 3.4 Under the Data Protection Act 1998, information about an individual's actual or alleged criminal offences is regarded as 'sensitive data'. This means that any recorded data about the individual's criminal offences must be held on file only if the individual has expressly consented, or if one of a restricted number of conditions is fulfilled. One of these conditions is where the data is necessary in order that the employer can comply with a legal obligation in connection with employment.
- 3.5 An individual has the right to request access to any personal information held about him or her in any manual or computer-based file.