



- In accordance with the Rehabilitation of Offenders Act and the relevant Home Office and Disclosure and Barring Service (DBS) guidance, **Capel Manor will not discriminate unfairly in its employment decisions against ex-offenders with criminal records.**
- As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Capel Manor College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- Capel Manor College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, gender reassignment, religion, pregnancy, sexual orientation, age, physical/mental disability, marital status, or offending background.
- We have this written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- 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.
- A DBS check is required for all staff posts (except those who work outside of student contact hours and do not therefore meet the frequency test for regulated activity) due the College being defined as a 'specified place' (based on the majority of our full-time student presence being students aged 16-18) meaning that staff posts fall within the definition of regulated activity. All employee posts bar those outside of student hours will therefore require an enhanced DBS disclosure and barring list check which checks against the barred from working with children list. The application form, job advert and Person Specification will contain a statement that a DBS enhanced disclosure and barring check will be requested in the event of the individual being offered the position.
- As part of the recruitment process, we require all applicants to provide details of their criminal records/convictions as part of the application process through the completion of a Criminal Record Declaration form contained within part 2 of our application form. Due to the College being defined as a 'specified place' all paid positions fall within the definition of regulated activity which are therefore subject to enhanced DBS disclosure and a barring list check which will provide details of both

spent and unspent convictions. Applicants are therefore required to declare both spent and unspent convictions on the declaration form (unless the position works outside of student hours). Only relevant convictions or other information will be taken into account so disclosure need not necessarily be a bar to obtaining the post applied for.

- The form is detached from the application form for HR use only whilst shortlisting is undertaken and then only shared with the recruitment panel if an applicant who has made a declaration is shortlisted. Where this arises the declaration will only be shared with the recruitment panel if HR (either the Director of HR or in their absence the HR Officer) determines the details are relevant to the position applied for.
- The College will ensure the applicable HR staff have been suitably developed 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.
- If you declare a criminal record and we believe this to have a bearing on the requirements of the post, **we will discuss the matter with you at interview or during the recruitment process.** We will 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. If we do not raise the record with you it is because HR has taken the view that it should not be taken into account in deciding your suitability for the post, however if you do not declare a conviction and/or provide a false statement can justify withdrawal of any job offer and if already appointed disciplinary action which may lead to your dismissal.
- Please be aware of the existence of the DBS Code of Practice; the College will make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment or as part of any disciplinary investigation.

Please see Appendix A for posts that will not normally be checked by a DBS disclosure or a barring list check

Appendix A – Employee Positions and Volunteer Posts normally excluded from DBS Enhanced Disclosure and Barring List Check

Employee Posts:

Please note these employee positions and casual employee positions do not work within regulated activity as they do not meet the frequency required and although based at a specified place they do not meet the frequency test for regular work due to working outside of learner contact hours (these hours are 9am to 9.30pm in term time). The frequency test referred to is (once a week or more often), or on 4 or more days in a 30-day period or overnight.

- Early Morning Cleaners (or other cleaning posts that work outside of Learner contact hours)
- Animal Carers – these posts work with animals and not learners and only work at weekends or outside of term time.

Volunteer Positions:

Any Volunteering position which is under day to day supervision of another person engaging in regulated activity (normally supervised by a paid member of staff who has been DBS checked as they are in regulated activity).

The above are common examples however this is not an exhaustive list where appropriate i.e. in line with the type of work described above other posts will be excluded where they do not fall into regulated activity.