Policy on the Recruitment of Ex-Offenders

New College Durham is committed to safeguarding and promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

New College Durham
Policy on the Recruitment of Ex-Offenders
(Equality and Diversity Assessment)

We will consider any request for this procedure to be made available in an alternative format.

We review our policies and procedures regularly to update them and to ensure that they are accessible and fair to all. All policies and procedures are subject to equality impact assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or human rights.

We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility or fairness of the policy.

To make suggestions or to seek further information please contact:

Human Resources Department
human.resources@newdur.ac.uk
Tel: 0191 375 4025/4023

If any employee has difficulty understanding this policy or needs assistance completing any documentation associated with the policy, please contact either your trade union representative or the College's Human Resource Department.

Equality Impact Assessed: July 2025

Procedure Title	Policy on the Recruitment of Ex-Offenders
Document Owner	Executive Director of Human Resources
Owning Directorate	Corporate Services
Owning Department	Human Resources
Directorates and Departments affected by this Procedure	All staff
Procedure Effective From	1 September 2026
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Contents **Page**

1.	Introduction	4
2.	Statement of Intent	4
3.	Scope and Actions	4
4.	Policy Review	7

New College Durham

Policy on the Recruitment of Ex-Offenders

1. Introduction

1.1 For those positions where a DBS check is required, staff will be asked to make declarations regarding criminal offences in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 noting that some convictions are deemed as 'protected' under current legislation. Staff/Applicants are directed to the Ministry of Justice Website for detailed guidance as to whether a conviction or caution should be disclosed.

1.2 Any failure to disclose relevant convictions/cautions in line with the above legislative requirements could result in dismissal or disciplinary action by the College. Indeed, all college staff are asked to affirm on an annual basis their status in terms of relevant convictions/cautions which may have been acquired whilst employed by the College, and failure to make a full disclosure will dismissal or disciplinary action by the College.

1.3 Applicants applying for such posts will be informed at various stages throughout the recruitment process that a DBS check is required and the process to be followed.

2. Statement of Intent

The College is committed to recruiting fairly and will not unfairly discriminate against any applicant on the basis of a criminal record information. Any disclosure will be considered on an individual basis, taking account of the nature of the role, the relevance of the offence and the safeguarding responsibilities associated with the post.

3. Scope and Actions

3.1 This policy on the recruitment of ex-offenders, is made available to all Disclosure applicants at the outset of the recruitment process.

- as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record information checks processed through the Disclosure and Barring Service (DBS), the College complies fully with the code of practice

(https://www.gov.uk/government/publications/dbs-code-of- practice)
and undertakes to treat all applicants for positions fairly

- The College undertakes not to discriminate unfairly against any subject of a criminal record information check on the basis of a conviction or other information revealed

- We will only ask an individual to provide details of convictions and cautions that New College Durham are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)

- We will only ask an individual about convictions and cautions that are not protected

- The 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

- This policy statement will be made available to all DBS applicants at the outset of the recruitment process

- New College Durham actively promotes 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 record information s

- New College Durham select all candidates for interview based on their skills, qualifications and experience

- A DBS check is only requested when it is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, the recruitment information will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of any criminal record information at an early stage in the application process. We

guarantee that this information is only seen by those who need to see it as part of the recruitment process.

- New College Durham ensures that those staff that 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

- At interview, or in a later 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

- We make every subject of a criminal record information check submitted to DBS aware of the existence of the DBS code of practice (https://www.gov.uk/government/publications/dbs-code-of- practice) and make a copy available on request

- We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. Following discussion, where it is felt the nature of the offence(s) places an individual's employment in question, this will be raised with the Executive Director of HR. S/he will discuss the matter with the Principal and Chief Executive whose decision will be final.

3.2 Having a criminal record information will not necessarily bar an individual from working with the College. The following will be taken into consideration including for example:

- the nature of the position;
- the nature of the offence (s);
- the number and pattern of the offences (if there is more than one);
- the circumstances and background of the offence(s);
- how long ago the offence(s) occurred and the age of the offender when the offence(s) occurred; and
- whether the individual has accepted responsibility for their actions.

Where criminal record information is disclosed, the College will undertake an individual risk assessment before reaching a decision. Particular regard will be given to offences involving violence, sexual offences, offences

against children or vulnerable adults, safeguarding-related offences, abuse of trust, exploitation, dishonesty and any offence that may affect the individual's suitability for the role. Where legislation or safeguarding requirements prevent the appointment of an individual to a particular role, the College will comply with those requirements.

4. Policy Review

4.1 The effectiveness of this Policy will be reviewed annually, or sooner where legislative or statutory guidance changes require.

4.2 In considering the effectiveness of this Procedure, consultation will be undertaken with Trade Unions, staff and managers to assist in the review and monitoring of this Procedure.