**Policy statement on the Recruitment of Ex-Offenders**

As an organisation assessing applicants’ suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Bury College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. Bury College undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Bury College can only ask an individual to provide details of convictions and cautions that we, as a college 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), Bury College can only ask an individual about convictions and cautions that are not protected.

Bury College 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 records. Bury College select all candidates for interview based on their skills, qualifications and experience.

Bury College is committed to the fair treatment of its staff, potential staff or users of its services regardless of gender, disability, colour, race or ethinic origin, marital status, religion, sexual orientation, TU membership, age, individual learning needs, nationality or offending background.

As Enhanced DBS Disclosures are requested for all positions in the College, application forms contain a statement that a Disclosure will be requested in the event of an individual being offered the position.

We ask applicants to provide details of their criminal record at an early stage in the recruitment process and we guarantee that this information is only 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 sought could lead to a withdrawal of an offer of employment.

Bury College ensures that all those in Bury College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. Bury College also ensures 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 separate discussion, Bury College ensures 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.

Bury College makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.

Bury College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

**Having a criminal record will not necessarily bar a person from working with us**. This will depend on the nature of the position and the circumstances and background of his/her offences. Any individual denied employment will have the right to make written representations to the Principal, whose decision will be final.

**Further information regarding conviction information**

On the 29 May 2013, legislation(1) came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

In addition, employers will no longer be able to take an individual’s old and minor cautions and convictions into account when making decisions.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

Applicants can find further guidance and criteria on the DBS website which explains the filtering of old and minor cautions and convictions which are now ‘protected’ so not subject to disclosure to employers.

(1) See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.



