



Recruitment Of Ex-Offenders Policy

Polisi I Ymwneud Â Recriwtio Cyn-Droseddwyr

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Section 1: Context

- 1.1 The NPTC Group of College's mission statement declares:

'Inspiring Learning, Enriching Lives, Delivering Success'.

Members of staff are central to the achievement of this goal.
- 1.2 The strategic aims as set out in the Strategic Plan expound principles that will facilitate the achievement of the College's primary purpose: To provide high quality learning opportunities for all its students.
- 1.3 The Recruitment of Ex Offenders policy will lay down principles of equity, fairness and consistency throughout the College.
- 1.5 The College is mindful that learners' progress can be directly affected by the recruitment and selection of staff.
- 1.6 The College identifies the need to develop Human Resource policies, processes and procedures to ensure the effective recruitment, retention, deployment, development and support of all staff to meet the business/curriculum needs of the College.
- 1.7 Given that the College makes use of the Disclosure and Barring Service (DBS) and is in receipt of Disclosure information, it must, as an organisation, comply fully with the DBS Code of Practice. (*A copy of this Code is available from the Human Resource Department.*) In order to ensure compliance, the College is obliged to put in place a written statement on the recruitment of ex-offenders.
- 1.8 If any member of staff requires assistance with understanding or implementing this policy, particularly where the reasons for this are related to disability, religion or belief, sex, gender reassignment, sexual orientation, pregnancy or maternity, marriage or civil partnership, age or race they should contact the HR Department for advice.

Section 2: Status

- 2.1 This policy has been considered and approved by the Senior Management Team (SMT) of Neath Port Talbot College on 2 March 2011. It was approved by the Joint Information and Consultative Committee (JICC) of Neath Port Talbot College on 23 March 2011 and by the Human Resources Committee of the Corporation Board of Neath Port Talbot College on 11 May 2011.
- 2.2 The Policy and procedures have been reviewed by the HR Manager in conjunction with the Assistant Manager HR and Senior Officers: HR, the SMT of NPTC Group of Colleges on 4 December 2019 and the NPTC

Group of College's Joint Information and Consultative Committee (JICC) and was approved at the JICC meeting held on 18 December 2019.

- 2.3 This policy has undergone Equality & Linguistic Impact Assessment and the document is attached as Appendix 2.

Section 3: Policy

3.1 Policy Statement

- 3.1.1 As an organisation using the Disclosure and Barring Service (DBS) checking service to assess the suitability of applicants for positions of trust, NPTC Group of Colleges 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 conviction or other information revealed.
- 3.1.2 NPTC Group of Colleges 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 or mental disability or offending background that does not create risk to children and vulnerable adults.
- 3.1.3 The College has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- 3.1.4 The College actively promotes equality of opportunity and welcomes 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.
- 3.1.5 The College can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. A DBS check 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 DBS check is required, all job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

3.2 Scope

- 3.2.1 This policy document applies to all members of staff employed by the College and any potential members of staff.
- 3.2.2 This policy relates to the recruitment of ex offenders for all vacancies within the College.
- 3.2.3 The College's Recruitment of Ex-Offenders policy is available on SharePoint and College Website.

3.3 Accountability & Responsibility

- 3.3.1 Overall responsibility for compliance with the policy and implementation of the procedure resides with the Chief Executive Officer (CEO) and members of the Senior Management Team.
- 3.3.2 At an operational level the responsibility for managing the procedure in a responsible and professional manner resides with the HR Manager and designated HR staff as a key part of their responsibility.
- 3.3.3 The HR Manager and designated HR staff must adopt a pro active and consistent approach when implementing the Recruitment of Ex-Offenders policy.
- 3.3.4 The responsibility for cross college monitoring and evaluation of the effectiveness of the Recruitment of Ex Offenders policy resides with the Human Resource Department.

3.4 Policy Objectives

The objectives of the policy are:

- 3.4.1 To ensure that the College is compliant with the requirements of the Rehabilitation of Offenders Act 1974, the Police Act 1997, and the Safeguarding Vulnerable Groups Act 2006;
- 3.4.2 To ensure that the College is compliant with the DBS Code of Practice;
- 3.4.3 To detail the operational procedures of the policy;
- 3.4.4 To ensure that all new recruits and members of staff are treated fairly and consistently in line with good employment practice and employment legislation;
- 3.4.3 To respect confidentiality as required under the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 and any national implementing laws, regulation and secondary legislation as amended from time to time in the UK.

Section 4: Procedure

- 4.1 Owing to the nature of the positions which provide access to children, questions will be asked about an applicant's entire criminal record including "spent" and "unspent" convictions (except for certain convictions and cautions which are 'protected' so not subject to disclosure to employers and that cannot be taken into account), as defined in the Rehabilitation of Offenders Act 1974 and the Police Act 1997. All successful applicants will be required to submit an Enhanced Disclosure to the DBS. Under the provisions of the Safeguarding Act 2006 a number of people are barred from working in regulated activities

relating to children and vulnerable adults (see Appendix 1). As such, a conditional offer of employment made to a person who appears on the barred lists will be automatically withdrawn.

- 4.2 We encourage all applicants called to interview to provide details of their criminal record via a disclosure statement at an early stage in the selection process, except for certain spent convictions and cautions which are 'protected' and therefore not subject to disclosure to employers and that cannot be taken into account. We request that any information not subject to this filtering is sent under separate, confidential cover, to a designated individual in the HR Department, we assure applicants that this information will only be seen by those who need to see it as part of the recruitment process.
- 4.3 The College will ensure that all those 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.
- 4.4 In a separate discussion, outside of the recruitment process, we ensure that an open and measured exchange 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 a conditional offer of employment.
- 4.5 Following discussion of an offence, the conditional offer of employment will be held pending receipt of the disclosure from the DBS. Once received, a risk assessment will be carried out by a member of the College Executive Team, and a member of the HR Team, to determine whether the appointment would pose a risk to the children and/or vulnerable adults for which the College has a responsibility. If a potential risk is identified the conditional offer of employment will be retracted.
- 4.6 The College will make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request. Likewise the College will ensure that our policy on the recruitment of ex-offenders is available to all Disclosure applicants early in the recruitment process.
- 4.7 The College undertakes to discuss any matter revealed in a Disclosure or DBS check with the person seeking the position, before withdrawing a conditional offer of employment.

Section 5: Monitoring

- 5.1 The policy and procedure will be monitored by the HR Manager, the Assistant Manager: HR, DBS counter-signatories, and Senior Officers: HR.

Section 6: Review

- 6.1 The policy and procedure are to be reviewed by the HR Manager in conjunction with the Assistant Manager HR and Senior Officers HR, and will be tabled at SMT and JICC before final approval.
- 6.2 The policy will be reviewed bi-ennially.
- 6.3 The next date for review is December 2021.

Appendix 1

1. A person is barred from regulated activity relating to children if they are:
 - (a) included in the children's barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the children's barred list.

2. A person is barred from regulated activity relating to vulnerable adults if they are:
 - (a) included in the adults' barred list;
 - (b) included in a list maintained under the law of Scotland or Northern Ireland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Appendix 2



Equality and Linguistic Impact Assessment & Screening Document

This document is used to record the assessment of whether or not a policy, practice or provision - or a change to them - will have a negative or positive impact on the equality of a protected characteristic or on the use of the Welsh Language.

Stage 1 – Initial Screening

Firstly consider what item is being assessed and what is its purpose?
Using the boxes below, provide a description of the policy, practice or provision being assessed with a short statement about what the item is intended to achieve (its aims and objectives) and who is affected, eg staff, students, parents/carers, partners, etc.

<p>Description of item: Recruitment of Ex-Offenders Policy</p>
<p>Aims & objectives:</p> <p>To ensure that the College is compliant with the requirements of the Rehabilitation of Offenders Act 1974, the Police Act 1997, and the Safeguarding Vulnerable Groups Act 2006; and to ensure that the College is compliant with the DBS Code of Practice;</p>
<p>Those affected – eg staff, students, parents, partners etc</p> <p>This policy document applies to all members of staff employed by the College and any potential members of staff. This policy relates to the recruitment of ex-offenders for all vacancies within the College.</p>

Considering the item being assessed, use the boxes below to record your initial thoughts on the possible consequences for the nine protected characteristics and the use of the Welsh Language.

Protected Characteristic	Potential impact positive or negative
<p>Sex Also called gender, means a man or a woman</p>	<p>As offending and conviction rates are higher for males there will be a negative affect compared to females for this reason.</p> <p>There is potential positive impact for all protected characteristics as the policy aims to provide everyone with an opportunity to apply for and be selected for employment within the NPTC Group of Colleges.</p>
<p>Race Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins</p>	

Protected Characteristic	Potential impact positive or negative
<p>Age Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).</p>	
<p>Gender Re-assignment The process of transitioning from one gender to another</p>	
<p>Sexual Orientation Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p>	
<p>Religion & Belief Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>	
<p>Pregnancy & Maternity Pregnancy is when expecting a baby, Maternity refers to period after the birth</p>	
<p>Marriage & Civil Partnership Marriage - between same or opposite sex couples, Civil Partnership - between same sex couples</p>	
<p>Disability Any long term condition that effects day to day activity. Conditions include hearing, visually & physical impairment, learning disability, mental health, cancer, HIV & MS</p>	

Welsh Language	Potential impact positive or negative
<p>The Welsh Language (Wales) Measure 2011 establishes equal rights for Welsh speakers, based on the principle that the Welsh language should be treated no less favourably than the English language.</p> <p>The principle is enshrined as a set of statutory rights in the 182 Welsh language 'Standards' that apply to FE colleges (from 1 April 2018). Developers or reviewers of a policy must ensure that it complies with the relevant 'Standards' and consider whether it has a positive or negative impact on them.</p>	<p>No impact has been identified</p>
<p>Explanation – if appropriate</p>	
<p>Priority Level: medium</p>	

Stage 2 – Analysis

Based on the screening process above you will need to carry out analysis to verify your initial decision. Below you need to show what equality and linguistic analysis has been done on this item? List the evidence, data or sources used to analyse the impact of this item. (include any, data, reports, surveys or web links utilised in the process)

Protected Characteristics	Data Source & Findings
Sex	Home Office statistics show that 76% of convicted offenders are male and 24% are female.
Race	
Disability	
Sexual Orientation	
Age	
Pregnancy & Maternity	
Marriage & Civil Partnership	
Religion & Belief	
Gender Re-assignment	
The Use of the Welsh Language	
Welsh	

Stage 3 – Engagement / Consultation & Assessment

Following your analysis, you now need to record how you have assessed the item and who was engaged in the process. How an assessment of the equality and linguistic impact was reached, who was involved in the decision?

Group impacted	Nature of positive and / or negative impact or explanation for no identified impact
Sex	<p>As noted due to the disparity in offending and conviction rates males will more often be subject to scrutiny and possibly sanctions following disclosure of offences.</p> <p>As the policy is designed to ensure each individual case is considered thoroughly using a robust risk assessment process both male and female offenders could benefit from a positive outcome and impact.</p>
Race	
Disability	
Sexual Orientation	
Age	
Pregnancy & Maternity	
Marriage & Civil Partnership	
Religion & Belief	
Gender Re-assignment	
Welsh	

Stage 4 – Mitigation & Changes

Finally, detail what changes have been made or are scheduled for change following the assessment & engagement to reduce or eliminate any adverse impact?

Impact	Possible change	Recommended & actioned
Readability issues	Formatted in line with publication guidelines	Completed May 2016
Accessibility	Improved contact details and methods of contact	Completed May 2016

Statement of justification and mitigation where negative impact cannot be avoided**Record of Evidence****1. Consultation**

What consultation has taken place? (state when and who with)

Consultation process	Findings
JICC	
SMT	
https://www.gov.uk/seepotential attendance at Wales event in Cardiff May 2016 and feedback to HR & DMG	– will be looking at how to incorporate into the actions underpinning the new Strategic Equality Plan

2. Publication

When will the E&LIA be published?

Date and method:

As appendix 2 of the policy document

3. Monitor & Review

How will this item be reviewed & monitored

Lead person or group responsible and review dates :

The policy and procedure are to be reviewed by the HR Manager in conjunction with the Assistant Manager HR and Senior Officers HR,
The next date for review is February 2020.

Checklist

- Has the alternative format statement been included at the start of the policy document?
If you or someone you know would like this document in Welsh or an alternative format please contact the HR Unit at hr@nptcgroup.ac.uk or on 01639 648308.
- Has the document been formatted in line with NPTC Group of Colleges publication guidelines and policy template?
- Has the Equality & Diversity paragraph been included at the end of section 1 for all policies?
If any member of staff requires assistance with understanding or implementing this policy, particularly where the reasons for this are related to disability, religion or belief, sex, gender reassignment, sexual orientation, pregnancy or maternity, age or race they should contact the HR Unit for advice.
- When you have completed the paperwork please ensure it is added as an appendix to the relevant policy or procedure
- Any questions? please contact the HR Unit on 01639 648308 or by email hr@nptcgroup.ac.uk

Signature of Assessment Manager & other staff completing ELIA

Name (s) – please print

Signature (s)

Date