

Policy Statement on the Recruitment of Ex-Offenders and the Handling of DBS Disclosures

Introduction

All applicants who are offered employment will be subject to a criminal records check from the Disclosure & Barring Service (DBS) and any appointment will be subject to satisfactory clearance of this check and any other relevant pre-employment checks.

The Group uses a third party IDSP provider (certified Digital Identity Service Provider) to manage and process DBS applications, and undertakes Update Service checks internally.

The Group confirms that the possession of a criminal record will not necessarily bar an individual from working with South Thames Colleges Group. This will depend on the nature of the position and the circumstances and background of an individual's offence/s. The Group will make every individual that is subject to a Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

This policy statement is intended to record that South Thames Colleges Group ("the Group") is committed to treating disclosure applicants who have a criminal record fairly and that the Group will not unfairly discriminate because of a conviction or other information that is revealed. The Group monitors the fairness and equality of its decision making in respect of its responsibilities under the Equality Act 2010 and the Public Sector Equality Duty.

This policy statement is available on the Group Intranet and the Group external Careers site for recruitment applicants. Candidates are encouraged to contact the Groups HR team should they have difficulties in accessing this statement.

Scope of the Policy

This policy statement relates to the processes that the Group will follow to ensure that applicants that have a criminal record are treated fairly and to safeguard against individuals being discriminate against due to a conviction. This policy applies to all recruitment processes for both full-time, part-time, temporary, and volunteer positions within the South Thames Colleges Group. This policy may also apply to candidates presented to South Thames Colleges Group by recruitment agencies and other third party providers.

Disclosure and Barring Service Checks

All College sites within South Thames Colleges Group are educational establishments that provide education to children and vulnerable adults. The Group will assess a candidates suitability for the position they are applying for and is entitled to ask questions about a candidates criminal record.

A Disclosure is only requested after a process has been completed to conclude that it is relevant to the position. For positions where a Disclosure is required, all job adverts will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

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Where a Disclosure is advised as a part of the recruitment process, we encourage all applicants invited to an interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Candidates will be asked to disclose information about spent and unspent criminal convictions and cautions, unless they are protected, where an application for a DBS check at Basic or Enhanced Level is requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended).

Due to the nature of the activities of South Thames Colleges Group and the activities that individuals are employed to perform, these may be “excluded” jobs and professions under the Rehabilitation of Offenders Act 1974. The Group will make candidates aware of any implication in respect of this prior to them submitting an application.

To determine if a caution or conviction is protected and whether or not it should be disclosed in an application, candidates should refer to the relevant legislation, including the offences listed in The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

The Group actively promotes equality of opportunity for all individuals that can demonstrate the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. Candidates invited for interview are selected based on their skills, qualifications and experience.

As an organisation using the Disclosure and Barring Service (DBS) service to assess applicants’ suitability for positions of trust, South Thames Colleges Group complies fully with the DBS 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.

Consideration of a Positive Disclosure

In the circumstance where a candidate has disclosed that a DBS check may reveal information, and the Group is considering extending an offer of employment, identified senior managers within the Group will consider the information that has been disclosed to them to reach an informed and balanced decision as to whether the nature of the circumstances may bar the individual from appointment.

The Group ensures that the individuals that are responsible for making decisions in respect of the relevance and circumstances of an offence have been appropriately trained. The Group 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.

The Group will ensure that an open and measured discussion takes place on the subject of any offences, alongside other matters that might be relevant to the position, before considering if a conditional offer of employment should continue or be withdrawn. Consideration will include discussion of the background to the offences, the time that may have lapsed since the offences, satisfactory employment references and the level of potential risk within the post and the Group.

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If an individual fails to disclose information that is directly relevant to the position sought this could lead to the withdrawal of an offer of employment, or dismissal if identified at a later stage.

Handling and Processing of Data and Sensitive Information

South Thames Colleges Group processes employment information in line with the provisions of the General Data Protection Regulations and the DBS Code of Practice. Further information on the Groups Data Protection Policy can be located on the Group's website.

All documentation provided to South Thames Colleges Group as a part of the DBS application process, including in respect of processing Update Service checks, are held securely on the Groups HR system, which is secured via Two Factor Authentication.

The Groups third party provider for DBS checks and their certified IDSP are extensively certified and meet the provisions of the General Data Protection regulations.

Only relevant identified HR and senior staff are entitled to see any information provided as a part of the DBS application process, and confidential disclosure process. Visibility is limited to the application process and consideration of any positive disclosures.

All staff are aware of their obligations in respect of confidentiality regardless of their responsibility within the process.

In line with the provisions of Keeping Children Safe in Education, the Group is required to review all DBS certificates issued as a part of the recruitment process. Any information issued by the Disclosure and Barring Service, and provided by the candidate to the Group is kept securely and confidentially destroyed within 6 months of receipt or on conclusion of the recruitment process, whichever is sooner.

The Group retains limited information in respect of DBS applications, limited to information required to demonstrate that it has met its statutory responsibilities. Decisions made in respect of a positive disclosure are considered, recorded and kept confidentially and securely in line with the provisions of the DBS Code of Practice. Anonymised information is retained only for statistical or statutory purposes and to monitor the impact of decisions that have been reached. No information is published which allows any individual to be identified.

Review of this procedure

This procedure has been written in the light of a number of statutory regulations and will be reviewed every 3 years, or more frequently if there is a change in legislation or guidance.

An Equality Impact Assessment (EqIA) has been conducted for the procedure to evaluate its effect on different groups, and changes made where needed.

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