

PETROC

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

As an organisation using the Disclosure and Barring Service (DBS) to access applications' suitability for positions of trust, Petroc 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.

Petroc 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
- offending background

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 relevant experience.

A Disclosure 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 Disclosure is required, all application forms, job adverts and descriptions will contain a statement that a Disclosure will be requested for the successful applicant.

- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is provided on the confidential application form and, if necessary on a separate sheet to the Human Resources Office at Petroc. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- In the light of clear government instructions about what organisations must do where they have involvement with people under the age of 18 or other vulnerable people. Petroc policy is to request what is called an Enhanced Disclosure as we have to take the view that everybody that works here has access to people in the categories I have described. An Enhanced Disclosure allows Petroc access to your entire criminal record, whether 'spent' or 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Petroc 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.

- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place of the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a Criminal Record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstance and background of the offences.

Human Resources Office

PETROC

POLICY STATEMENT

SECURE STORAGE, HANDLING, USE RETENTION & DISPOSAL OF DISCLOSURES & DISCLOSURE INFORMATION

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applications for positions of trust, Petroc complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Storage and Access

Disclosure information should be kept securely, in lockable, non portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosure or Disclosure information has been revealed and it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. Whilst awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy of representation of the contents of a Disclosure.

However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Acting as an Umbrella body

Petroc does not act as an Umbrella Body for any other Organisation.

Human Resources Office

Guidance Notes to applicants on disclosing information about cautions and convictions in their applications

Petroc is an educational establishment that provides education to children and vulnerable adults. Therefore the College needs to assess your suitability for the position you are applying for and is entitled to ask questions about your criminal record.

You are required to disclose certain information concerning your criminal cautions and convictions. You must disclose information about spent and unspent criminal convictions (other than a protected conviction) and spent and unspent cautions (other than a protected caution).

You are not legally required to disclose information concerning protected cautions and convictions. To determine if your caution or conviction is protected and whether or not you need to disclose it in your application, you need to 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](#).

Applicants who were over the age of 18 when the caution or conviction was issued

Do I need to disclose my conviction?

If your answer to any of the following 3 questions is 'yes', you will need to disclose your conviction:

- 1) Is the conviction for a listed offence?
- 2) Did you receive a custodial sentence/sentence of service detention?
- 3) Have you been convicted of any other offence at any time?

If you answered 'no' to the above 3 questions, have 11 years or more passed since the date of the conviction?

If less than 11 years have passed since the time of the conviction, you will still need to disclose it.

Do I need to disclose my caution?

- 1) Is the caution for a listed offence?

If your answer to question 1 above is yes, you will need to disclose your caution.

If your answer to question 1 above is no and you were over age 18 at the time of the caution, have 6 or more years passed since the time of the caution?

If less than 6 years have passed since the time of the caution, you will still need to disclose it.

Applicants who were under the age of 18 when the caution or conviction was issued

Do I need to disclose my conviction?

If your answer to any of the following 3 questions is 'yes', you will need to disclose your conviction:

- 1) Is the conviction for a listed offence?
- 2) Did you receive a custodial sentence/sentence of service detention?
- 3) Have you been convicted of any other offence at any time?

If you answered 'no' to the above 3 questions, has 5 years and 6 months or more passed since the date of the conviction?

If less than have 5 years and 6 months have passed since the time of the conviction, you will still need to disclose it.

Do I need to disclose my caution?

- 1) Is the caution for a listed offence?

If your answer to question 1 above is 'yes', you will need to disclose your caution.

If your answer to question 1 above is 'no', has 2 or more years passed since the time of the caution?

If less than 2 years have passed since the time of the caution, you will still need to disclose it.

All cautions and convictions for specified serious violent and sexual offences, as well as other offences relating to the safeguarding of children and vulnerable adults will **always** need to be disclosed. Applicants are strongly encouraged to refer to the extensive list of such offences which is available on the [Disclosure and Barring Service website](#). The list of offences will be kept updated to reflect changes to legislation in the future.

In the event that you are offered employment, any failure to disclose unprotected convictions or cautions could result in disciplinary action which may lead to your dismissal from the College. For this reason, if you are unsure about how the law applies to you, you are encouraged to seek legal advice before making your application.

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.

Human Resources Office – August 2014