



Introduction

Middlesbrough College Group is committed to creating equal access to opportunities for paid work and voluntary involvement, while continuing to base selection and promotion solely on ability to meet the requirements of the post. This is irrespective of age, disability, gender, marriage, civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation, irrelevant offending background, responsibility for dependents, economic status or political values.

Middlesbrough College Group will not discriminate unlawfully against any applicant based on a conviction or other information revealed.

This policy applies to all staff and volunteers, including potential staff/volunteers applying for roles at Middlesbrough College Group, and is made available to applicants at the outset of the recruitment process.

Background

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat Disclosure & Barring Services (DBS) Applicants who have a criminal record fairly and not to discriminate automatically because of a conviction or other information revealed.

The Code also obliges registered bodies to have a written policy on the Recruitment of Ex-Offenders, a copy of which can be given to DBS Applicants at the outset of the recruitment process, should it be requested.

Additional Information

On the 29 May 2013, legislation came into force that also allows certain old and minor cautions and convictions to no longer 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.
- In addition, all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevant 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.

Further information regarding “filtering of old and minor cautions and convictions” which are now protected so not subject to disclosure to employers is available on the Disclosure & Barring Services (DBS) Website.

Policy Statement

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), Middlesbrough College Group complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

Middlesbrough College Group undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed during the recruitment process.

Middlesbrough College Group can only ask an individual to provide details of convictions and cautions that Middlesbrough College Group 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), Middlesbrough College Group can only ask an individual about convictions and cautions that are not protected.

Middlesbrough College Group 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.

Middlesbrough College Group 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.

Middlesbrough College Group selects all candidates for interview based on their skills, qualifications and experience.

An application for a Criminal Record Check is only submitted to the Disclosure & Barring Service (DBS) after a thorough Risk Assessment has indicated that one is both proportionate and relevant to the position concerned.

For those positions where a Criminal Record Check is identified as necessary, all Application Forms, Job Adverts and recruitment briefs will contain a statement that an application for a DBS Certificate will be submitted in the event of the individual being offered the position.

Middlesbrough College Group ensures that all staff involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Middlesbrough College 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.

Please also refer to the Staff **Staffing & Recruitment Appointment Policy & Guidelines**

Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an Offer of Employment.

Middlesbrough College Group will ensure that individuals that are subject to a Disclosure & Barring Service Check are aware of the existence of the Code of Practice and will also make a copy available, if requested.

Middlesbrough College Group undertakes to discuss any matter revealed on a Disclosure & Barring Service (DBS) Certificate with the individual seeking the position before withdrawing a Conditional Offer of Employment.