



## Introduction

Middlesbrough College is committed to ensuring that recruitment and selection are conducted in line with best practice and promote equality of opportunity for all.

We recognise the importance of recruiting from as wide a pool of talent as possible, based on merit and ability, without unreasonably excluding ex-offenders.

As Middlesbrough College is exempt from the Rehabilitation of Offenders Act 1974, applicants for roles involving regulated activity are required to disclose relevant convictions and cautions (excluding exemptions) if shortlisted for employment.

These roles will also be subject to an enhanced Disclosure and Barring Service (DBS) check, including a barred list check.

Having a criminal record will not necessarily bar you from working at our college. Each application is considered on its own merits, taking into account the nature of the role and the circumstances and background of any offences.

We are committed to:

- Safeguarding children and young people, in line with [Keeping Children Safe in Education](#)
- Following [the DBS code of practice](#)
- Treating all applicants fairly and promoting equality of opportunity

## 2. Scope of policy

All employees of the College who are involved in any stage of the recruitment and selection process should be aware of, and adhere to, the contents of this policy. In addition, any external recruiting bodies who assist with the recruitment process must also act in accordance with this policy. It is the responsibility of the Human Resource Department to ensure that the external body is provided with a copy of this policy.

Professional advice and support are available at all stages of the recruitment process from the Human Resources Department. This policy applies equally to those individuals engaged directly with the college including Governors, those undertaking voluntary work or work experience placements, as well as those engaged in alternative routes such as through other organisations including recruitment agencies.

## 3. Protections and exemptions

'Specified offences' will always be disclosed on a DBS certificate and should always be included in self-declarations – see the [government's list](#) for further details.

It is a criminal offence for any person who is barred from working with children to apply for a position in a school / college. Middlesbrough College will make a report to the DBS and/or the police as appropriate, if it receives an application from a barred person.

**‘Protected offences’** are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is ‘protected’ can be found in:

- The Ministry of Justice’s [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- The government’s tool to [check whether to disclose cautions or convictions](#)

Applicants **should not** list any ‘protected’ offences on their self-declaration form, and we will not take them into account if we are made aware of them.

## 4. Process

Disclosure of “spent” or “unspent” convictions, cautions, bind-overs or reprimands will not normally be the sole criterion in deciding a person’s fitness for work unless that person is disqualified by the Court or the Department of Education from working in a college.

The College will adhere to the DBS’s Code of Practice. This is designed to ensure the Disclosure Information is used fairly, sensibly, and confidentially.

The College will:

- a) Fully consider the relevance of any conviction.
- b) Ensure recruitment information for each post contains a statement that Disclosure will be requested of a successful applicant.
- c) Encourage applicants to declare convictions and encourage confidence in our policy not to automatically exclude ex-offenders.
- d) Ensure this policy is available on request and is available on the college website.
- e) Train recruiters in the use of the policy and the DBS guidelines.

The Human Resources department will facilitate all applications for DBS certificates and will ensure that the appropriate level of check is undertaken, including the relevant barred list checks depending on the post.

The College will only request “Disclosure” information from an applicant who is offered the post.

The College will only seek “Disclosure” from an existing employee when they are transferred from a post which does not require a disclosure to a post which requires one, such as where they move into a role where a ‘Vulnerable Adults Barred List’ check is required and has not been previously undertaken, or where it is discovered that they have failed to disclose new convictions, or when information comes to the College’s attention which causes concern.

A full risk assessment will be undertaken, including discussing information on disclosures with candidates to ascertain further information.

In the case of an existing employee, the individual's service record and the nature of the undisclosed conviction will be considered. The College reserves the right to invoke the Disciplinary Procedure as appropriate.

## 5. The process for disclosing and assessing previous convictions

### 5.1 Self-declaration

All shortlisted applicants will be asked to complete a self-declaration form before the interview stage. This form asks about any criminal record or other information that may make someone unsuitable to work with children, in line with Keeping Children Safe in Education (KCSIE). Applicants must complete these forms accurately and honestly, declaring all relevant convictions and cautions (except those that are 'protected' or filtered), as well as any other information that could affect their suitability for the role.

We will check that the information provided on the application form and the self-declaration form matches. Any discrepancies or evidence of dishonesty may be considered when assessing suitability for the role and could result in the withdrawal of an offer of employment or, if discovered later, dismissal.

Self-declaration forms are reviewed by a member of the HR team who is not involved in the recruitment decision. Any information that is not legally relevant (such as protected convictions) will be disregarded and deleted. If there is something to discuss, a member of the HR team will have a private conversation with the candidate—either face to face on the day of the interview or separately over the phone. This discussion will usually take place outside of the main interview panel.

All sensitive personal data will be stored securely, shared only with relevant staff, and destroyed securely when no longer needed.

The purpose of self-declaration is to allow candidates to share relevant information and for this to be considered before a DBS certificate is received. A conditional offer of employment may only be confirmed once the college is satisfied that any previous convictions or other information do not make the applicant unsuitable for the role.

### 5.2 Disclosure discussions

A DBS application will only be initiated after a conditional offer of employment has been made to the successful candidate. No applicant will be asked to complete a DBS check prior to this stage.

Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further, and they will be informed that they legally cannot be considered for the job.

If a DBS certificate reveals any information (such as convictions, cautions, or other relevant police information), a formal DBS risk assessment meeting will be held with the candidate, a member of the HR team, and a Designated Safeguarding Lead (DSL) or Deputy.

The purpose of this meeting is to risk assess the individual's suitability for the role and their ability to work with children. During the meeting, the panel will review the details of the disclosure as shown on the DBS certificate, and the candidate will be given the opportunity to explain the circumstances of any offences or information disclosed.

The panel will consider the nature and seriousness of the offence(s), the relevance to the role (including whether the post involves direct contact with children or vulnerable adults), the time elapsed since the offence(s), whether there is a pattern of offending or a one-off incident, any evidence of rehabilitation or change in circumstances, whether the applicant disclosed the information at the earliest opportunity, any mitigating circumstances provided by the applicant, and the level of supervision and safeguards that can be put in place if employment proceeds.

The risk assessment will be documented, and a decision will be made regarding the applicant's suitability for the role. The outcome will be communicated to the applicant once a decision has been reached.

We will not ask applicants about protected convictions and cautions, in line with current legislation.

## 6. Related policies

- Child and Vulnerable Adult Protection Policy and Procedures
- Data protection policy
- Equal opportunities policy
- Safer recruitment policy