

## **THE UNIVERSITY OF BOLTON**

### **RECRUITMENT OF EX-OFFENDERS POLICY**

#### **1.0 Introduction**

The aim of this policy is to state the University of Bolton's approach towards employing people who have criminal convictions.

The University is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, and knowledge and where appropriate, qualifications and training.

As a good employer the University recognises its social responsibilities and its position within the local community and appreciates the important role that continuity of employment can play in the rehabilitation process of ex-offenders when matched with appropriate posts.

The University will therefore consider ex-offenders for employment on their individual merits. The University's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

#### **2.0 Jobs covered by the Rehabilitations of Offenders Act 1974**

The University will not automatically refuse to employ a particular individual just because he or she has had a previous criminal conviction.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he or she has applied, the University will review the individual circumstances of the case and may at its discretion decline to select the individual for employment in that particular role.

#### **3.0 Job covered by the Rehabilitation of Offenders Act 1974**

If the job into which the University is seeking to recruit is one of the excluded job listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, the University will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned). Even in these circumstances, however, the University will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

#### **4.0 Data Protection**

The University processes information about an individual's criminal convictions in accordance with the University's Data Protection Policy 2018 and associated documentation which can be found on the University Governance web pages: <https://www.bolton.ac.uk/about/governance/>.

In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the University's Data Protection Policy immediately. It may also constitute a disciplinary offence which will be dealt with under the University's Disciplinary Procedure.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to his or her personal file.

#### **5.0 The Recruitment Process**

When applicants have declared a criminal conviction, on the 'Confidential Record' part of their application form, and have been shortlisted for an interview, the dedicated Human Resources (HR) Administrator will issue the individual with form (Appendix A) to complete with respect to their criminal conviction, caution, reprimand or outstanding criminal proceedings.

Under the Rehabilitation of Offenders Act 1974, following a specified period of time which varies according to the disposal administered or sentence passed, cautions, convictions (except those resulting in prison sentences of over four years and all public protection sentences\*) may become spent. As a result the offender is regarded as rehabilitated.

An applicant with a criminal record is not required to disclose any spent convictions unless the position they are applying for is listed as an exception under the 1974 Act. A list of convictions and the time it takes for them to be spent is provided with the form.

On completion the form should be sealed in an envelope and will be passed to the Chair of the Recruitment Panel at interview and will not be opened unless an offer of appointment is made. Otherwise the envelope will be destroyed.

The Chair of the Panel and a representative from HR will have an open and measured discussion with successful interview candidates on the subject any convictions, cautions, reprimands or outstanding criminal proceedings that might be relevant to the position. Please note that failure to reveal information that is directly relevant to the position could lead to withdrawal of an offer of employment (or dismissal, if your employment has commenced).

Where individuals have disclosed to the University that they have committed a criminal offence, or where a DBS check or basic disclosure has revealed this, the Line Manager, supported by a representative HR, will conduct an objective assessment of the impact that this should have on the individual's employment. The outcome of this assessment will be discussed with the individual.

It is the responsibility of Heads of Schools and Services to identify the need for a DBS check, and at what level, and to make the necessary request.

It is the responsibility of employees to comply with the process and provide all relevant information and keep the University updated regarding any changes in terms of convictions and/or associated information.

For information regarding the University policies relating to the Disclosure and Barring Service (DBS) please visit the information held at:

<https://www.bolton.ac.uk/about/governance/policies/student-policies/>

\*A public protection sentence is a sentence of imprisonment or detention imposed for specified sexual and violent offences. These sentences include imprisonment or detention for public protection, extended sentences of imprisonment or detention for public protections, and extended determinate sentences.

**STRICTLY PRIVATE AND CONFIDENTIAL**

This form has been sent to you as you have been shortlisted for interview for a role at the University of Bolton and have declared, on your application form that you have a criminal conviction, caution, reprimand or final warning that is not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

<https://www.legislation.gov.uk/ukpga/1974/53/contents>

Please provide details by completing this form and sealing it in an envelope. The envelope can be passed to the Chair of the recruitment panel at interview and will not be opened unless an offer of appointment is made. Otherwise, the envelope will be destroyed. (Confidential envelopes can be provided on the day of the interview if required).

Under the Rehabilitation of Offenders Act 1974, following a specified period of time which varies according to the disposal administered or sentence passed, cautions, convictions (except those resulting in prison sentences of over four years and all public protection sentences\*) may become spent. As a result the offender is regarded as rehabilitated.

A person with a criminal record is not required to disclose any spent convictions unless the position they are applying for is listed as an exception under the 1974 Act. A list of convictions and the time it takes for them to become spent is listed overleaf.

If the post involves regular contact with children and/or vulnerable adults, it is the University's normal policy to consider it a high risk to employ anyone who has been convicted at any time of the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious Class A drug related offences, robbery, burglary, theft, deception or fraud.

Criminal conviction, caution, reprimand or final warning			
Details: (please continue on a separate sheet if required)			
Post Applied For:			
Name:		Date:	
Signature:			

\*A public protection sentence is a sentence of imprisonment or detention imposed for specified sexual and violent offences these sentences include imprisonment or detention for public protection, extended sentences of imprisonment or detention for public protection, and extended determinate sentences.

How long will it take before a caution or conviction becomes spent?

<b>Sentence/Disposal</b>	<b>Buffer Period for Adults (18 and over at the time of the conviction or the time the disposal is administered). This applies from the end date of the sentence (including the license period)</b>	<b>Buffer Period for Young People (under 18 at the time of the conviction or the time the disposal is administered). This applies from the end date of the sentence (including the license period).</b>
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2.5 years) and up to and including 48 months (4 years)	7 years	3.5 years
Custodial sentences of over 6 months and up to and including 30 months (2.5 years)	4 years	2 years
Custodial sentences of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months

\*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

\*\*In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have 'buffer periods' and for which the rehabilitation period runs from the date of conviction:

<b>Sentence/Disposal</b>	<b>Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).</b>	<b>Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).</b>
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Condition caution and youth condition caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Taken from 'New Guidance on the Rehabilitation of Offenders Act 1974' 14 March 2014 GO