



**UNIVERSITY of
WORCESTER**

POLICY ON THE RECRUITMENT AND EMPLOYMENT OF PEOPLE WITH CRIMINAL RECORDS

This Policy applies to all staff of the University of Worcester and any of its subsidiaries and is also of relevance to those applying for a role to work for or at the University. References to 'the University' within this policy therefore apply to the University of Worcester or any of its subsidiaries.

1. The Policy

- 1.1 This Policy, and accompanying procedures, provide the framework for the University's approach to the employment of those with a criminal background, and outlines the way in which the University works within relevant legislation, particularly the Rehabilitation of Offenders Act 1974 (amended 2023), the Safeguarding Vulnerable Groups Act 2006, the Protection of Freedoms Act 2012 and DBS Filtering Rules (amended 2023).
- 1.2 In line with its Strategy the University is strongly 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.
- 1.3 The University aims to ensure that any staff that are involved in recruitment and selection processes have been suitably trained to identify and assess the relevance and circumstances of offences, and have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders including the Rehabilitation of Offenders Act 1974 (amended 2023), Safeguarding Vulnerable Groups Act 2006, the Protection of Freedoms Act 2012 and DBS Filtering Rules (amended 2023).
- 1.4 If a person deliberately withholds information to gain employment, even for roles that may be deemed to be of the lowest risk, the University retains the right to take disciplinary action up to and including dismissal. This action may not be directly related to previous offences but will be based on the fact of non-disclosure itself, which potentially calls the individual's integrity into question.
- 1.5 Current employees of the University who are convicted of a criminal offence must disclose this fact to HR at the earliest possible opportunity. Failure to do so may jeopardise employment status. In most cases, this will not include motoring offences, unless driving is included within the role descriptor/person specification.
- 1.6 Staff engaged in regulated activity have an ongoing duty to inform the University immediately if they are:
- Convicted of a criminal offence
 - Cautioned or reprimanded
 - Charged with a relevant offence
 - Subject to a barred list inclusion
- Failure to disclose such information may be treated as a disciplinary matter and may jeopardise employment status.
- 1.7 Should a caution, conviction or bind over of a current University employee come to light, whether through self-disclosure, discovery (e.g. through the media) or through DBS procedures, HR will carry out a risk assessment to identify whether the conviction is relevant, whether there is a significant risk to any party, University property or University reputation and whether this risk can reasonably be reduced, for example through the introduction of safeguards or redeployment to another role and/or department. Individual's terms and conditions of employment may need to be amended as a result of this investigation.
- 1.8 This risk assessment will be based on the following criteria:
- a) the extent of one to one contact with children or other vulnerable groups as employees, client or other associated people, within the post
 - b) the level of supervision the postholder will receive
 - c) the responsibility for finance or items of value
 - d) the contact with the public
 - e) any opportunities within the post for the postholder to re-offend

- f) the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property
- g) the length of time since the offence occurred
- h) any information offered by the applicant about the circumstances which led to the offence being committed
- i) whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- j) whether the offence was a one-off or part of a history of offending
- k) the country in which the offence was committed
- l) whether the offence has since been decriminalised by Act of Parliament (or equivalent if not committed in the UK)
- m) the degree of remorse, or otherwise, expressed by the applicant and their motivation to change

1.9 Whilst the University will make every reasonable effort to mitigate any risks arising from an individual's conviction, should it be identified that there are issues of significant risk that cannot be mitigated, termination of employment will be considered.

1.10 Risk factors to be taken into account when considering the need to carry out a DBS check are contained within the University's Procedure for Managing Disclosure and Barring Service

2. Disclosure of unspent convictions

2.1 Under the provisions of the Rehabilitation of Offenders Act (ROA), a person with a conviction for an offence may be rehabilitated and allowed to treat the conviction as if it had never occurred. The conviction therefore becomes 'spent' and it is then illegal for an employer to discriminate against the person for that reason during the recruitment process. The Act obliges candidates to determine whether a conviction is regarded as 'spent'. Applicants will only be required to disclose convictions and cautions that they are legally obliged to disclose.

2.2 Eligible convictions or cautions become 'spent' after a specified period of time, known as the 'rehabilitation period'. The 'rehabilitation periods' depend on the sentence or disposal imposed and the person's age at the time of the conviction. Custodial sentences become 'spent' after specified rehabilitation periods, however, custodial sentences of more serious sexual, violent or terrorist offences continue to never be 'spent'. The University will rely on most recent Government guidance to ensure ongoing compliance. Candidates are advised to seek further guidance if they are unclear (for example from <https://www.gov.uk/guidance/rehabilitation-periods> or organisations such as [NACRO](#) or [Unlock](#)).

2.3 The University retains the right to take disciplinary action up to and including dismissal if a person does not disclose an unspent conviction at the point of employment.

2.4 Details of any unspent convictions will be requested from any individual who is invited to a selection event and will be submitted anonymously to Human Resources only.

2.5 If necessary and if the individual has given consent via the application form, references seeking information about the offences may be taken up before a decision is made (for example, from a probation officer or specialist employment organisation). Following receipt of such information a decision regarding whether to proceed with the appointment will be taken.

2.6 Should prospective employees disclose convictions that are deemed relevant to the post, the individual may be invited to discuss details with a member of HR. This discussion will be based upon the assessment criteria outlined in paragraph 1.8 of this procedure and will only take place following a decision to appoint.

- 2.7 Any points raised, either through direct discussion with the candidate or in relation to the original disclosure itself will be drawn to the attention of the selectors if the HR representative believes that the matter is relevant and that specialist input from the selecting team is necessary.
- 2.8 All information obtained from applicants who are not appointed will be destroyed immediately following the selection event; information obtained from successful applicants will also be destroyed after a note is placed on their HR file noting that a conviction was listed, risk-assessed and approved. Details of the nature of the conviction(s) will not be kept.
- 2.9 Candidates are reminded that, where an open and measured discussion is required to take place on the subject of any offences or other matter that might be relevant to the position, failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or termination of a contract already issued.
- 2.10 Should an individual wish for feedback at the end of this process, this will be carried out by the HR officer and the Chair of the appointments panel if deemed appropriate.

3. Disclosure and Barring Service Checks

- 3.1 The ROA does not apply to all occupations, particularly those engaging in 'regulated activity'. The Act provides protections for individuals with spent convictions and cautions in certain employment contexts, however, there are exceptions where individuals may still need to disclose their spent convictions, such as in roles that require a standard or enhanced DBS criminal record check. It is essential for individuals to understand the specific job requirements and any relevant legislation that may apply to their situation.
- 3.2 More detail on this is provided in the University's Procedure for Managing Disclosure and Barring Service Checks (DBS). Reference can also be found in the University's Policy for Safeguarding Children and Vulnerable Adults.
- 3.3 As an organisation using the Disclosure & Barring Service (DBS) to assess applicants' suitability for positions of trust, the University complies fully with the DBS Code of Practice.
- 3.4 In accordance with current DBS Filtering Rules, certain old and minor cautions and convictions will not appear on Standard or Enhanced DBS certificates. The University will not ask applicants to disclose, and will not take into account, any cautions or convictions that are protected (filtered) under current legislation. Applicants will only be asked to disclose information that they are legally required to disclose.
- 3.5 A DBS check is only requested after an assessment has indicated that one is both proportionate and relevant to the position concerned. When a job is assessed as eligible for a DBS check the advertised job description will indicate that a DBS check will be requested in the event of the individual being offered the position.
- 3.6 There is normally no requirement for current staff, who have provided a DBS Check to HR prior to appointment, to be 're-checked' at intervals. The only potential exception to this is for individuals who work in the Institute of Education and who are involved in regularly visiting and assessing students within their school placement setting. In such cases the school may expect that the member of staff concerned has been DBS checked within the last three years or has subscribed to the DBS update service. Further information regarding the DBS Update Service is available at: <https://www.gov.uk/dbs-update-service> Staff are reminded, however, of Paragraphs 1.5 and 1.6 of this Policy, which requires disclosure of any subsequent criminal offence. Additionally, a change of role within the University or a break in service between roles with the University may, require a further DBS Check if the new job is eligible.
- 3.7 Where a DBS check is required any information disclosed is only made available to those who need to see

it as part of the recruitment process. Note: It is a criminal offence however for an individual who is barred from regulated activity to apply for, offer to do, or engage in a role that is defined as 'regulated activity'. Where a barred status is identified, the University will follow its safeguarding procedures and will be obliged to make a referral to the appropriate authorities (e.g. the Police) in accordance with the Safeguarding Vulnerable Groups Act 2006. This is known as the legal duty to refer.

- 3.8 The University undertakes to offer discussion regarding any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.
- 3.9 Candidates are reminded that, where an open and measured discussion is required to take place on the subject of any offences or other matter that might be relevant to the position, failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or termination of a contract already issued.
- 3.10 For posts that are exempt from the Rehabilitation of Offenders Act, appointments are subject to DBS checks. Individuals will be notified of the University procedure for carrying out such checks. Should information provided in the DBS check contradict that provided by the individual, these will be discussed in an interview with the named officer and the Chair of the appointments panel. Applicants are entitled to appeal to the DBS Disputes Department if they think a mistake has occurred.

4. Data Security

- 4.1 Information disclosed regarding criminal convictions or through DBS checks will not be released to any individual or organisation not authorised to receive it under Section 124 of the Police Act Part V 1977.
- 4.2 The nominated HR disclosure managers will ensure that Disclosures will only be released to individuals who need access in the course of their duties.
- 4.3 Where, during the process of recruitment and selection, self-disclosed information or that emanating from a DBS Check needs to be kept (e.g. for the purposes of risk assessment), it will be stored securely and in line with the University's Document Retention Schedule.
- 4.4 A record of the date of disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken will be retained in accordance with DBS advice. Such records will be kept securely and in line with the University's Document Retention Schedule.
- 4.5 Information from individual disclosures or completed DBS Checks will normally be securely disposed of immediately following the conclusion of the associated recruitment and selection processes. Criminal offence data will be retained only for as long as necessary in accordance with the University's Document Retention Schedule. The University does not retain copies of DBS Check outcomes and only retains, against the individuals' HR record, the DBS certificate number and date.

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Date of Commencement	January 2014
Amendment Dates	Revisions April 2021 & March 2026
Date for Next Review	March 2029
Related Policies, Procedures, Guidance, Forms or Templates	Equality Diversity and Inclusion policy
Policy/Policies Superseded by this document	n/a
Related Policies, Procedures, Guidance, Forms or Templates	Safeguarding Policy Procedure for Managing Disclosure and Barring Service Checks
Policy/Policies Superseded by this document	Policy on the Employment of People with Evidence of Criminal Records (January 2002)