

Purpose & Scope

The Rehabilitation of Offenders Act 1974 was introduced to ensure that ex-offenders who have not re-offended for a period of time since the date of their conviction are not discriminated against when applying for a job as they are not legally required to disclose to organisations convictions that are 'spent' unless the job they are applying for is exempted from the Act. All employees of Furness College are subject to either a DBS enhanced disclosure or a DBS enhanced disclosure with barred lists check(s).

Because of the nature of the work for being applied for, posts within Furness College are 'exempt' from the provisions of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders (Exceptions) Order 1975 as amended. Applicants are therefore required to disclose any convictions, bind-overs or cautions including those which for other purposes are 'spent' under the provisions of the Act. In the event of employment any failure to disclose such convictions will result in dismissal. Any information given will be completely confidential.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the [Ministry of Justice website](#).

Furness College is dedicated to safeguarding and the promotion of the welfare of all learners, and expects all colleagues to share in this commitment. As such, employment at Furness College is subject to an Enhanced DBS Check via the Disclosure and Barring Service (DBS).

There are four types of Disclosure and Barring Service (DBS) checks:

Basic disclosure: Shows details of unspent convictions only.

Standard disclosure: Shows details of spent convictions, unspent convictions and cautions that have not been filtered.

Enhanced disclosure: Shows details of spent convictions, unspent convictions and cautions that have not been filtered. Includes a check of local police records.

Enhanced disclosure with barred lists check: Shows details of spent convictions, unspent convictions and cautions that have not been filtered. Includes a check of local police records and the barred lists held by the DBS.

Policy Statement

We are committed to 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.

Having a criminal record is not necessarily a bar to working at Furness College, although having certain criminal convictions may preclude individuals from some posts which involve working with children or vulnerable adults. A DBS enhanced disclosure will show details of convictions, cautions, reprimands, final warnings or non-conviction information. It will also show whether, under Schedule 4 of the Criminal Justice and Courts Services Act 2000, the person is banned from working or seeking work with young people under the age of 18.

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), Furness College complies fully with the code of practice and undertakes to treat all applicants for positions fairly, and all applicants can access that information here [code of practice](#)

Furness College 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, and undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. As part of this commitment Furness College ensures that all those who have access to disclosures in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences, including 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

As part of the recruitment process, Furness College ensures that an open and measured discussion takes 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.

Offers of Employment

All offers of employment will be conditional on the job applicant satisfying our usual requirements for employment (for example to provide satisfactory references and evidence establishing their right to work in the UK).

In addition, our offer of employment will be conditional on satisfactory completion of DBS checks. In the event that a job applicant refuses to agree to an application to the DBS, or a DBS check is completed but they refuse to allow us to see the DBS certificate, the job applicant will be treated as not having satisfactorily completed the DBS check.

Job applicants will not, without exception, be permitted to commence employment with our organisation until all required conditions are satisfied.

Not all criminal convictions will be a bar to employment. We will consider the results of a DBS check on an individual basis and will act in a proportionate manner when deciding whether to proceed with

an appointment to the post in question. However, the protection and safeguarding of children and vulnerable adults is our primary concern.

Furness College undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Document Control		Linked Policies/Strategies	Linked Procedures
Policy	Recruitment of Ex Offenders	Recruitment & Selection Policy Safeguarding Policy Single Equality Scheme	
Responsibility	Head of Human Resources		
Approval Date	November 2023		
Review Date	November 2025		
Approval Group	Quality	SLT	F&R