



POLICY ON EMPLOYING PEOPLE WITH CRIMINAL RECORDS

Policy Statement

The University of Chichester (the University) aims to promote equality of opportunity and welcomes applications from all candidates, whatever their background.

As part of our recruitment procedure we ask applicants to inform the Head of Human Resources if they have any previous conviction under the Rehabilitation of Offenders Act 1974. Wherever an applicant declares a previous conviction it will fall within the remit of this policy and procedure.

Criminal records are taken into account for recruitment purposes **only** when the conviction is relevant to the work to be undertaken by the person if appointed to the post. Having an "unspent" conviction will not necessarily bar an applicant from employment; this will depend on the circumstances and background to the offence with regard to the post applied for.

Unless the nature of the work requires it (e.g. academic posts), applicants will not be asked to disclose convictions which are "spent" under the Rehabilitation of Offenders Act 1974.

Process

1. Individuals who are applying for posts that are exempted under the Rehabilitation of Offenders Act (Exceptions) Order 1975 will be notified through the interview process that the post requires the disclosure of all criminal record information, including details and dates of "spent" convictions, reprimands and final warnings.
2. The appointed candidate will be required to obtain an appropriate disclosure certificate from the Criminal Records Bureau for any post which requires it, in the view of the University. The level of certificate required will be specified in the interview documentation.
3. Details of convictions under the Rehabilitation of Offenders Act **must** be submitted to the Head of Human Resources in a sealed envelope at least 3 working days prior to the interview.
4. In exceptional circumstances, if the nature of the offence(s) is considered by the Head of Human Resources and Vice-Chancellors Group to be (a) highly relevant to the post **and** (b) serious enough to bar the person from employment within that post, she will write to the applicant to inform them of this. Examples of this would be:
 - (a) someone on the Sex Offenders' Register applying for a non-exempted post;
 - (b) someone convicted for serious financial fraud applying for a finance-based post.
5. If the Head of Human Resources considers the information relevant to the post applied for, but does not consider that it should bar the application, it will be passed to the Human Resources Officer sitting on the interview panel, or Chair of the Panel if a Human Resources representative is not to attend the interview.
6. The information will be kept totally confidential by all parties until after the interview.

7. The interview panel will interview the individual and appointment decisions will be based on an assessment of the applicant's relevant skills, experience, qualifications and abilities in the normal way. The application will be judged on merit assessed against the requirements identified in the person specification, regardless of the information received.
8. Where the panel wishes to offer the post to that person, the Chair and Human Resources Officer will decide what further action, if any, should be taken in the light of the information received.
9. Where the Human Resources Officer and Chair believe the convictions are relevant, the Chair will discuss the matter with the interview panel in complete confidentiality. The panel will then decide what further action needs to be taken, if any.
10. A risk assessment will be conducted relevant to that post by the recruiting manager. Such an assessment will consider:
 - The seriousness of the offence and its relevance to the safety of other employees, students or other relevant persons, and/or property
 - The length of time since the offence occurred
 - Any relevant information offered by the applicant about the circumstances which led to the offence being committed
 - Whether the offence was one-off or part of a history of offending
 - Whether the nature of the job could present opportunities for the postholder to re-offend
 - Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
 - The country in which the offence was committed
 - Whether the offence has since been decriminalised by Parliament
11. Further exploration may be necessary. This may take the form of a meeting with the candidate to discuss the relevant convictions. It may also include, with the explicit consent of the individual, references regarding the offence to be taken up; for example, from a probation officer or specialist employment organisation.
12. Should information provided by the CRB, specialist organisation or person contradict that provided by the individual, this will be taken into consideration by the Head of Human Resources and the Chair of the interview panel.
13. Following receipt of all relevant information, the Chair of the interview panel and the Head of Human Resources will make a recommendation regarding the appointment to the Vice-Chancellor. The Vice-Chancellor will make the final decision concerning the appointment.
14. Should an individual wish to dispute that decision, they will have a right to make an appeal in writing to the Vice-Chancellor.

What would constitute "relevant"?

In considering the relevance of criminal convictions the University will take account of the nature of the post, for example:

- Does the post involve one-to-one contact with children or other vulnerable groups such as students (e.g. acting as Academic Advisor, accessing student rooms in Halls of Residence?)?
- What level of supervision does/will the postholder receive?
- Does the post involve direct responsibility for finance or items of value?
- Does the post involve direct contact with the public?

Following Appointment

Where details of a conviction come to light during employment and have not been revealed by the individual at the time of appointment, a full appraisal will take place by the Head of Department or School and the Human Resources Department. The employee will be asked to explain why the information was not proffered at the time of appointment.

The University will consider whether the conviction is relevant, whether there is a significant risk, and whether this may be reduced through safeguards or redeployment. Where there are issues of significant risk that cannot be reduced dismissal will be considered.

If it is found that an employee deliberately withheld information which was required under the Rehabilitation of Offenders Act (Exceptions) Order 1975, and/or misled the employer to gain employment, this is likely to lead to dismissal.

Data Security

1. No information regarding disclosed criminal convictions or Disclosures will be released to any individual or organisation, unless they are authorised to receive it under Section 124 of the Police Act Part V 1977.
2. University countersignatories authorised by the CRB will ensure that Disclosures and the information they contain will only be released to those managers and staff who need access in the course of their duties (e.g. Chair of Appointments' Panels or other University Countersignatories).
3. All Disclosure information will be stored in secure, locked filing cabinets. Disclosures will be held for a period of six months after the date of the recruitment decision, or after the resolution of a dispute regarding the recruitment decision or disclosure information. In exceptional circumstances information may need to be retained for longer, but this will not be done without consulting the CRB. After this time a named individual appointed by a countersignatory will shred the Disclosure information. No photocopy or other image of the Disclosure will be retained.
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 CRB and the recruitment decision taken will be retained in accordance with CRB advice.

Code of Practice and Complaints Procedure:

The University undertakes to comply with the CRB Code of Practice. A copy of the Code is available from the Human Resources Department or from the CRB website (www.crb.gov.uk). Should you believe this Code has not been complied with, you should complain to the CRB directly at:

Criminal Records Bureau
PO Box 91
Liverpool
L69 2UH

Tel: 0870 90 90 811