Policy Statement on the Recruitment of Ex–Offenders

This statement is to be read in when applying to our database and when completing the Disclosure and Barring Service (DBS) Disclosure Application.

If you have any questions about how this policy statement may affect you, please call Rebecca Reidy on Tel: 01462 424332. All enquiries will be treated in confidence.
PTS is obliged to carry out regular checks using the Disclosure and Barring Service (DBS) Disclosure service before supplying any candidate to a Further Education institution. Where a Disclosure contains any information about an individual, we may judge that they are not suitable to remain on our database. Even if PTS does not regard information disclosed as making a person unsuitable to be considered for positions of trust, we are obliged to reveal the information to any FE college where there is a potential assignment involving under 18s (a ‘relevant activity’). The college has a legal responsibility to form its own view as to suitability for working in their establishment.

Individuals included on the Independent Safeguarding Authority's (ISA) Children's Barred List or the ISA's Vulnerable Adult's Barred List will be excluded from the PTS Database.

Those who are recipients of Disclosure information must comply fully with the DBS Code of Practice. Amongst other things, this requires PTS to treat all applicants who have a criminal record fairly, and not to unfairly discriminate against the subject of a Disclosure if convictions are revealed.

Disclosure applications are processed via a DBS Umbrella Body, Protocol (Esafeguarding) who will send you a link to an electronic DBS application form.

**Policy Statement on the Recruitment of Ex–Offenders**

- As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess Candidates’ suitability for positions of trust, PTS complies fully with the DBS Code of Practice. PTS undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

- PTS is committed to the fair treatment of Candidates on its database, potential Candidates and users of its services, regardless of race, colour, nationality, ethnic origin, gender, marital status, disability, religious or political beliefs, age, sexual orientation or offending background, where any past offences do not render the person unsuitable for work in the education sector.

- The written policy on the recruitment of ex–offenders is made available to all Disclosure applicants when they first apply to join PTS's database.

- PTS actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of
candidates, including those with criminal records. We select all candidates for positions based on their skills, qualifications and experience.

- A Disclosure is required for all PTS assignments. Application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be required in the event of an individual being offered an assignment.

- We encourage all applicants who register with PTS to provide details of any criminal record at an early stage in the application process. We guarantee that this information is only to be seen by those who need to see it for the purpose of assessing suitability for work assignments.

- The nature of the positions that PTS offers allows us to ask questions about an individual’s entire criminal record. We ask about ‘spent’ convictions as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1975 (as amended), which can include details of cautions and warnings.

- We ensure that all PTS employees involved in assessing the suitability of Candidates have been trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex–offenders, for example the Rehabilitation of Offenders Act 1974.

- Failure to reveal information that is directly relevant to membership of the PTS database will lead to removal from it.

- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

We undertake to discuss with an individual any matter revealed about them in a Disclosure before any decision is taken to remove them from our database.

Criteria for the assessment of ex–offenders wishing to obtain work with PTS

When is a conviction ‘spent’?

The following table details the classification of some types of ‘spent' and ‘unspent’ convictions according to the Rehabilitation of Offenders Act (NB the list is not exhaustive):

<table>
<thead>
<tr>
<th>Type of sentence imposed</th>
<th>Number of years before</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>from date of conviction</td>
<td>it becomes ‘spent’</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Imprisonment, suspended sentence or detention in a Young Offender Institution (previously known as youth custody) of over 2 1/2 years</td>
<td>Never spent</td>
</tr>
<tr>
<td>Imprisonment, suspended sentence or detention in a Young Offender Institution (previously known as youth custody) of between 6 months and 2 1/2 years</td>
<td>10 years</td>
</tr>
<tr>
<td>Imprisonment, suspended sentence or detention in a Young Offender Institution (previously known as youth custody) of 6 months or less</td>
<td>7 years</td>
</tr>
<tr>
<td>A fine or any other sentence for which a different rehabilitation period is not provided (for example, a compensation or community service order, or a probation order received on or after 3rd February 1995)</td>
<td>5 years</td>
</tr>
<tr>
<td>Conditional discharge or bind over</td>
<td>1 year or until the order expires (whichever is longer)</td>
</tr>
<tr>
<td>An absolute discharge</td>
<td>6 months</td>
</tr>
</tbody>
</table>

If an offender is under the age of 18 then the period of time until a conviction is ‘spent’ is halved. A conviction is not ‘spent’ if another offence occurs whilst the original conviction is still ‘unspent’. In this case the earlier conviction will only become ‘spent’ when the latest conviction becomes ‘spent’.

Criteria against which potential PTS Candidates with convictions are assessed

The following shows the criteria against which PTS will assess individuals with convictions (‘spent’ or ‘unspent’) who wish to join their database of Candidates:

‘unspent’ convictions will not gain entry onto the database (excluding non-custodial road traffic offences)

‘spent’ convictions which will not gain entry onto the database include:

- Anyone debarred from working with children and vulnerable adults.
- Convictions of a sexual nature
This list is not exhaustive and decisions in relation to entry onto the database will be overseen by the PTS DBS committee.

I have concerns over information that may be revealed in my Enhanced DBS check.

The check will contain details of all convictions held on the Police National Computer including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. It will indicate whether information is held on three government lists of those who are banned from working with children or the vulnerable. Also, where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in the Enhanced check.

If you have any concerns or wish to seek independent advice, you can call NACRO on tel: 0207 582 6500 or the Apex Charitable Trust on tel: 0207 638 5931. Alternatively contact our Umbrella Body, Protocol (Esafeguarding), and speak to a DBS Countersignatory on tel: 0115 911 1166. All calls are treated with the strictest of confidence and are without prejudice. Please be aware that if you knowingly withhold information about convictions that subsequently come to light on your Disclosure certificate, this will result in your removal from the PTS database.