

# Recruitment of Ex-Offenders Policy

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## 1. Introduction

The Open University is committed to the fair treatment of its staff and potential staff. As an organisation we ask all job applicants for details of their unspent convictions or for some jobs where it's applicable, we will also ask applicants for their spent convictions.

The University 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 a criminal record. Candidates are selected for interview based on their skills, qualifications, specialist knowledge (where applicable) and experience, and the University undertakes to treat all applicants for positions fairly.

## 2. Compliance

The University complies with the Rehabilitation of Offenders Act 1974 and the Disclosure and Barring Service (DBS) Code of Practice.

## 3. Recruitment process

All applicants for positions, including Associate Lecturers, must complete the appropriate application form fully, including the section about criminal convictions. The University guarantees that this information is only seen by those who need to see it as part of the recruitment process. Unless the nature of the position allows the University to ask questions about the applicant's entire criminal record, we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, the hiring manager will ensure that an open and measured discussion takes place on the subject of any offences or other matters 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 dismissal if employment has commenced.

The University ensures that all those involved in the recruitment process are suitably briefed to identify and assess the relevance and circumstances of offences. They also receive appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

## 4. DBS disclosure application

The University uses the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust. Information obtained is not used to discriminate unfairly against any subject of a DBS disclosure based on conviction or other information revealed, but to establish circumstances and background of any offences disclosed.

A DBS disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. Disclosures using the Disclosure and Barring Service will only be required for posts where appointees are in

regular contact with under 18 year olds, other vulnerable groups and certain specified positions. Where a DBS disclosure is required, job adverts and/or recruitment briefs will contain a statement that a DBS disclosure will be requested in the event of the individual being offered the position. In such circumstances, the offer will be conditional on the outcome of the DBS disclosure.

## **5. Appointment decision**

Having a criminal record will not necessarily bar an individual from working for the Open University. This will depend on the nature of the position and the circumstances and background of their offences.

Issues that the University will consider in deciding whether to offer an applicant a position will include:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

Where a job offer has already been made, the University will undertake to discuss any matter revealed with the person seeking the position before withdrawing a conditional offer of employment.

The University Secretary (or nominated deputy) is responsible for taking decisions to appoint or not appoint applicants with criminal convictions from a University perspective on the risk to staff, students, University reputation and business.

## **6. Future disclosure**

Where applicable, University employees will be required to complete a further DBS disclosure application every three years during the term of their employment.

## **7. Equality, diversity and inclusion**

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

## **8. Useful references**

Disclosure and Barring Service (DBS) Code of Practice