



Policy Document on the Recruitment of ex-offenders

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1.0 Introduction

- 1.1 As a public body that serves the wider community from which we recruit, City, University of London, School of Health Sciences (hereby after referred to as “The School”) is fully committed to the equal and accessible experience of higher education to all members of the wider community. In adopting this position of inclusion, The School appreciates that it will be inviting applications to courses from members of the community that may have a previous criminal record.
- 1.2 The fact that an individual has a previous criminal record may not necessarily prohibit the individual from undertaking their desired choice of programme in higher education. However, as an institute of higher education it is necessary for The School to be respectful of our duty of care to the public. Thus certain pieces of legislation have direct relevance to the recruitment of ex-offenders and the type of programme we may allow them to study.
- 1.3 This policy document sets out the exact process that is adopted in the selection, recruitment and interview of an individual who has a record of previous criminal activity. Through doing so, it demonstrates our commitment to both obtaining and maintaining an inclusive and representative student body and the legislation that effects the recruitment of ex-offenders.

2.0 Aims

- 2.1 The aim of this document is to produce a robust written explanation and guide to the process behind the decisions staff and employees of The School will make in the recruitment of ex-offenders.
- 2.2 This document will become the one point of reference for the decision making process and will enable those making the decisions to be confident that The School is being both fair and just in its selection of applicants.
- 2.3 Furthermore it will ensure that current legislation on the recruitment of ex-offenders is respected and that within the context of information revealed to The School regarding an individual’s previous criminal activity, any decision made on the suitability to train, will be dealt with according to a set of prescribed and reasonable conditions.
- 2.4 This document is written with respect to certain guiding pieces of legislation and reference will be made to their relevance where appropriate. Furthermore it is written with respect to the DBS Code of Practice – which in itself is published under section 122 of the *Police Act 1997*. It is The School’s policy to ensure that a copy of the DBS Code of Practice is made available on request to any disclosure applicant.

3.0 Policy Statement (see appendix 1)

4.0 Application Stage

- 4.1 Under the Exemptions Order 1975 to *Rehabilitation of Offenders Act 1974* (ROA 1974) it is permissible for The School to ask exempt questions about an applicant's previous criminal history when applying for Health Care programmes that are in themselves considered to be exempt from the *Rehabilitation of Offenders Act 1974* (ROA 1974). This information will include previous criminal convictions, cautions, reprimands or final warnings.
- 4.2 In order to obtain this information, The School employs the service of Atlantic Data Ltd to undertake electronic Disclosure applications that are sent directly to the Disclosure and Barring Service (DBS) and does so via the process of obtaining an Enhanced Disclosure with barring list checks for the relevant workforce(s). This will document information in the form of a criminal record certificate as described under either section 113 or section 115 of the *Police Act 1997*. Access is controlled by a login process, with all information provided through a secure website and all personal data transmitted using encryption.
- 4.3 City, University of London welcomes applications to courses from all members of the community but **cannot** consider applications for specific health care programmes from those individuals who have committed offences under the provisions of the *Protection of Children Act 1999* and the *Criminal Justice and Court Services Act 2000*. It should also be noted that this prohibition also extends to individuals who have had their name included on the Protection of Vulnerable Adults (POVA) List, Protection of Children Act (PoCA) List as held by the Department of Health and List 99 as held by the Department of Education, Skills and Employment.

To do so would be a criminal offence under the aforementioned acts. Furthermore, in receiving an application from any such individual, The School is obliged to inform the Police that an application from a prohibited individual has been received (see appendix 2).

- 4.4 In order to make informed decisions about an individual's suitability to train, they will be invited to submit a DBS application before further advancement of the individual's application to study. The covering document will explain that in observance of the *Rehabilitation of Offenders Act 1974* (ROA 1974), The School is inviting the applicant to submit a DBS form so that the relevant staff can make an informed decision about the suitability of an individual to train. If necessary an interview would be held prior to induction, which will allow the individual to put the information revealed in a Disclosure into context.
- 4.5 **The School makes every reasonable effort to inform an applicant of their individual responsibility under the provisions of the Exemptions Order 1975 to the *Rehabilitation of Offenders Act 1974* (ROA 1974) and expects applicants to act accordingly.**

5.0 Interviewing an Applicant

- 5.1 The School is aware of the limitations of information obtained through the DBS Disclosure process. In order to put the information revealed in a Disclosure into context, it would become necessary to interview the applicant. If it becomes apparent that information revealed necessitates an interview, The School will seek to interview the applicants as soon as is reasonably possible.
- 5.2 The School will make every reasonable effort to interview prior to the commencement of clinical placement.
- 5.3 The interview itself is an opportunity for the applicant to express his / her reasons why they should be considered as suitable to train. It offers the applicant a forum to put the offence into context and allows them the facility to explain any other relevant information they might wish to submit. This could include parole officer notes, etc.
- 5.4 From the point of view of The School, the interview allows those responsible for the applicant's successful instruction to determine the level of risk that they might pose to staff, fellow students and the public they will come into contact with as part of their instruction.
- 5.5 Those present at interview will be the minimum number of persons needed to make an informed decision about an applicant's suitability to train.
- 5.6 The following will be present at all interviews:
- 5.6.1 Designated Professional Staff member (who has undertaken appropriate training):**
- (a) Responsible for ensuring that the applicant is in agreement with the information that is revealed in the Disclosure as being accurate and pertains to them
 - (b) Responsible for ensuring the information used in the interview is that which is revealed in the Disclosure and that no other extra information outside of relevant conviction related information (e.g. parole officer notes) is used in the context of the interview
 - (c) To make notes throughout the interview that will then be used in the decision on suitability of the applicant
 - (d) To help guide the academic staff on the procedures involved and our obligations under certain aspects of legislation
 - (e) To inform the applicant about the procedures involved
 - (f) To answer any questions about the storage, retention and destruction of Disclosure information.
- 5.6.2 Minimum of one senior academic staff member in the capacity of a registered healthcare professional:**
- (a) Responsible for making the decision on whether an applicant is suitable to train
 - (b) To conduct the interview process and be the medium by which all discussion is channelled

5.6.3 Applicant:

To divulge truthfully and willingly any or all information that pertains to the relevance of the interview when requested to do so. This can be in the form of parole officer notes, references or extra information that supports the applicant's lack of potential in re-offending.

5.6.4 Applicant's representative:

To represent, if necessary, the applicant in the interview. However, it would not usually be considered cooperative if the applicant refused the option of answering direct questions in favour of the representative.

5.7 It should be noted that the interview is not a means by which guilt for an offence may be discussed.

5.8 However, it is necessary to have a set of criteria by which an interview may be conducted, as an informed decision about an applicant's suitability to train will rest on specific areas of importance.

5.8.1 The School will consider these points in relevance to any specific offence:

- (a)** Would training involve one-to-one contact with children or other vulnerable groups?
- (b)** What level of supervision would the student receive?
- (c)** Would the student become directly involved with financial matters or come into contact with items of value?
- (d)** Would the applicant have any direct contact with the public?
- (e)** Would the nature of training present any opportunities for the student to re-offend in the course of successful appointment?
- (f)** Is the potential student likely to register as a professional after training? This decision may need to be sought from the official registered body that any successful applicant would go on to register with after training.

5.9 Furthermore, during the interview certain relevant points will be discussed with the applicant which will further facilitate the decision making process.

5.9.1 The following issues will be taken into account:

- (a)** The seriousness of the offence and its relevance to the safety of staff, students and the public they come into contact with and/or property
- (b)** The length of time since the offence occurred
- (c)** Any relevant information offered by the applicant about the circumstances that lead to the offence being committed, for example, the influence of domestic or financial difficulties
- (d)** Whether the offence was a one-off or part of a history of offending
- (e)** Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- (f)** Whether the offence has been decriminalised by Parliament
- (g)** The country in which the offence was committed. Some activities are offences in Scotland and not in England and Wales and vice versa
- (h)** The degree of remorse, or otherwise, expressed by the applicant and their motivation to change

6.0 The Decision

- 6.1 After taking all of these issues into account for each offence, it will be for the academic staff to decide whether the applicant is suitable to train.
- 6.2 A verbal decision will be given to the applicant followed by official confirmation in the form of a letter detailing the outcome of the decision.
- 6.3 Although advice will be sought from the HCPC/NMC/GOC as appropriate, successful completion of a programme of study does not guarantee suitability to register. City, University of London cannot accept responsibility for decisions in this regard made by the professional bodies nor by placement providers or future employers.
- 6.4 Only one of three decisions may be reached after the interview. These are:
- (a) Satisfactory to continue
 - (b) Postponement of decision pending receipt of additional relevant information
 - (c) Case is referred to Fitness to Practice Panel for consideration.
- 6.5 **It should be noted that any decision is absolute and no right of appeal exists as the decision of suitability to instruct is made on the requirements of admissions criteria. However the applicant may appeal to the DBS if the information used in making this decision does not portray an accurate representation of the individual's personal details or that of the individual's previous criminal activity.**
- 6.6 The notes and information received through interview will be treated in the same manner as Disclosure information. Therefore the School policy on handling, storage and destruction of CRB Disclosure information would apply.

Contact details:

For further information please contact

dbs@city.ac.uk

Appendix 1

Policy Statement on the recruitment of ex-offenders

The Rehabilitation of Offenders Act 1974

City, University of London is permitted to ask exempt questions under the Exceptions Order to the *Rehabilitation of Offenders Act 1974*, in order to ascertain the suitability of applicants applying to our courses.

Consequently you are required to declare in full any previous **convictions, cautions, reprimands or final warnings.**

Further to the requirement to declare all relevant information it is the policy of City, University of London, to employ the service of the Disclosure and Barring Service in order to obtain information that will enable us to make an informed decision about an applicant's suitability for admission on to a health care programme.

Please note that failure to declare any information that may be revealed in a subsequent Disclosure and Barring Service (DBS) Disclosure could result in the withdrawal of the conditional/unconditional offer of instruction at City, University of London.

Our policy is:

- As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicant's suitability for positions of trust, City, University of London's School of Health Sciences complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- City, University of London's School of Health Sciences, is committed to the fair treatment of its students, potential students or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process and is downloadable from the University website.
- We actively promote 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. Except for specific offences outlined under the *Protection of Children Act 1999* and *Criminal Justice and Court Services Act 2000* which would exclude and prohibit the candidate applying for such a position.
- A DBS Disclosure is to form part of the recruitment process, as such, we encourage all applicants to provide details of their criminal record at

an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within City, University of London's School of Health Sciences and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.

- We ensure that all those in City, University of London's School of Health Sciences who are involved in the recruitment process have been suitably 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, e.g. *Rehabilitation of Offenders Act 1974*.
- At an interview we ensure that an open and measured discussion takes place on the subject of any offence(s) or other matter that might be relevant to the position.
- 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 any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional/unconditional offer of study at City University, Institute of Health Sciences.

Having a criminal record will not necessarily bar you from studying with us. This will depend on a variety of criteria that you will be asked about in an interview and would focus on the level of risk that you pose to fellow students, members of staff and the public you would come in to contact with whilst on clinical placement. Relevant circumstances surrounding the offence(s) would be taken into consideration and a decision will be taken on these grounds.

City, University of London's School of Health Sciences, operates a strict policy of an absolute decision as regards the outcome of an interview. Consequently there would exist **no right of appeal** on any decision made at a previous offences interview, as failure to meet the admissions criteria does not permit the student the rights afforded to an enrolled student.

An applicant's usual rights of appeal to the DBS regarding the information revealed are not affected.

Appendix 2

List of types of offences as prescribed by the *Criminal Justice and Court Services Act 2000*, Chapter III Part II schedule 4

Schedule 4 offences include:

- Murder
- Manslaughter
- Rape
- Kidnapping
- False imprisonment
- An offence under section 18 or 20 of the *Offences against the Person Act 1861* (wounding and causing grievous bodily harm)
- An offence under section 47 of the *Offences against the Person Act 1861* (assault occasioning actual bodily harm)
- Any other serious sexual offence that involved or pertains to the involvement of children
- Any other serious offence that involved or pertains to the involvement of children

NB: Any adult convicted of a schedule 4 offence and given a hospital or guardianship order or a custodial sentence of 12 months or more are banned from working with children.