



Recruitment and Employment of Ex-Offenders

Human Resources Department

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1.0 Introduction

- 1.1 This document outlines the policy of the University of Liverpool on the employment of ex-offenders and is made available, prior to interview, to all applicants for whom a Disclosure and Baring Service (DBS) check will be required, as well as to any existing member of staff for whom a Disclosure check is requested.
- 1.2 A DBS check is a document containing information held by the police and government departments, which gives details of a person's criminal record including convictions, cautions, reprimands, final warnings or other non-conviction information. The University makes use of the DBS check as part of the recruitment process to assess a candidate's suitability for certain posts such as those involving contact with children or other vulnerable groups. The DBS check may also be used to check existing members of staff, where this is considered to be relevant and appropriate by the University.
- 1.3 As an organisation using the DBS to assess applicants' suitability for positions of trust, the University complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

2.0 The University's Disclosure Policy

- 2.1 Unless the nature of the position applied for allows the University to ask questions about an entire criminal record, the University will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 in the recruitment process.
- 2.2 It is University policy to require applicants to disclose all "spent" and "unspent" criminal convictions for any job or profession which is excluded under the Act (see 'Excluded Jobs and Professions' below).
- 2.3 The University of Liverpool reserves the right to request a Disclosure for any current or prospective employee where it considers it to be a reasonable measure for the protection of the interests of the University (e.g. security, financial, protection of the student body). Normally, however, a Disclosure will only be requested where it is relevant to the position concerned, such as posts where appointees are involved in caring for, training, supervising or being in sole charge of young people under the age of 18, or of vulnerable adults. The recruiting manager will decide as to whether a disclosure is necessary prior to commencing the recruitment process. Advice can be sought from the area HR Business Partner, as and where necessary.
- 2.4 For such appointments all further particulars will contain a statement explaining that a Disclosure will be requested in the event of an individual being offered the position.

- 2.5 If it is deemed that a Disclosure is necessary, then the recruiting manager will apply to the Disclosure and Barring Service to obtain this. Details on how to apply can be found [here](#). Any subsequent offer of employment would be made subject to receipt of a DBS disclosure which is satisfactory to the University.
- 2.6 Where a prospective or existing member of staff has an offence revealed by a DBS disclosure, the University would consider the relevance of the offence to the position applied for, or help at the University, and the provisions of the Rehabilitation of Offenders Act 1974.

3.0 The Rehabilitation of Offenders Act 1974

3.1 Spent and Unspent Convictions

- 3.1.1 The Rehabilitation of Offenders Act 1974 was introduced to ensure that ex-offenders who have not re-offended for a period of time since their conviction are not discriminated against when applying for jobs.
- 3.1.2 However, there are certain sentences excluded from rehabilitation under the Act which are never considered 'spent'. These are:
- A sentence of life imprisonment
 - A sentence of preventative detention
 - A sentence of imprisonment, youth custody corrective training for a term exceeding 30 months

3.2 Excluded Jobs and Professions

- 3.2.1 There is also a list of excluded jobs and professions under the Rehabilitation of Offenders Act 1974 which means that for certain types of employment it is lawful to reject a person for employment on the grounds of a spent conviction. For any jobs included under one of the excluded job categories, applicants are obliged to disclose all convictions, whether or not they are spent.

The relevant excluded job categories within the University include:

- Medical practitioner, nurse, midwife
- Medical laboratory technician
- Radiographer, occupation therapist, physiotherapist
- Health services personnel
- Posts involving schooling or other dealings with young people

3.3 Declaring Previous Unspent (and Spent) Convictions

- 3.3.1 It is the University's policy to seek a Disclosure Certificate via the DBS even where an applicant has made details of their criminal record known to the University at an earlier stage.
- 3.3.2 Where an individual's conviction is revealed through a Disclosure, a discussion will take place with the applicant regarding the offence and its relevance to the position. Failure to reveal information relating to unspent convictions (and also spent convictions in the case of 'excluded' occupations) could lead to withdrawal of an offer of employment/termination of employment.
- 3.3.3 The University will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for the University: the nature of a disclosed conviction and its relevance to the post in question, will be considered.

4.0 Validity/Expiry of Disclosure Information

- 4.1 If an applicant is asked to apply for a Disclosure and already has one for another organisation, they will be asked to apply for a new Disclosure. If the applicant has subscribed to the Update Service, a check, with the applicant's approval can be carried out via this method.

5.0 Storage, Use, Retention and Disposal of Disclosures and Disclosure Information

5.1 General Principles

- 5.1.1 As an organisation using the DBS service to help assess the suitability of applicants for positions of trust, the University complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

5.2 Storage & Access

- 5.2.1 Disclosure information and other confidential documents received in the relation to appointee/staff will be stored within our Umbrella Body – GB Group online Portal.

5.3 Handling

5.3.1 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. In the case of Disclosure applications, the DBS operates strict guidelines regarding access to this information, and passing on Disclosure information in circumstances which do not conform with these requirements could be considered a criminal offence.

5.4 Usage

5.4.1 Criminal records check information should only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

5.5 Retention

5.5.1 Once a recruitment (or other relevant) decision has been made, a record of the workforce and level of check requested will be held against the employee record, however the University does not store any details relating to the outcome of a check, a full record of this will be held within the GB Group Portal for a period of 6 months and only shared as stated above.

5.6 Disposal

5.6.1 Data contained within GB Group's online Portal will be used solely for the purpose of processing a DBS check and supporting a recruitment decision. Data supplied will be held in the system for 6 months after a recruitment decision has been made, after 6 months the following data associated with completed applications will **remain** within the system, all other data items associated with a check will be deleted in line with the Data Protection Act 2018:

- Forename
- Surname
- Date of birth
- Postcode
- Certificate No
- Certificate Date
- Organisation ID
- Organisation name
- Certificate type requested (i.e Workforce and level)

3 years and 1 month (37 months) after the completion of a DBS check **all** completed applications data will be deleted, leaving no data record within GB Group.

Applications that have been initiated but not fully processed including:

- Applications with the applicant (Not submitted for ID verification, awaiting payment or requiring amendment)
- Applications with the verifier (Not submitted to GBG, awaiting payment, waiting amendment following rejection by GBG)
- Withdrawn applications

Will be fully removed from the system after a period of 6 months inactivity.

The University fully complies fully with the DBS Code of Practice, which is available [here](#).

6.0 Other Information

- 6.1 The Human Resources Department ensure that all those who are involved in handling Disclosure information as part of the recruitment process have been suitably briefed to identify and assess the relevance and circumstances of offences. The Human Resources Department will also ensure that those handling Disclosure information have received appropriate briefing in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 6.2 The Human Resources Department will make every subject of a DBS check aware of the existence of the DBS Code of Practice and will make a copy available on request.
- 6.3 The recruiting department will be required to cover the full cost of a Disclosure Application.

7.0 Equality of Opportunity

- 7.1 The University is committed to promoting equality, diversity and an inclusive and supportive environment for students, staff and others closely associated with the University. The University seeks to ensure that people are treated equitably regardless of their gender, race, colour, ethnic or natural origins, age, disability, socio-economic background, religious or political beliefs and affiliations, marital status, family responsibilities, sexual orientation or other irrelevant distinction. The University's policies on Equal Opportunities, Race Equality and Disability Equality provide further information.
- 7.2 The University will actively promote equality of opportunity for all with an appropriate mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their experience, qualifications, skills and knowledge as indicated on their application form or curriculum vitae.

8.0 Concerns re Disclosure Check Activity

- 8.1 If any member of staff or applicant has concerns regarding the use of Disclosure checks in the staff recruitment process, or any element of the storage or disposal of this information, she/he may raise this in strictest confidence with the Human Resources Department.

9.0 Useful Links

- 9.1 [DBS code of practice](#)
- 9.2 [DBS Guidance](#)