

# Policy Statement on the Recruitment of Ex-Offenders

This statement is to be read in conjunction with the enclosed CRB Disclosure Application Form

**Protocol National**  
Leaders in staffing for colleges

Protocol National is obliged to carry out regular checks using the Criminal Records Bureau (CRB) Disclosure service before supplying any Visiting Lecturer 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 Protocol National 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 Protocol National Database.

Those who are recipients of Disclosure information must comply fully with the CRB Code of Practice. Amongst other things, this requires Protocol National 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.

## Policy Statement

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess Visiting Lecturers' suitability for positions of trust, Protocol National complies fully with the CRB Code of Practice. Protocol National undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- Protocol National is committed to the fair treatment of Visiting Lecturers on its database, potential Visiting Lecturers 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 Protocol National's database.
- Protocol National 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 Protocol National 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 Protocol National 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 Protocol National 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 Protocol National employees involved in assessing the suitability of Visiting Lecturers 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 Protocol National database will lead to removal from it.
- We make every subject of a CRB Disclosure aware of the existence of the CRB 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.

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## Criteria for the assessment of ex-offenders wishing to obtain work with Protocol National

### 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):

Type of sentence imposed from date of conviction	Number of years before it becomes 'spent'
Imprisonment or detention in a Young Offender Institution (previously known as youth custody) of over 2 1/2 years	Never spent
Imprisonment or detention in a Young Offender Institution (previously known as youth custody) of between 6 months and 2 1/2 years	10 years
Imprisonment or detention in a Young Offender Institution (previously known as youth custody) of 6 months or less	7 years
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)	5 years
Conditional discharge or bind over	1 year or until the order expires (whichever is longer)
An absolute discharge	6 months

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 Protocol National Visiting Lecturers with convictions are assessed

The following table shows the criteria against which Protocol National will assess individuals with convictions ('spent' or 'unspent') who wish to join their database of Visiting Lecturers:

**'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:**

- 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 Protocol National CRB committee.

### I have concerns over information that may be revealed in my Enhanced CRB 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 a Protocol National CRB 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 Protocol National database.