Adnoddau Ddynol
Human Resources

Code of Practice on the Recruitment of Ex-Offenders Policy

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1. Introduction

Aberystwyth University is committed to promoting equality of opportunity and values the diverse skills, talent, and potential that all individuals bring. We welcome applications from a broad spectrum of candidates, including those with criminal records.

This policy sets out the University's approach to recruiting individuals with criminal convictions and applies to all roles for which a Disclosure and Barring Service (DBS) check is required. It ensures compliance with relevant legislation and the DBS Code of Practice, while treating all applicants fairly.

This policy does not form part of any employee's contract of employment and may be amended at any time.

1.1 Coverage

- Handling of criminal conviction information during recruitment.
- The use of DBS checks where legally permitted or required.
- Compliance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order.
- DBS filtering rules relating to criminal convictions and cautions.

1.2 Who is Covered

- All applicants for roles requiring a DBS check.
- Staff involved in recruitment, including HR, Line Managers, and Recruitment Teams.

2. Further Information About Conviction Information (DBS Filtering Rules)

On 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

Applicants should be aware that:

- Certain old and minor cautions and convictions are now filtered by the DBS and will not appear on a DBS certificate.
- Employers must not request or consider filtered (i.e., *protected*) cautions or convictions when making recruitment decisions.
- All convictions resulting in a custodial sentence, whether or not suspended, will always be disclosed.
- Cautions or convictions for certain specified serious offences, particularly those relevant to safeguarding children and vulnerable adults, will also always be disclosed.
- Individuals may refer to DBS guidance for full details of which offences are subject to filtering and the criteria under which filtering applies.

Applicants can view the DBS filtering guidance online to understand what must and must not be disclosed when applying for positions requiring DBS checks.

3. Statement

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Aberystwyth University complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly.

Aberystwyth University undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Aberystwyth University can only ask an applicant to provide details of convictions and cautions that the University is legally entitled to know about. Applicants will be advised where this information is required as part of the recruitment process. A Standard or Enhanced DBS check will only be requested where it is legally permitted, including where the role is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended, and, where applicable, the relevant Police Act Regulations, as amended.

Aberystwyth University will only ask an individual about convictions and cautions that are not protected under the DBS filtering rules.

4. Commitment to Fair Treatment

Aberystwyth University is committed to the fair treatment of its staff, potential staff, and users of its services, regardless of: race, gender, religion or belief, sexual orientation, responsibilities for dependants, age, physical or mental disability.

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 criminal records.

All candidates are selected for interview based on their skills, qualifications, and experience.

5. Recruitment and DBS checks

An application for a criminal record check will only be submitted to the DBS (includes DBS update service) after an assessment has indicated that it is both proportionate and relevant to the position concerned.

Where a DBS check is required:

- This will be clearly stated in job adverts, application forms, and recruitment briefs.
- Applicants will be made aware that a DBS certificate will be required if they are offered the position.

Aberystwyth University ensures that relevant HR staff are suitably trained and provided with appropriate guidance to assess the relevance and circumstances of offences disclosed during the recruitment process. Recruiting managers will be supported by HR when considering criminal record information.

Relevant HR staff will also receive appropriate guidance and training on the legislation relating to the recruitment and employment of people with criminal records, including the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, where applicable.

6. Interview and Disclosure Discussions

At interview, or in a separate discussion, Aberystwyth University ensures an open and measured conversation regarding any offences disclosed through the application route or other matters that may be relevant to the position.

The University informs all applicants undergoing a DBS check of the existence of the DBS Code of Practice and provides a copy upon request.

Any information disclosed on a DBS certificate will be discussed with the applicant before a conditional offer of employment is withdrawn.

Failure to disclose information that is directly relevant to the position may result in the withdrawal of an offer of employment.

7. DBS Code of Practice

Aberystwyth University makes every applicant subject to a DBS check aware of the DBS Code of Practice by having this on the recruitment page and will make a copy available on request.

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