



Recruitment of Ex-Offenders Policy

Policy principles

This policy sets out the University's approach to the recruitment of ex-offenders, and the procedure which should be followed in order to obtain information about an applicant's criminal record.

Aston University actively promotes 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.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

This policy has been agreed with the Campus Trade Unions.

Criminal records and the selection process

Aston University selects candidates for interview on the basis of their skills, qualifications and experience.

Aston University actively promotes 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.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

Aston University may ask applicants about their conviction history at the time of making an offer of employment. However, the University will ensure that any such questions are necessary and proportionate in order to ensure the suitability of the applicant for the role in question. Recruiting managers should ensure that they take the advice of the HR team before asking any questions in respect of conviction history.

Aston University ensures that key members of staff who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Aston University also ensures that these members of staff have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Rehabilitation of Offenders Act 1974 (Exceptions) Order

Some roles at the University will fall under the Rehabilitation of Offenders Act 1974 (Exceptions) Order. The Recruitment Team will be able to advise as to whether or not a role falls under this Order. If so, the University may request a criminal record check processed through the Disclosure and Barring Service (DBS). Aston University complies fully with the *DBS Code of Practice* and undertakes to treat all applicants for positions fairly.

Aston University use an umbrella body to process and interpret the results of DBS applications. This is currently a company called First Advantage but may be changed by the University from time to time.

Further details relating to GDPR and how your data is stored by First Advantage can be found here <https://gbg.onlinedisclosures.co.uk/Landing/LandingPage>

Roles outside of the Exceptions Order

Where a role does not fall within the Exceptions Order, Aston University can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. The following rules apply:

- The University may ask questions about past convictions or apply for a basic DBS check, but must not ask job applicants to obtain details of their own conviction history by way of a Data Subject Access Request;

- The University should ensure that any questions it asks or checks it undertakes are strictly relevant to the role in question, and that we only ask for the minimum information necessary to ensure an applicant's suitability for the role. For example, we may ask an applicant with access to financial systems whether they have any convictions for fraud or dishonesty, but we will not necessarily need to know about their driving convictions.
- The University will not ask applicants to disclose details of any spent convictions. If any spent convictions become known to the University, this will not make any difference to any offer of employment, and;
- In the event that the University becomes aware that an individual has spent convictions, the University is unable to refuse to employ them on this basis;
- Recruiting managers must ensure that they process any information provided in respect of criminal convictions in accordance with the University's Data Protection Policy and Records Management Procedures, in addition to the DBS Code of Practice.

At interview, or in a separate discussion, Aston University ensures that an open and measured discussion takes place on the subject of any offences or other matter 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.

Aston University makes every subject of a criminal record check submitted to DBS aware of the existence of the DBS code of practice and makes a copy available on request.

Aston University undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. An appropriate risk assessment will be completed where applicable.

Author and owner: Human Resources

Date implemented: 10/03/2013

Version	Date	Change
1	10/03/2013	JT
	Updated 11/05/2013	JT
2	Updated 22/09/2021	JF – Review with Trade Unions

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