



Title	Reviewed By	Approved		Review
Recruitment of Ex-Offenders Policy	Ian Clennan	Trust Meeting	2 April 2019	2022

To be reviewed at least every 3 years or as required

RECRUITMENT OF EX-OFFENDERS POLICY

1. Introduction

- 1.1 The Rehabilitation of Offenders Act 1974 (ROA), (Exceptions) Order 1975 (as amended in 2013) was introduced to ensure that ex-offenders, who have not re-offended for a specified period of time since their date of conviction, are not discriminated against when applying for a job.
- 1.2 This policy sets out the basis on which the Trust will seek information from prospective employees about spent and unspent (current) convictions and how this information will be used. The policy will be made available to all disclosure applicants at the outset of the recruitment process. We make every subject of a Disclosure and Barring Service (DBS) check aware of the existence of the DBS Code of Practice and make a copy available on request.
- 1.3 The policy sets out the commitment of the Trust that all applicants will be treated fairly.

2. Principles

- 2.1 Applicants, and members of staff with either a spent, or unspent conviction will not be unfairly discriminated against.
- 2.2 The Trust uses the DBS Service to check the history of applicants and assess their suitability for posts. A DBS check is only requested after a thorough assessment has indicated that one is both proportionate and relevant to the position.
- 2.3 The Trust complies fully with the DBS Code of Practice.
- 2.4 Where a DBS check is to form part of the recruitment process, we request all applicants called for interview to provide details of their criminal record at an early stage in the application process in line with the ROA as amended in 2013. We request that this information is sent under separate, confidential cover, to the Personnel Director within the Trust and guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 2.5 Information obtained from the Disclosure and Barring Service will only be used to assess an individual's suitability for employment, where relevant, and will not be used to discriminate in any way. The Trust is committed to the fair treatment of its employees and potential employees regardless of any protected characteristics under the Equality Act 2010 (as amended) or offending background.
- 2.6 The Trust actively promote equality of opportunity for all with the right mix of talent, skill 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 skills, qualifications and experience.
- 2.7 Adverts will clearly state that a DBS check is a requirement of the job. This will provide a basis for the applicant to decide whether or not to apply for the post.



- 2.8 This policy should be read in conjunction with the Trusts Disclosure and Barring Service Checks Policy and Procedure.
- 2.9 Selby Educational Trust is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the Data Protection Act 1998.

3. Obtaining information from applicants

- 3.1 During our recruitment process the Trust will normally only ask about unspent convictions as defined by the ROA and are subject to disclosure.
- 3.2 For jobs which are exempt from the provisions of the ROA as amended in 2013, an applicant will need to disclose both unspent and spent convictions, which are subject to disclosure. (For further information please refer to the Exemptions Order of the ROA). The Trust is legally entitled to ask applicants of the details of any spent and unspent conviction.
- 3.3 The Personnel Department will ensure that relevant wording is included in the advert advising that the successful applicant will need to satisfy DBS requirements and undertake a DBS check.

4. Declaring Previous Convictions

- 4.1 The flowchart in Appendix 1 will be used where an individual has disclosed a conviction, or a conviction is revealed through a DBS check, an open and measured discussion will take place with the applicant regarding the offence and its relevance to the position to assess the suitability of the applicant for the job.
- 4.2 When considering the matter, the following examples may be taken into account:
- The seriousness of the offence and its relevance to the safety of other employees, students, research subjects, the public etc.
 - The length of time since the offence occurred.
 - Any relevant information offered by the applicant about the circumstances which led to the offence being committed.
 - The nature of the job and any opportunities that may present the applicant to re-offend.
 - The Country in which the offence was committed for example, some activities are offences in Scotland and not in England and Wales, and vice versa.
 - Whether the offence has since been decriminalised by Parliament.
- 4.3 Having carefully considered these matters, a decision should be taken as to whether the individual should be appointed. If the decision is not to proceed with the appointment then the applicant will be written to, formally withdrawing the offer of employment. The Trust will undertake a discussion regarding the content of the disclosure with the applicant before withdrawing any offer of employment.
- 4.4 Failure to reveal information relating to unspent convictions (and spent convictions in the case of excluded jobs and professions under the ROA) could lead to withdrawal of an offer of employment or disciplinary action which could lead to termination of employment.
- 4.5 It is the responsibility of applicants and employees to clarify whether a conviction is spent or unspent. The length of time required for an ex-offender to become rehabilitated depends on the sentence received and the age when convicted. To note, custodial sentences of more than two and half years can never become spent.



5. Employees and Trust Members or Directors

- 5.1 All candidates offered a job or a position of authority within the Trust must consent to an enhanced level DBS disclosure.
- 5.2 Adverts will contain a statement that a criminal records bureau disclosure will be required for all candidates offered a position.
- 5.3 Members and Directors will be made aware of the need to complete a DBS disclosure at the enhanced level in order to confirm the position.

6. Volunteers

- 6.1 Individuals who wish to undertake voluntary work will need to complete a DBS for the same reason as employees of the Trust.
- 6.2 A volunteer is defined under the Police Act 1997 (Criminal Records) Regulations 2002 as:
“a person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative”.

7. Existing staff with a criminal record

- 7.1 If a member of staff is convicted of a criminal offence whilst in employment they must report this to the Personnel Department immediately. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action being taken, in line with the Trusts Disciplinary Procedure.
- 7.2 Managers will be expected to carry out a risk assessment, comparing the skills, experience and the circumstances of the conviction against the risk criteria identified for the job. Managers should take an objective approach and advice should be sought from the Personnel Department in all cases.
- 7.3 If a member of staff is concerned about a conviction, they should speak directly with their Personnel Department.

8. Equality and Diversity Statement

- 8.1 Selby Educational Trust welcomes and celebrates equality and diversity. We believe that everyone should be treated equally and fairly regardless of their age, disability, gender, gender identity, race, religion or belief, sexual orientation and socio-economic background. We seek to ensure that no member of the Trust community receives less favourable treatment on any of these grounds which cannot be shown to be justified.
- 8.2 This document is written with the above commitment, to ensure equality and diversity is at the centre of working life at Selby Educational Trust.

9. Safeguarding Policy

Selby Educational Trust recognises its moral and statutory responsibility to safeguard and promote the welfare of students. We work to provide a safe and welcoming environment where students are respected and valued. We are alert to the signs of abuse, neglect, radicalisation and extremism and follow our procedures to ensure our students receive effective support, protection and justice. Selby Educational Trust expects Governors, staff and volunteers working on behalf of the Trust to share this commitment.

10 Fraud, Bribery & Corruption

Selby Educational Trust follows good business practice and has robust controls in place to prevent fraud, corruption and bribery. Due consideration has been given to the Fraud Act 2006 and the Bribery Act 2010 in the development/review of this policy document and no specific risks were identified.



Declaring Previous Convictions

