



## **St Mary's Academy Trust**

# **Recruitment of Ex-Offenders Policy**

**Date agreed by HR Committee:** November 2022

**Date to be Reviewed:** November 2023

## **1. Introduction**

- 1.1 The code of practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.
- 1.2 The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

## **2. Policy**

- 2.1 The Trust will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. The Trust makes appointment decisions based on merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the Trust. Each case will be decided on its merits in accordance with the objective assessment criteria.
- 2.2 The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background, and 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.
- 2.3 All positions within the Trust are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (as updated 2013). All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules, taking into account the Supreme Court ruling in 2020.
- 2.4 The Trust will only ask an individual about convictions and cautions that are not protected.
- 2.5 Failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. Failure to disclose a previous conviction may also amount to a criminal offence.
- 2.6 It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position within the Trust.

2.7 The Trust will make a report to the Police and / or the DBS if:

- A) It receives an application from a barred person
- B) It is provided with false information in, or in support of an applicant's application
- C) It has serious concerns about an applicant's suitability to work with children

### **3. Recruitment**

- 3.1 It will be made clear at the start of the recruitment process that a criminal records check will be carried out and any offer of employment will be made subject to the receipt of satisfactory clearances.
- 3.2 A self disclosure form will be sent to all shortlisted candidates which MUST be returned and sent to HR for assessment prior to interview.
- 3.3 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.
- 3.4 The Trust will ensure that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

### **4. Assessment criteria**

- 4.1 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, HR will consider the following factors before reaching a recruitment decision:
  - Whether the conviction or other matter revealed is relevant to the position in question
  - The seriousness of any offence or other matter revealed
  - The length of time since the offence or other matter occurred
  - Whether the applicant has a pattern of offending behaviour or other relevant matters
  - Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant
  - Details in the filtering list

## **5. Assessment Procedure**

- 5.1 The assessment form will be signed by the Head of HR and verified by the CEO before a position is offered or confirmed.
- 5.2 If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

## **6. Retention and Security of Disclosure Information**

- 6.1 The Trusts' policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.
- 6.2 In particular, the Trust will:
  - Not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months
  - Keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
  - Ensure that any disclosure information is destroyed by suitably secure means such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates
- 6.3 If a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the Chair of the recruitment panel (advised by HR) to discuss the conviction(s) and circumstances.
- 6.4 Following this meeting a risk assessment will be carried out and a decision made and communicated back to the person concerned. The assessment will be signed off by the Head of HR and verified by the CEO. For safer recruitment purposes, until this decision has been made the applicant must not commence employment.

## **7. Data Impact Assessment**

- 7.1 At all stages of this procedure data obtained will be used only for the purpose for which it is intended and will be stored securely with restricted access to those involved in the process. Following the process data will be stored on the electronic personal file for the duration of the employees' employment with the Trust and for 6 years thereafter. The data will be destroyed at this time using a confidential shredding service.

## **8. Equality and Diversity**

- 8.1 This policy has been impact assessed by the HR Committee, if on reading this policy you feel there are any equality and diversity issues, please contact HR who will if necessary ensure the policy is reviewed.