

Policy Statement on the Recruitment of Ex-offenders

Applicability

This policy statement applies to all recruitment and selection processes for Community Academies Trust (The Trust).

It will apply to any Trust roles where the Safer Recruitment & Selection Policy indicates that an Enhanced or Standard DBS check is required.

Principles:

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. A copy of the Code of Practice can be found at: <https://www.gov.uk/government/publications/dbs-code-of-practice>

Information regarding conviction information

On the 29 May 2013, legislation¹ came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.
- All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.
- Further guidance is available from the Disclosure & Barring Service regarding the filtering of old and minor cautions and convictions which are now 'protected' and therefore not subject to disclosure to employers.

Community Academies Trust Policy Statement

- As a Trust 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), the Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.
- The Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- The Trust will only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as

¹ See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.

amended, and where appropriate Police Act Regulations as amended), the Trust will only ask an individual about convictions and cautions that are not protected.

- 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.
- The Trust 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. The Trust selects all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to the DBS after a 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, the application pack will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- All volunteers and applicants, who are provided with a conditional offer of employment, will be required to complete a Self Disclosure Form as part of their pre-employment checks. The Self Disclosure Form, in broad summary, asks if there is any reason why they should not be working with children and vulnerable adults. Should a volunteer or applicant not wish to complete the Self Disclosure Form, which is entirely their choice, however the application will not proceed further and will be terminated.
- Having a criminal record may not necessarily be a bar to working with children or vulnerable adults. Any information provided on either a Self Disclosure Form or a DBS certificate will be risk assessed to assess whether an appointment can be made.
- The Trust ensures that those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences or are aware of whom to seek guidance from which will normally be the Central HR Team. The Trust also ensures that they 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.
- At interview, or in a separate discussion, the Trust 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.
- The Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. Where a DBS check reveals convictions that may be relevant, the Trust reserves the right to employ an individual subject to a risk assessment and a risk management plan being put in place. Failure to accept the outcomes of the risk assessment or abide by the risk management plan could result in employment not being offered or the employment being terminated.