TAME RIVER EDUCATIONAL TRUST

Great schools in which to learn, teach and belong.

Recruitment of Ex-Offenders Policy and Procedure

This is a Tame River Educational Trust. As an employer the Trust will ensure that at every level, in all our work and throughout all aspects of the Trust communities, all will be treated equally, with respect and dignity, free from discrimination and harassment. Each person will be given fair and equal opportunities to develop their full potential regardless of their age, disability, gender, gender-identity, race, religion or belief, sexual orientation, socio-economic background and special educational needs. Our Trust will tackle the barriers which could lead to unequal outcomes for these protected groups, ensuring there is equality of access and that we celebrate and value the diversity within our Trust communities. The Trust will work actively to promote equality and foster positive attitudes and commitment to an education for equality.

Reviewed: Annually
Next Review Date: September 2025
Person Responsible: COO
Approving Body: CEO

1. Purpose & Scope

This policy applies to all employees and, as appropriate, to volunteers, agency staff, governors and trustees. The aim of this policy is to state our approach towards employing people who have criminal convictions.

We are committed to equality of opportunity for all job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

Tame River Educational Trust is an exempt employer as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, Tame River Educational Trust is a regulated activity provider and for most posts, we have a statutory duty to check that the individual is not barred from regulated work with children and / or adults.

The safeguarding of children is of paramount importance to us and the scrutiny of any unspent cautions or convictions and those which would not be protected under the Ministry of Justice filtering rules is an essential and non-negotiable part of the pre-employment check process.

We will consider ex-offenders for employment on their individual merits. Our approach towards employing ex-offenders differs depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Jobs covered by the Rehabilitation of Offenders Act 1974

We will not automatically refuse to employ a particular individual just because they had a previous criminal conviction.

During the recruitment process, we will ask shortlisted job applicants to disclose any unspent cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions. The successful applicant will be asked to apply for an Enhanced DBS certificate (with barred list check(s) where relevant).

If an applicant has a caution or conviction that is unspent and if the nature of the offence is relevant to their suitability for the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

The vast majority of the roles we are seeking to recruit are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (roles in regulated positions and in Further Education provision). In these cases, Tame River Educational Trust will require shortlisted applicants to disclose all unspent convictions or bind overs in addition to any criminal history that would not be filtered. Even in these circumstances, however, we will not refuse to employ a particular individual unless the nature of the conviction has relevance to the job for which the individual has applied.

As a result of amendments to the Rehabilitation of Offenders Act in 2013 and 2020, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be taken into account by potential employers. We encourage all applicants to use the flowchart and guidance provided by NACRO and to seek legal or impartial advice before completing their self-disclosure. We will not take into account any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

Tame River Educational Trust will, once we have selected the person to whom we wish to offer employment, make a joint application to the Disclosure and Barring Service (DBS) for an enhanced certificate (with the relevant DBS barred list(s) check if the post is in regulated activity). Where the individual has signed up to the DBS update service in the relevant workforce and at the required level, the organisation will, with the individual's permission, carry out a status check on any current certificate.

Tame River 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 provisions of the General Data Protection Regulations and the Data Protection Act 2018. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment and / or safeguarding purposes and will not be disclosed to any unauthorised person.

2. The Process

- As a Regulated Activity provider (RAP) almost all paid employees at Tame River Educational Trust are in regulated activity and therefore subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s)
- In relation to volunteers and contractors, we only request a DBS certificate after a thorough risk assessment has indicated that a check is lawful and relevant to the position concerned
- For those positions where an enhanced DBS check is required, all application forms, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS certificate (with barred list check(s) where relevant) will be requested in the event of the individual being offered the position and an explanation of when in the recruitment process criminal information will be requested and considered
- All shortlisted applicants are required to complete a criminal record self-disclosure to be returned no less than one day prior to the interview date. This information is to be sent to the HR Department. Failure to return the self-disclosure will result in the offer of interview being withdrawn. We will ensure that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process, please see Appendix 1
- The criminal history self-disclosure will include information for shortlisted applicants on the importance of seeking legal advice and the contact details of organisations that can provide impartial advice
- We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (exceptions order 1975) (as amended 2013 & 2020) and know how to access advice and support (e.g. from HR, external adviser, NACRO) and relevant registered bodies
- At interview, or in a separate discussion, the recruitment selection panel will ensure that an open and measured discussion takes place on the subject of any offences or related concerns that might be relevant to the position. Failure to reveal information that would not be filtered could lead to withdrawal of an offer of employment
- All potential employees are guided to the Disclosure and Barring Service Code of Practice and a copy is made available on request
- We undertake to discuss any relevant matter revealed on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by the Headteachers or by another appointed person. If the DBS check reveals any matching information against the DBS barred list(s) or any criminal conviction which precludes them from working with children [and / or adults] the applicant is deemed non-appointable. In this circumstance, we would notify the Local Authority Designated Officer in line with the local multi-agency procedures.

References / useful links

Disclosure & Barring Service
www.gov.uk/government/organisations/disclosure-and-barring-service
Detailed information, fact sheets and FAQs: https://www.gov.uk/government/organisations/disclosure-and-barring-service/about
Filtering guidance from 28/11/20
https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide
Ministry of Justice – guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (and self disclosure) https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974
National Association for the Care and Resettlement of Offenders (NACRO)
Criminal record support service – advice for applicants and employers https://www.nacro.org.uk/criminal-record-support-service/
Filtering flowchart Filterin-flowchart-twitter.png (5000×2813) (netdna-ssl.com)

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Appendix 1:

Congratulations on being shortlisted. Please return this disclosure to **the HR Department at the School to which you are applying at least one day prior to interview**. If we have not received this, we reserve the right to withdraw the offer of interview.

Post Applied For:	Date:

Surname:	Previous name(s) (if any):	
Forename(s):	Preferred title:	Date of birth

National Insurance No:	Teacher Ref. No (if applicable):	Date of recognition as qualified teacher, QTS (if applicable):

Tame River Educational Trust is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.

We comply with the Disclosure and Barring Service (DBS) code of practice and have a written policy on the recruitment of ex-offenders, both of which are available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

Please read the information here before answering the following questions. If you are unsure whether you need to disclose criminal information, you should seek legal advice or you may wish to contact NACRO or Unlock for impartial advice. There is more information on filtering and protected offences on the Ministry of Justice website.

Nacro - https://www.nacro.org.uk/criminal-record-support-service/ or email helpline@nacro.org.uk or phone 0300 123 1999

Unlock – http://hub.unlock.org.uk/contact/ phone 01634 247350 or text 07824 113848

1. Do you have any convictions or adult cautions that are unspent? **Yes / No**
If yes, please provide details here
2. Do you have any other cautions or convictions that would not be filtered? **Yes / No**
If yes, please provide details here
3. Are you included on the DBS children's barred list? **Yes / No**
If yes, please provide details here
(Teaching posts only) 4. Are you, or have you ever been, prohibited from teaching by the TRA or sanctioned by the GTCE?

Yes / No / Not applicable
If yes, please provide details here
(Management posts only) 5. Have you been prohibited from the management of an independent/state school (s128)? **Yes / No / Not applicable**
If yes, please provide details here
6. Have you lived or worked outside the UK for more than 3 months in the last 5 years? **Yes / No**
If yes, please provide details here
7. Are you subject to any sanctions relating to work with children in any country outside the UK? **Yes / No**
If yes, please provide details here
Please complete the declaration below: I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role. **Signed**: Date:

Please return this form to: HR Department

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed 6 months from the date of interview.