**Employment of Ex-Offenders Policy**

**Revised: November 2023**

## 1. Introduction

The Kent Catholic Schools' Partnership ("the Trust") is committed to working in accordance with Keeping Children Safe in Education, and the DBS Code of Practice, which require that the Trust makes available a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

This policy provides a framework within which the Trust will seek to ensure that all cases are assessed fairly, and on an individual basis. The Trust will not discriminate because of a conviction or other information revealed.

## 2. Background

The Rehabilitation of Offenders Act (ROA) 1974 and the amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) allows most convictions and cautions to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information from a prospective employer when applying for most jobs.

All positions that involve working with children are exempt from the provisions of the Rehabilitation of Offenders Act 1974. 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 which have been filtered in accordance with the DBS filtering rules.

Candidates applying for a vacancy will be asked to complete a Self-Disclosure form only if they are shortlisted. On this form they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or other matters which may affect an applicant's suitability to work with children. Candidates should be signposted to the Ministry of Justice website to seek guidance and clarity on what offences and issues they are required to disclose. https://www.gov.uk/government/news/disclosure-and-barring-service-filtering

Additional information can also be found at https://www.nacro.org.uk/criminal-record-support-service/support-for-employers/asking-about-criminal-records/?nowprocket=1

## 3. Legal Requirements

*Keeping Children Safe in Education* gives statutory guidance and states:

- Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form, or elsewhere in

the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

- Schools and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.
- Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on recruitment of ex-offenders.

The *DBS Code of Conduct*, 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.

**4. Policy Statement**

As an organisation 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 will comply fully with the DBS 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
- 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 amended, and where appropriate Police Act Regulations as amended).
- can only ask an individual about convictions and cautions that are not protected
- 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
- will make this written policy on the recruitment of ex-offenders available to all DBS applicants at the start of the recruitment process
- 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
- select all candidates for interview based on their skills, qualifications, and experience
- 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.
- ensures that all employees involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences using information available at www.nacro.org.uk
- ensures that employees 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, ensure 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
- makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.
- undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Further advice may be sought from your HR Consultant.