The New Beacon

EX FUMO DARE LUCEM

Recruitment of Ex-Offenders Policy

ISI Policy Number	
Version	2.0
Revised by	Peter Young (DFO)
Revision Date	September 2023
Next Revision Date	September 2026

1. Purpose & Scope

The aim of this Policy is to provide details of 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 based on their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

However, the New Beacon School (hereinafter referred to as the 'school') 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, the school 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 and vulnerable adults 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.

1.1. Jobs covered by the Rehabilitation of Offenders Act 1974

We will not automatically refuse to employ a particular individual just because they have 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 a basic DBS certificate.

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.

1.2. Roles/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, we 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 some 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

considered by potential employers. We encourage all applicants to use the flowchart provided by Nacro and to seek legal or impartial advice before completing their self-disclosure. We will not consider any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

We 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 where the post is in regulated activity). Where the individual is a member of the DBS update service in the relevant workforce and at the required level, we will, with the individual's permission, carry out a status check on any current certificate.

We are 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 the New Beacon School 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 will request a DBS certificate where a check is relevant to the position concerned.

For those positions where an enhanced DBS check for regulated activity 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 1 day prior to the interview date. This information is to be sent to the DFO or to HR. Failure to return the self-disclosure will result in the offer of interview being withdrawn. We guarantee that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process.

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 our HR suppliers, 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 about 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 Head 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 adults1 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.

3. Risk Assessment for the Recruitment of Ex-Offenders

A risk assessment to be completed prior to appointing an ex-offender is found in Appendix 1.

4. 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 28/10/2023

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/

Appendix 1

Risk Assessment for the Recruitment of Ex-Offenders

The New Beacon **Criminal Record Risk Assessment** Please complete in detail				
Candidate Name:				
Post applied for:		Assessment Date:		
DBS required:	Enhanced and barred	Enhanced	Standard	Basic
Appraiser (HR):				
Appraiser (SLT):				

Nature of conviction(s) and other information (Continue on separate sheet if necessary)		
Offence:	Date of conviction:	Sentence:

	Question	**Yes / No and / or Comments**
1	Have those involved in the recruitment process read and understood the school Policy on the Recruitment of Ex-Offenders?	
2	Are those involved in the recruitment process familiar with the relevant legislation on the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974, and able to identify and assess the relevance and circumstances of offences disclosed?	
3	Did the Job Advert and Application Form include a statement that a Disclosure will be requested on any conditional offer of a job?	
4	Is the candidate aware the School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed?	
5	Is the candidate aware the job involves substantial access to children?	
6	Do the school insurance policies exclude employment of ex-offenders in specific occupations?	
7	Did the candidate declare the criminal information (convictions, cautions, reprimands, final warnings or bind overs in the UK or any other country) in their self-declaration?	
8	Did the candidate declared all offences now disclosed?	
9	Is the candidate under police investigation?	
10	How serious is the offence(s) in relation to the job and person specifications?	

11	Is the offence(s) relevant to the job?	
12	Does the offence have implications for the safety of adults?	
13	Does the offence reflect on the person's suitability to work with children or have implications for the safety of children?	
14	Does the candidate have a pattern of offending or other relevant behaviour?	
15	How old was the candidate at the time of the offence(s)?	
16	How long ago was the conviction(s)?	
17	What were the circumstances surrounding the offence(s)?	
18	What is the candidate's attitude to the offence(s)	
19	Have efforts been made not to re-offend?	
20	Is the candidate taking part in a specific remedial/action plan?	
21	Have the candidate's circumstances changed since the offence(s)? If so, how?	
22	Does the job provide any opportunity for the candidate to re-offend?	
23	Are there any legal constraints such as motoring convictions for those that may be required to drive?	
24	Will the offer of a job that has driving responsibilities contravene the school policy for anyone convicted of drink driving?	
25	Does the post involve direct contact with visitors / parents?	
26	If the candidate is offered a job what level of supervision will be required and available?	
27	Does the job involve direct responsibility for finance or items of value?	
28	Will the offer of a job with access to money or budget responsibilities contravene the school policy for anyone convicted of robbery, burglary, theft, deception or fraud?	
29	Does the position involve a significant level of trust?	
30	Were suitable references obtained and ID checked?	
31	Are they any potential risks to the school's reputation?	
32	Has the matter (convictions, cautions etc) been discussed with the candidate, for example, at interview and, if so, how did they respond?	
33	Were there any other material discrepancies in the application form, interview responses and vetting information?	
Are there any further questions relevant to the post in respect of criminal convictions?		
34		
35		

Are there any precautionary measures recommended given the above questions to mitigate the risk of any potential criminal activity or associated behaviour. Examples may include:

- The level of supervision required initially and then subsequently on employment.
- Induction and briefings such as Safeguarding, Health and Safety, Code of Conduct.
- Training to enable the candidate and their supervisor to operate safely.
- Other measures such as progress reviews, longer than normal probation etc.

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to allow the candidate to commence work.</td><td colspan="2">I have studied the above information and am:
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