

Employment of Ex-offenders policy

Contents:

1. Introduction
2. Scope
3. Policy principles
4. Relevant Legislation
5. DBS checks and the recruitment process
6. Data protection

1. Introduction

1.1 Progression 2Work recruit's individuals with varied talent, skills and potential. Progression 2Work welcomes applications from a wide range of candidates, including those with criminal records.

1.2 This policy assists in enabling candidates to be selected for interview based on their skills, qualifications and experience, with criminal records only taken into consideration where the circumstance of the offenses are related to the nature of the position.

1.3 Progression 2Work recognises that having a criminal record does not automatically make an individual unsuitable for employment. Progression 2Work is committed to the fair treatment of all staff and applicants. However, Progression 2Work has a statutory duty to safeguard and promote the welfare of children. Safeguarding considerations and a individual's suitability to work with children will always take precedence over all other factors in the recruitment decisions.

Where information relating to a criminal record is disclosed Progression 2Work will assess this on a case by case basis taking into account the nature of the role, the responsibilities involved and the schools duty to ensure the safety and wellbeing of children and young people.

2. Scope

2.1 This policy sets out the best practise for the schools safer recruitment and selection process where a DBS certificate or self-disclosure form has been



obtained and a criminal record or other information has been revealed or where the applicant and voluntarily disclosed a criminal conviction. It applies to all applicants and employees of Progression 2Work involved in the recruitment process.

3. Policy Principles

- To ensure that all applicants are treated fairly in the recruitment process
- To ensure that ex-offenders are not unfairly discriminated against the recruitment process

4. Relevant legislation

This policy should be read in conjunction with the following legislation and statutory guidance:

- Rehabilitation of offenders act 1974 and the Rehabilitation of offenders act 1974 (Exceptions) order 1975 (as amended)
- The police act 1997
- Safeguarding vulnerable groups act 2006
- Keeping Children Safe in Education (DfE) – current version
- Data Protection act 2018 and UK general Data Protection Regulation (UK GDPR)
- DBS code of practise

This policy should also be read alongside Progression 2Works DBS policy, Safer recruitment policy, Safeguarding and Child protection Policy and data protection policy.

5. DBS checks and the recruitment process

Requirements of the recruitment process

5.1 In 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), Progression 2Work complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.

5.2 Progression 2Work undertakes not to discriminate unfairly against any subject of a



criminal record check on the basis of a conviction or other information revealed.

5.3 Progression 2Work will only ask an individual to provide details of convictions and cautions that we legally entitled to know about. Where a DBS certificate at either standard or enhanced level can be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), the Police Act 1997 and associated regulations.

5.4 Progression 2Work will not ask about or take into account or make recruitment based decisions on convictions or cautions that are protected under the DBS filtering rules.

5.5 Progression 2Work will make every subject of a criminal record check submitted to the DBS aware of the existence of the DBS code of practice and this Recruitment of ex-offenders policy and make a copy available on request.

5.6 Progression 2Work will ensure 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.

5.7 Progression 2Work will 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.

5.8 Progression 2Work will ensure that such staff have also received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Equal opportunities:

5.9 Progression 2Work actively promotes equality of opportunity for all with a variety of talent, skills and potential, and welcome applications from a wide range of candidates, including those with criminal records.

5.10 Progression 2Work is committed to the fair treatment of its staff, potential staff or users of its services, regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation; responsibilities for dependents; physical/mental disability or offending

background.

The interview process:

5.11 Progression 2Work will select all candidates for interview based on their skills, qualifications and experience;

5.12 At interview, or in any other separate discussion, Progression 2Work will 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;

5.13 Progression 2Work undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment;

5.14 Where a decision is made not to appoint someone because of their conviction(s) this will be documented clearly so if challenged, the decision can be defended in line with this policy;

Risk assessment and decision making:

5.15 Where a criminal record, caution or other relevant information is disclosed (either through self-disclosure or DBS certificate) Progression 2Work will undertake an individual risk assessment before confirming the appointment.

5.16 The purpose of the risk assessment is to determine whether the individual is suitable to work with children and whether the disclosed information presents any risk to pupils, staff or the wider school community.

5.17 The risk assessment will be carried out on a case-by-case basis and it will take into account:

- The nature, seriousness and relevant offence(s) to the role applied for
- The time elapsed since the offence(s) occurred
- Whether the offence(s) form part of a pattern of behaviour
- The individual's explanation, attitude and evidence of rehabilitation
- The level of supervision associated with the role
- The individual responsibilities and the degree of contact with students



5.18 Where appropriate advice may be sought from the headteacher, Designated Safeguarding Lead or other relevant senior leaders before a final decision is made

5.19 A written record of the risk assessment and the rationale for the recruitment decision will be retained in accordance with data protection requirements

5.20 In some cases a conditional appointment may be made subject to additional safeguards such as increased supervision or restriction of duties where this is deemed appropriate and does not compromise safeguarding.

Barred list checks and regulated activity

5.21 Progression 2Work identities roles that involve regulated activity with children in accordance with statutory guidance

5.22 For roles that involve regulated activity with children Progression 2Work undertakes enhanced DBS checks including a check of the children's barred list as set out in our procedures for checking a DBS policy

5.23 individuals who are barred from working with children will not be employed in roles that involve regulated activity. Any offer of employment will be withdrawn where a barred list check indicates that an individual is prohibited from working with children.

6. Data Protection

When handling information relating to previous convictions, Progression 2Work processes personal data collected in accordance with its data protection policy. Data collected by the school as part of the operation of the DBS checking process is held securely and accessed by, and disclosed to, individuals only for the purpose of recruiting. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

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