




RECRUITMENT OF EX- OFFENDERS POLICY

Date of last review	October 2023	Review Period	Annual
Date of next Review	October 2024	AC or Board Approved	Board
Type of Policy	Trust	Signed (chair)	

1. Introduction

- 1.1 The aim of this Policy is to provide details of Victoria Academies Trust approach towards employing people who have criminal convictions.
- 1.2 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.
- 1.3 When 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), Victoria Academies Trust undertakes to treat all applicants for positions fairly.
- 1.4 Victoria Academies Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

2. DBS Checks

- 2.1. Victoria Academies Trust can only ask an individual to provide details of any relevant convictions, adult cautions or other matters that may affect their suitability to work with children that Victoria Academies Trust is legally entitled to know about.
- 2.2 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).
- 2.3 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 Victoria Academies Trust will not take these offences into account.
- 2.4 Victoria Academies Trust will only ask an individual about convictions and cautions that are not protected. All applicants/employees are advised that if they are unsure whether they need to disclose criminal information, they should seek legal advice or may wish to contact NACRO or Unlock for impartial advice. There is also further information on filtering and protected offences on the Ministry of Justice website. <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

Nacro – <https://www.nacro.org.uk/criminal-record-support-service> or email helpline@nacro.org.uk or call 03001231999

Unlock – <http://hubunlock.org.uk/contact/> call 01634 247350 text 07824 113848

- 2.5 In the event that an individual discloses information that they did not need to on their self-disclosure form, the form will be destroyed and the individual will be advised to complete a further form, ensuring they seek impartial advice prior to submitting the form.
- 2.6 Victoria Academies 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. This policy is made available to all DBS applicants at the start of the recruitment process.

- 2.7 Victoria Academies Trust actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records
- 2.8 Victoria Academies Trust selects all candidates for interview based on their skills, qualifications and experience and only ask for information about criminal convictions if an applicant is successfully shortlisted.
- 2.9 An application for a criminal record check is only submitted to DBS if analysis of the role has indicated that one is both proportionate and relevant to the position concerned.
- 2.10 For those positions where a criminal record check is identified as necessary, all job adverts and job descriptions will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

3. Convictions

- 3.1 For the purposes of this document a “conviction” refers to a criminal conviction, caution, reprimand or warning, or where legal action is being taken against an individual which may result in a legal penalty
- 3.2 If an applicant declares a conviction as part of their recruitment process, then a measured discussion will take place on the subject of any offences or other matter that might be relevant to the position.
- 3.3 The Head Teacher would need to inform the Director of Schools and HR, who will discuss next steps. The Head Teacher will have a disclosure discussion with the applicant. A disclosure discussion is a conversation with the applicant to understand the content of the criminal record, and any circumstances surrounding their offences.
- 3.4 Follow the discussion, the Head Teacher will inform the Director of Schools and Head of HR of the outcome of the disclosure discussion.
- 3.5 The Director of Schools and the Head Teacher will decide whether to continue with the appointment and whether a risk assessment is required. The Head Teacher will then complete the risk assessment with the support of Head of HR.
- 3.6 Any completed risk assessments would need to be signed off by the Direct of Schools and the Chief Operating Officer.
- 3.7 Upon completion, the risk assessment will be retained on the individual’s personnel file. Please refer to Victoria Academies Trust Privacy Notice and Policy on Storage and Handling DBS Certificate Information for further information.
- 3.8 Victoria Academies Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

- 3.9 This policy outlines a fair and transparent process to enable school leaders to make fully informed and objective decisions on whether to continue with the appointment (or the employment) of an individual, whilst also ensuring the school meets its safeguarding obligations.
- 3.10 Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- 3.11 Victoria Academies Trust makes every subject of a criminal record check submitted to DBS aware of the existence of this policy and makes a copy available on request.