



Learn-AT
Learning ~ Fellowship

Recruitment of Ex-Offenders Policy

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Table of Contents

- 2. **Assessment criteria..... 3**
- 3. **Assessment procedure 4**
- 4. **Retention and security of disclosure information 4**

Please note that this policy supersedes and replaces any equivalent policies or sections of policies. This policy is non contractual and can therefore be amended without consultation. Before you use this policy, please check you have the latest version using the footer reference and Learn-AT Policy Index.

This policy applies to all Learn Academies Trust schools

- 1.1. The Trust will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. The School makes appointment decisions based on merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the Trust. Each case will be decided on its merits in accordance with the objective assessment criteria.
- 1.2. All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Adult cautions [simple or conditional] or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 [exceptions] Order 1975 [amendment] [England and Wales] Order 2020 must be declared by all applicants, including those which would normally be considered "spent". Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice Website and on the websites of charities NACR [Criminal Record Support Service | Help and Advice | Nacro](#) and UNLOCK [Unlock | independent charity for people with criminal records](#)
- 1.3. A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.
- 1.4. It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School.
- 1.5. The School will make a report to the Police and / or the DBS if:
 - it receives an application from a barred person;
 - it is provided with false information in, or in support of an applicant's application; or
 - it has serious concerns about an applicant's suitability to work with children.

2. Assessment criteria

- 2.1. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment considering the following factors before reaching a recruitment decision:
 - whether the conviction or other matter revealed is relevant to the position in question;
 - the nature and seriousness of any offence or other matter revealed;

- the length of time since the offence or other matter occurred;
 - whether the applicant has a pattern of offending behaviour or other relevant matters;
 - whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant.
 - If the post involves regular contact with children, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:
 - murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or serious class A drug related offences, robbery, burglary, theft, deception or fraud.
- 2.2. If the post involves access to money or budget responsibility, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.
- 2.3. If the post involves some driving responsibilities, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving [within the last ten years].

3. Assessment procedure

- 3.1. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head Teacher or Trust Leader before a position is offered or confirmed.
- 3.2. If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

4. Retention and security of disclosure information

- 4.1. The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.
- 4.2. In particular, the School will:
 - store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted;
 - not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months.

- The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

4.3. If a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the Head Teacher or Trust Leader to discuss the conviction(s) and circumstances. Following this meeting a risk assessment will be carried out and a decision made and communicated back to the person concerned. For safer recruitment purposes, until this decision has been made the applicant should not commence employment.