

The Corsham School Academy Group

**Recruitment of Ex-Offenders
Policy and Procedures**

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 on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

However, The Corsham School Academy Group (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 he/she has 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.

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 taken into account by potential employers. We encourage all applicants to use the flowchart provided by Nacro (included on page 3) and to seek legal or impartial advice before completing their self-disclosure. We will not take into account 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 Corsham School Academy Group 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 only request a DBS certificate after a thorough risk assessment has indicated that 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 which is included in the electronic Access Screening process. We guarantee that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process.

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 on the subject of 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 teacher 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 Roles and Responsibilities

Applicant and employee responsibilities

All applicants are reminded to complete the application form honestly, declaring any unspent convictions. Also, to declare spent convictions where the role applied for is exempt from the Rehabilitation of Offenders Act 1974.

If you have been made the subject of a disqualification order, you must not apply for roles for which you are not permitted to apply

¹ Relates to those applying for posts where students are over the age of 18 e.g., special schools. Delete if not applicable.

4 References & Useful Links

Disclosure & Barring Service:

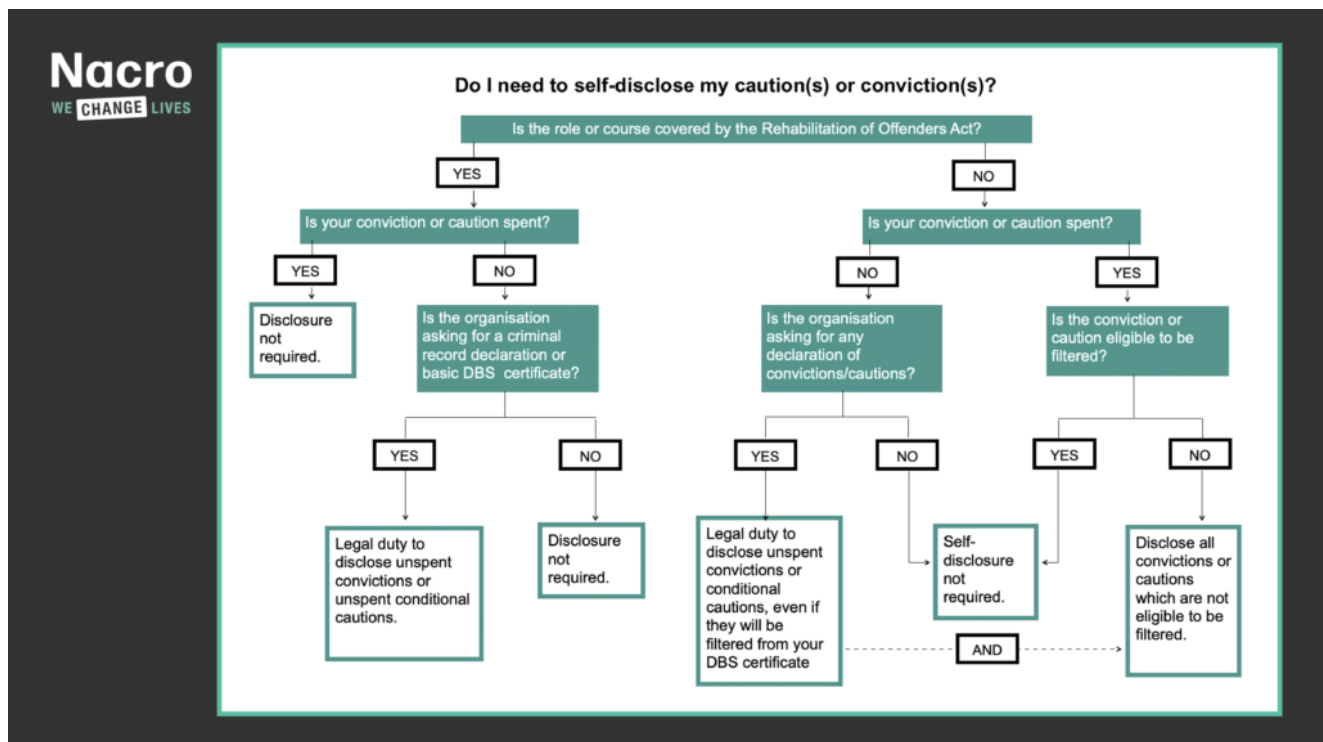
- www.gov.uk/government/organisations/disclosure-and-barring-service
- Detailed information, fact sheets and FAQs: <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>
- Filtering guidance from 28/11/20: <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

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/>
- Filtering flowchart



Is it spent?

The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs and for other purposes, like when buying insurance.

Apart from those individuals who are given prison sentences of more than 4 years, most people with convictions will benefit from it at some point in their lives. The table below sets out the time it takes for the main sentences to become spent following the changes that were introduced in 2014. This is known as the 'rehabilitation period' for the conviction. A conviction may have a number of rehabilitation periods depending on the sentence – in this situation, the longest one applies.

If you have access to the internet, you can also use our online tool www.disclosurecalculator.org.uk

Prison sentences & Community orders (with a buffer period)

Sentence		Time it takes to become spent	
		Adult (18+) at conviction/disposal	Young person (U18) at conviction/disposal
Prison (including suspended prison sentences)	Over 4 years or a public protection sentence	Never spent	Never spent
	More than 30 months and less than (or equal to) 4 years	Full sentence + 7 years*	Full sentence + 3 ½ years*
	More than 6 months and less than (or equal to) 30 months	Full sentence + 4 years*	Full sentence + 2 years*
	Less than (or equal to) 6 months	Full sentence + 2 years*	Full sentence + 18 months*
Community order / Youth rehabilitation order		Full length of the order + 1 year	Full length of the order + 6 months

*Sentence length includes time spent on licence

Other community sentences (with no buffer period)

Sentence/Disposal	Time it takes to become spent (from date of conviction)	
	Adult (18+) at conviction/disposal	Young person (U18) at conviction/disposal
Fine	1 year	6 months
Conditional discharge	Length of the order	Length of the order
Absolute discharge	Spent immediately	
Conditional caution / youth conditional caution	3 months (or when it ends, if earlier)	3 months
Simple caution / youth caution	Spent immediately	
Compensation order	Once it is paid in full	
Bind over	Length of the order	
Hospital order (with or without restrictions)		
Referral order		
Reparation order	Spent immediately	
Endorsement (imposed by a court)	5 years	2 ½ years
Motoring disqualification (imposed by a court)	Length of the disqualification	
Relevant order	Length of the order	

For information about other sentences, military convictions, the impact of multiple convictions and jobs that require spent convictions to be disclosed, visit hub.unlock.org.uk and select "Rehabilitation of Offenders Act".

Unlock Helpline – confidential peer advice on overcoming the effects of criminal convictions

Call: 01634 247350 **Email:** advice@unlock.org.uk **Write:** Helpline, Unlock, Maidstone Community Support Centre, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH

For online self-help information, visit hub.unlock.org.uk

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Unlock
for people with convictions