

<b>Title of Policy/Procedure</b>	Recruitment of Ex-offenders
<b>Reviewer(s):</b>	Head of HR
<b>To be read in conjunction with the following policies:</b>	Trust Recruitment Policy Trust Volunteers Policy
<b>Consultation Process</b>	Policy to be agreed with TU's at The Blue Kite Academy Trust JCC
<b>Policy Date:</b>	1 November 2023
<b>Review Date:</b>	1 November 2025
<b>This policy is to be ratified by:</b>	People and Culture Committee

## **1. Aims and Scope of Policy**

- 1.1 The aim of this policy is to set out The Blue Kite Multi Academy Trust's (BKAT) approach towards employing people who have criminal convictions.
- 1.2 BKAT is 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 BKAT is an exempt employer as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and as such has a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, BKAT is a regulated activity provider and for most posts have a statutory duty to check that the individual is not barred from regulated work with children.
- 1.4 The safeguarding of children and vulnerable adults is of paramount importance to schools in the Trust and the scrutiny of any unspent cautions or convictions and those which would not be protected under the current filtering rules is an essential part of the pre-employment checking process.
- 1.5 BKAT will consider ex-offenders for employment on their individual merits. The Trust's approach towards employing ex-offenders differs depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.
- 1.6 An individual will not be automatically rejected because he/she has a previous criminal conviction.
- 1.7 During the recruitment process, the Trust 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 an enhanced DBS certificate, with a Children's barred list check if undertaking regulated activity.
- 1.8 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, the Trust will review the individual circumstances of the case having sought a DBS certificate and by using a Positive DBS – Risk Assessment
- 1.9 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 ([helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)) 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.
- 1.10 Following a conditional offer of employment BKAT will make a joint application to the Disclosure and Barring Service (DBS) for an enhanced certificate (with DBS barred list(s)check if 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, the Trust will, with the individual's permission, carry out a status check on any current certificate.

- 1.11 BKAT is 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. Procedure**

- 2.1 All paid employees at the BKAT are in regulated activity and therefore subject to an enhanced DBS certificate with a children's barred list check.
- 2.2 In relation to volunteers an enhanced DBS certificate with a barred list check will be undertaken if the volunteer engages in regulated activity. The Trust / School will undertake a volunteer risk assessment when deciding whether to seek an enhanced DBS check for any volunteer not engaged in regulated activity. (Except for those simply assisting with day-time school trips).
- 2.3 For those positions where an enhanced DBS check is required, the application form and application pack 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.
- 2.4 All shortlisted applicants are required to complete a criminal record self-disclosure form to be returned prior to the interview date. This information is to be sent to the relevant Headteacher or to HR dependent on the role applied for. Failure to return the self-disclosure form 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 and selection process.
- 2.5 The criminal record self-disclosure form will include information for shortlisted applicants on the importance of seeking legal advice and the contact details of organisations that can provide impartial advice.
- 2.6 We also ensure that anyone carrying out any interviews 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 from HR, and relevant registered bodies.
- 2.7 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.
- 2.8 All potential employees are guided to the Revised Code of Practice for Disclosure and Barring Service Registered Persons and a copy will be made available on request.
- 2.9 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 completion of the Positive DBS – Risk Assessment Form will be undertaken by the Headteacher and countersigned by the CEO/Head of HR.

- 2.10 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 adults the applicant is deemed non-appointable. In this circumstance, we would notify the Local Authority Designated Officer.