



# Recruitment of Ex-Offenders Policy

<b>Implementation date:</b>	March 2022		
<b>Last review date:</b>			
<b>Next Review date:</b>	March 2025		
<b>Review Cycle:</b>	3 yearly		
<b>Statutory Policy:</b>	Yes		
<b>Date</b>	<b>Version</b>	<b>Reason for change</b>	<b>Source</b>
17.03.22	V1.0	<b>New Policy Drafting</b>	PHRP Ltd

*To be read alongside all relevant Matrix Academy Trust policies and procedures*

## **1. Introduction**

1.1. Matrix Academy Trust provides support to ensure the success of all academies in our Trust with a strong commitment to improving the life chances of all pupils and remaining focused on pupil achievement. This can only be achieved by having high expectations of our employees and fostering a culture where individuals support each other providing guidance and sharing excellence.

1.2. The Trust is committed to achieving this through:

- Setting high standards of expectation consistent with the academy community expectations of our Trust and relevant professional standards;
- The application of consistent and fair procedures in accordance with good practice and equal opportunities;
- Adhering to the employment legislation and guidance in relation to dispute and conduct.

1.3. This procedure does not form part of the contract of employment and may be varied from time to time.

## **2. Scope**

2.1. This policy applies to all employees including volunteers, temporary and fixed term employees, casual workers, SCITT trainees/students, Local Governing Board Members and Trustees and those responsible for and involved in recruitment and selection.

## **3. Policy Statement**

3.1. As an organisation 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), the Trust complies fully with the code of practice and undertakes to treat all applicants for positions fairly. The Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

3.2. The Trust can only ask an individual to provide details of convictions and cautions that the Trust is legally entitled to know about. 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), The Trust can only ask an individual about convictions and cautions that are not protected.

3.3. The Trust is committed to the fair treatment of its' employees, potential employees or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

3.4. The Trust's policy on the recruitment of ex-offenders, is made available to all DBS applicants at the start of the recruitment process.

3.5. The Trust actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. The Trust selects all candidates for interview based on their skills, qualifications and experience.

3.6. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, 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.

3.7. The Trust ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The Trust also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

3.8. The relevance of convictions should be judged against the following criteria:

- The seriousness of the offence and its relevance to other employees and children.
- The length of time since the offence occurred
- Whether the offence was a one-off or part of a history of offending
- Circumstances which led to the committing of the offence
- Whether the applicant's personal circumstances have since changed
- The country in which the offence occurred
- Decriminalisation and remorse

3.9. At interview, or in a separate discussion, the Trust ensures 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.

3.10. The Trust makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

3.11. The Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

3.12. Not all criminal convictions will be a bar to employment. The results of a DBS check will be considered on an individual basis and the Trust will act in a proportionate manner when deciding whether or not to proceed with the appointment to the post in question. However, the protection and safeguarding of [children/vulnerable adults] is the Trust's primary concern.

#### **4. Data Protection**

4.1. The organisation processes information about an individual's criminal convictions in accordance with its data protection policy. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

4.2. Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.