Employing people with criminal convictions policy

Formally adopted by the Governing Board/ Trust of:-	**Caister Primary Federation**
On:-	**4th December 2024**
Chair of Governors/Trustees:-	**Payal Patel**

Employing people with criminal convictions policy P112b

Contents

(Click on the headings below to jump to the relevant section)

1. Introduction and scope 2
2. Equalities and support 2
3. Commitment 3
4. Data Protection 4
Appendix 1 – Table of changes 5

We, the Governing Board Board, have adopted this policy.

1. Introduction and scope

1.1 This policy forms part of our overall commitment to a fair, robust and equitable recruitment and selection procedure, as well as our overall commitment to safety, wellbeing and duty of care of work.

1.2 This policy sets out the best practice for our recruitment and selection processes where a Disclosure and Barring Service (DBS) certificate has been obtained and a criminal record or other information has been revealed, or where an applicant has voluntarily disclosed a criminal conviction. It applies to all applicants and employees involved in the recruitment process.

1.3 The purpose of this policy and procedure is to ensure that all employees are selected, trained and promoted on the basis of their ability, the requirements of the job and other similar criteria that are non-discriminatory. This will enable all employees to perform to their full potential in the workplace.

1.4 This policy and procedure supports our obligation to work in line with current legislation, ACAS best practice, contractual requirements and national/local terms and conditions relevant to this area of employment practice.

2. Equalities and support

2.1 The Headteacher will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Governing Board will be mindful of their obligation to seek to maintain and protect the mental health and wellbeing of all employees as far as is reasonably practicable.

2.3 According to ACAS it is estimated one in seven people are neurodivergent, meaning that the brain functions, learns and processes information uniquely. Where an employee discloses neurodiversity, the Governing Board/Trust understands the employee may require extra support in relation to the application of this policy. Where reasonable adjustments are necessary and can be accommodated, the Headteacher will support these.

2.4 As an equal opportunities' employer, we undertake to treat all applicants for positions fairly and equitably. The importance of equality of opportunity for all is recognised, as are the benefits of having diversity of talent, skills and potential. As such, we welcome applications from as wide a range of applicants as possible, including those with criminal records.

2.5 The Governing Board/Trust uses the services of the Disclosure and Barring Service (DBS) to assist in assessment of applicants' suitability for positions of trust. In doing so, it undertakes not to discriminate without justification against any subject of a Disclosure on the basis of conviction or other information revealed through the Disclosure process.

3. Commitment

3.1 We recruit individuals with varied talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. All candidates will be selected for interview on the basis of their skills, qualifications and experience in relation to the requirements of the job.

Most positions in a school will require a DBS check. If this is the case it will be made clear in the recruitment literature along with a copy of, or link to, this policy and the Disclosure Barring Service policy. This policy includes security and storage information for dealing with disclosures and disclosure information which meets the standards of the DBS Code of Practice. It follows that offers of employment to such positions will be conditional upon further assessment of the relevance of any conviction(s) to the job in question before being confirmed.

Strategy consideration: *Disclosure and Barring Service (DBS) checks model policy and procedure P112* is available on InfoSpace.

3.2 In 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), we will comply fully with the DBS code of practice and undertake to treat all applicants for positions fairly.

3.3 The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and will not be taken into account.

3.4 Additionally, the DBS will no longer automatically include these sanctions on DBS certificates. Minor offences are automatically filtered from standard and enhanced DBS checks subject to specific time periods elapsing. Read guidance and criteria on the filtering of these cautions and convictions on gov.uk. Applicants will not be asked to disclose such convictions.

© 2024 Norfolk County Council

3.5 Any details provided by the applicant of a criminal record are requested to be sent under separate cover to the recruiting officer, who will use this information only for assessment of suitability for the position being applied for.

3.6 At interview, applicants will be given the opportunity to discuss the subject of any declared offences or other matter and their relativity to the position being sought. We will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

3.7 Appropriate guidance on identifying and assessing the relevance of the content of criminal records is provided to those involved in the recruitment process.

3.8 Failure to reveal information that is relevant to the position sought could lead to the immediate withdrawal of any offer of employment.

3.9 Any information revealed in a Disclosure, which gives cause for concern, will be discussed with the individual before any conditional offer of employment already made is withdrawn.

3.10 All individuals are assured that the presence of a criminal record will not necessarily exclude them from employment with the school/trust. Any criminal background will be assessed by reference to the circumstances and nature of offences and how these relate to the nature of the position.

3.11 Where a decision is made not to appoint someone because of their conviction(s) this will be documented clearly so if challenged, the decision can be defended in line with this policy.

4. Data Protection

Personal data collected and processed for the purpose of this policy will be handled in accordance with the data protection policy and applicable statutory obligations. Any personal data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of employee management or to comply with statutory reporting obligations. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported without delay, in accordance with the data protection policy. It may also constitute a disciplinary offence in which case it would be dealt with under the disciplinary policy and procedure.

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.

© 2024 Norfolk County Council

Appendix 1 – Table of changes

Date of change	Paragraphs affected	Summary of update
11/10/2024	All	Document combined with previous Recruitment of Ex-Offenders Policy P109. General review of whole document and terminology review to ensure consistency across all policies and procedures.
16/11/2021	1.3	Additional paragraph to include consideration for employees with mental health issues.
26/11/2020	2.4	Updated to state that individuals applying for roles (including roles in schools) will no longer have to declare if they received a warning, reprimand or youth caution.
02/07/2019	All	Reviewed to ensure it is fit for schools and academies. No major change to content just clarifying where aspects of the policy are specific to schools and/or MATs.
25/05/2018	4	New para added to take account of the General data protection regulations in force from 25 May 2018
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content

© 2024 Norfolk County Council