Recruitment of Ex-Offenders Policy

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), Vision for Education, ABC Teachers and Smart Teachers comply fully with the Government's 'DBS Code of Practice' and undertakes to treat all applicants for positions fairly.

We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

We can only ask an individual to provide details of convictions and cautions that we are 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).

Due to the nature of the roles that we facilitate, our assessment is that it is both proportionate and relevant to the positions concerned to apply for an Enhanced DBS check, as our roles are legally eligible for this type of check.

We can only ask an individual about convictions and cautions that are not protected.

We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical and mental disability or offending background.

Our Recruitment of Ex-Offenders Policy is made available to all applicants at the start of the recruitment process.

We actively promote 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.

We select all candidates for interview based on their skills, qualifications and experience.

All applicants require a criminal records check. Our job adverts include a statement that an application for a DBS certificate will need to be submitted as part of the registration process.

We ensure that all staff 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 and training in the relevant legislation relating to the employment of ex-offenders, eg the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we 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. Certain offences may present a barrier to employment based on the nature of the role.

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make sure every applicant is aware of the existence of the Government's 'DBS Code of Practice' and make a copy available on request.

We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to children or vulnerable adults. The Rehabilitation of Offenders Act (Exceptions) Order 1975 (the Exceptions Order), which lists these positions as exceptions to the 1974 Act, recognises that due to the nature of these roles, fuller disclosure of a person's criminal record history is relevant. On 29 May 2013 and again on 28th November 2020, amendments were made to the Exceptions Order so that certain old and minor cautions and spent convictions are filtered and not subject to disclosure under the Exceptions Order. They will also not appear on a standard or enhanced disclosure certificate issued by the DBS as protected cautions and

convictions are filtered from DBS disclosure.

An further change was made on 28 October 2023:

- all unspent conditional cautions and convictions (as defined by the Rehabilitation of Offenders Act) will be automatically disclosed.

This change ensures that all records that are disclosed on a DBS Basic check will also appear on Standard and Enhanced checks.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.

Candidates are expected to declare all unprotected spent cautions and convictions when applying for any of our positions. Failure to disclose any unprotected cautions and convictions, even if spent, may result in the termination of the candidate's application.

Dealing with convictions

Vision for Education, ABC Teachers and Smart Teachers operate a risk assessment review if a DBS Certificate is returned with details of convictions. Applicants will need to complete a 'DBS Check Risk Assessment Form (Part 1)' and a Compliance Officer will complete a 'DBS Check Risk Assessment Form (Part 2)' – see Appendix 1.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and:

- the nature, seriousness and relevance of the offence
- how long ago the offence occurred
- if it was a one-off or history of offences
- changes in circumstances, and
- decriminalisation and remorse.

If a candidate has a positive DBS, then the candidate will be asked to provide some background information surrounding the circumstances leading to their caution or conviction, and we would make a recruitment decision following a compliance review based on the criteria above. Booking clients will be informed if an agency worker has a positive DBS and the consultant within branch will provide a copy of the DBS (with the candidate's consent) to the client before any booking takes place.

APPENDIX

DBS Check Risk Assessment Form (Part 1)

PART 1 - FOR THE APPLICANT TO COMPLETE

Your Rehabilitation of Offenders Form/DBS certificate has identified information which may be relevant to your employment. This will not necessarily prevent you from working for us - it will depend on the nature of the position that you are applying for and your circumstances at the time of the incidents or offences. We would therefore like to give you the opportunity to provide an explanation for these incidents or offences, as well as the circumstances around you at the time. We need to know who was involved, when it occurred, what occurred, where the incident or offence was committed and why it was committed.

Please complete the following questions. Please be aware that if you withhold information or give false information, it will be regarded as an attempt to falsify records which constitutes gross misconduct and will, if proved, result in you being dismissed from your role/removed from our supply register.

Full name:	
Job/position applied for:	

Offence or Incident 1:	
Date of offence or incident:	
We need to know who was involved, when it occurred, what occurred, where the incident or offence was committed and why it was committed. It is also necessary to explain how you, the applicant, now feel about the incident or offence.	

Offence or Incident 2:	
Date of offence or incident:	
We need to know who was involved, when it occurred, what occurred, where the incident or offence was committed and why it was committed. It is also necessary to explain how you, the applicant, now feel about the incident or offence.	

Offence or Incident 3:	
Date of offence or incident:	
We need to know who was involved, when it occurred, what occurred, where the incident or offence was committed and why it was committed. It is also necessary to explain how you, the applicant, now feel about the incident or offence.	

Declaration by applicant

I certify that the information I have provided on this form is true and complete. I understand that to knowingly make a false statement or omit information will result in my application being unsuccessful or, my removal from placement, my removal from the agency register or other appropriate action, including referral to relevant bodies.

Signed: .....

Print name: .....

Date: .....

DBS Check Risk Assessment Form (Part 2)

PART 2 – FOR THE SAFEGUARDING TEAM LEADER TO COMPLETE

Please consider the following and make notes of your decision and include the names of members of staff involved in this process:

1. the nature, seriousness and relevance of the offence/incident
2. how long ago the offence/incident occurred
3. if it was a one-off or a history of offences/incidents, and
4. changes in circumstances, decriminalisation and remorse.

A	**Name of employee**			**Post**			**Agency**	
	Reason for check	New appointment	☐	Renewal	☐	Status check (Update Service)	☐	Other (Please specify)

B	**Factor** (Tick risk boxes as applicable)	**Low risk**	**Medium risk**	**High risk**
	Whether the offence is directly related to children	(Not related to children) ☐	(Indirectly related to children) ☐	(Directly related to children) ☐
	The seriousness of the offence and its relevance to the safety of other employees, children, broader members of the school community and property	☐	☐	☐
	The relevance of the offence to other duties required of the post holder	(No direct relevance to duties) ☐	(Indirect relevance to duties) ☐	(Direct relevance to duties) ☐
	Length of time since the offence occurred	(Offence committed over 10 years ago) ☐	(Offence committed 5 - 10 years ago) ☐	(Offence committed in the last 5 years) ☐
	Whether the offence was a one-off or part of a history of offending			
	Type of conviction(s)			

B	**If the offence was committed in another country, whether it is an offence in England and Wales**				
	Current age of candidate				
	Candidate's age at time of offence				
	Is the offence considered 'spent' under the Rehabilitation of Offenders Act?	Yes	☐	No	☐
	Other relevant information disclosed at the Chief Police Officer's discretion?				

Further details surrounding the offence

The information supplied on this form may be shared with schools/clients upon request.

Further information

Is there any other information relevant to this risk assessment which may have an impact on the candidate's suitability to undertake work?

Restrictions

Are there any restrictions that may be put in place in order to offer this candidate work? eg day-to-day only

Risk assessment completed by:

Full name: .....

Job title: ..... **Date:** .....