

Viking Academy Trust



Recruitment of Ex-Offenders Policy

The VIKING ACADEMY TRUST 'Recruitment of Ex-Offenders Policy and Procedure' has been written using the latest advice from the DfE and Keeping Children Safe in Education.

Approved by the Trust: Term 1 2022

Reviewed annually: Term 1

Last review date: Term 1 2025

Signed:

Chair of Trustees

VIKING ACADEMY TRUST

‘Empowering children through education: One Childhood One Chance’

GENERAL POLICY STATEMENT

All staff, governors and Trustees make the education of pupils at the Viking Academy Trust their first concern and are accountable for achieving the highest possible standards in work and conduct.

All staff, governors and Trustees act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils

Schools in the Viking Academy Trust (VAT)

Chilton Primary School
Ramsgate Arts Primary School
Upton Junior School

This ‘Recruitment of Ex-Offenders is for all the aforementioned schools.

Recruitment of Ex-Offenders Policy Statement

The Viking Academy Trust meets the requirements for exemption from the Rehabilitation of Offenders Act 1974.

This means that, where a role involves regulated activity, applicants are required to disclose relevant convictions and cautions (excluding exemptions – see section 2) if shortlisted for employment within our Trust.

Roles involving regulated activity will also be subject to an enhanced Disclosure and Barring Service (DBS) check with a barred list check.

Having a criminal record will not necessarily bar you from working within our Trust. The success of your application will depend on your suitability for the job, the nature of the role, and the circumstances and background of any offences.

We are committed to:

- Our duty to safeguard children under:
 - Keeping Children Safe in Education
 - The DBS code of practice
- The fair treatment of all applicants and equality of opportunity.

Protections and Exemptions

‘Specified offences’ will always be disclosed on a DBS certificate, and should always be included in self-declarations – see the [government’s list](#) for further details.

It is a criminal offence for any person who is barred from working with children to apply for a position in a school. The Viking Academy Trust will make a report to the DBS and/or the police as appropriate, if it receives an application from a barred person.

‘Protected offences’ are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is ‘protected’ can be found in:

- The Ministry of Justice’s Guidance on the [Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- The government’s tool to [check whether to disclose cautions or convictions](#)

Applicants should not list any ‘protected’ offences on their self-declaration form, and we will not take them into account if we are made aware of them.

Responsibilities

Many roles we are seeking to recruit are covered by the Rehabilitation of Offenders Act, 1974 (Exceptions Order 1975) (roles in regulated positions). 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 considered by potential employers. We encourage all applicants to use the [flowchart](#) provided by Nacro and to seek legal or impartial advice before completing their self-disclosure form. We will not consider 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 if it is required for employment and/or safeguarding purposes and will not be disclosed to any unauthorised person.

The Viking Academy Trust will ensure:

- We uphold our Trust's commitment to the fair treatment of all job applicants.
- all job application forms contain clear and relevant information about what cautions or convictions applicants are expected to disclose, and what safeguarding checks will be required to be carried out and at what stage in the application process.
- Make sure staff involved in the recruitment process have received appropriate guidance and training in their legal duties in employing ex-offenders and assessing the relevance and circumstances of offences.

Staff involved in the recruitment process:

- Treat applicants fairly, including in relation to any history of offending
- Maintain privacy for applicants, making sure that information about applicants' criminal records won't be seen by anyone outside of the recruitment process
- Make sure that all shortlisted applicants complete a self-declaration form before the interview stage, and that all job offers are conditional, subject to appropriate safeguarding checks
- Hold discussions with applicants about their disclosures, where relevant, and make decisions about suitability based on the circumstances and background of offences
- Seek specialist legal/HR advice where relevant

All job applicants:

- Familiarise themselves with the requirements for self-disclosure, and whether they have any previous convictions or cautions that must be disclosed
- Complete self-declaration forms honestly and completely, disclosing all required spent and unspent convictions and cautions (excluding 'protected' offences)
- Participate in disclosure discussions following either or both of their self-declaration and DBS check

The Process

As a *Regulated Activity Provider* (RAP) most employees at Viking Academy Trust are in regulated activity and therefore subject to an enhanced DBS certificate with checks of the relevant DBS Barred lists.

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) 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 to be returned no less than 1 day prior to the interview date. This information is to be sent to the HR Team. Failure to return the self-disclosure 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 process.

The criminal history self-disclosure will include information for shortlisted applicants on the importance of seeking legal advice and the contact details of organisations that can provide impartial advice.

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., relevant registered bodies.

At interview, or in a separate discussion, the recruitment selection panel will ensure that an open and measured discussion takes place about 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 adults 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.

Disclosure Discussions

Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further, and they will be informed that they legally cannot be considered for the job.

In all other cases, previous convictions will not necessarily prevent applicants from being employed by our Trust. Staff will determine, with support from HR specialists, whether disclosures warrant a discussion between our Trust and the candidate.

Where relevant, disclosure discussions will happen as part of the interview process and take the applicant's explanation into consideration. For example, we will consider:

- The seriousness of any offence and relevance to the post applied for
- How long ago the offence occurred
- Whether it was a one-off incident or a history of incidents
- The circumstances around the incident
- Whether the applicant accepted responsibility for their actions

Staff will then assess whether applicants' previous convictions or cautions make them unsuitable for the role.

We will not ask applicants about protected convictions and cautions.

A section 128 check will be requested for all roles that relate to the management of the school including but not limited to governors, trustees, directors and headteachers.

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 [Filterin-flowchart-twitter.png \(5000×2813\) \(netdna-ssl.com\)](#)