

## Recruitment of Ex-Offenders Policy and Procedure

### 1. Purpose & Scope

The aim of this policy is to state Ambitious about Autism (AaA) and Ambitious about Autism Schools Trust (AaAST) approach towards employing people who have criminal convictions.

We are committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

However AaA and AaAST are Regulated Activity Providers (RAPs) and all paid employees are therefore classed as undertaking regulated activity and are subject to checks with the Disclosing and Barring Service. Safeguarding of children, young people and vulnerable adults is of paramount importance to AaA and AaAST and the scrutiny of any convictions whether spent or unspent an essential and non-negotiable part of the pre-employment check process is.

However AaA and AaAST will consider ex-offenders for employment on their individual merits. The organisation'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.

#### **Jobs covered by the Rehabilitation of Offenders Act 1974**

AaA and AaAST will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

During job interviews, the organisation will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the organisation will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

#### **Jobs that are exempt from the Rehabilitation of Offenders Act 1974**

The majority of the roles AaA and AaAST are seeking to recruit are on the excluded in the Rehabilitation of Offender Act 1974 (exceptions) order 1975. Roles in regulated positions and in Further Education provision. In these cases the organisation will require the applicant to disclose all convictions, whether spent or unspent Even in these circumstances, however, the organisation 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.

AaA and AaAST will, once it has selected the person to whom it wishes to offer employment, make a joint application to the Disclosure and Barring Service (DBS) for an enhanced with DBS barred lists check. AaA and AaAST will reimburse the individual the fee for obtaining the appropriate criminal records certificate. Where the

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individual is a member of the DBS update service, the organisation will with his or her permission, carry out a status check on any current certificate.

The organisation 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 Data Protection Act 1998. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.

## 2. The Process

- As a Regulated Activity provider (RAP) all paid employees at AaA and AaAST are in regulated activity and therefore subject to checks with the DBS.
- In relation to volunteers and contractors, we only request a DBS check after a thorough risk assessment has indicated that a check is relevant to the position concerned.
- For those positions where a DBS check is required, all application forms, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS check will be requested in the event of the individual being offered the position.
- We encourage all applicants called for interview to provide details of any convictions at an early stage in the application process. We request that this information is sent (under separate, confidential cover) to the Head teachers of the Schools or The Principal of Ambitious College dependent on the role applied for. For the central teams at AaA information should be sent to the Director of People. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 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 and know how to access advice and support e.g. from our People team, and relevant registered bodies.
- 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 sought 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 made available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by

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the Designated Safeguarding Officer or by another appointed person. If the DBS check reveals any matching information against the Barred Lists or any criminal conviction which precludes them from working with children and adults in a regulated activity the applicant is deemed non appointable.

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