

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, we are Regulated Activity Providers (RAPs), Schools and Colleges are defined as specified places within Legislation 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 us and the scrutiny of any convictions whether spent or unspent an essential and non- negotiable part of the pre-employment check process is.

We 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

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

During the recruitment process, the organisation will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about convictions, that would be filtered or protected, nor expect them to disclose any protected 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 we are seeking to recruit are covered by the Rehabilitation of Offenders 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 unspent convictions, or bind overs in addition to any criminal history that would not be filtered. 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.

As a result of further amendments to the Rehabilitation of Offenders Act in 2013, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be taken into account by potential employers. We encourage all applications to use the flowchart provided by Unlock (a charity that supports individuals with criminal records) before completing their self-disclosure. We will not take into account any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

Policy Owner	Director of People	Review Date	November 2022
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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. We will reimburse the individual the fee for obtaining the appropriate criminal records certificate. Where the individual is a member of the DBS update service in the relevant workforce and at the required level, 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 General Data Regulations and the Data Protection Act 2018. 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 certificate 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 certificate (with barred list check(s) where relevant) will be requested in the event of the individual being offered the position.
- All shortlisted applicants are required to complete a criminal self-disclosure to be returned no less than 1 day prior to the interview date. This information is to be sent 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 the self disclosure information should be sent to the Director of People. 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.
- 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) 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 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 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 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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