South Gloucestershire and Stroud Academy Trust

Recruitment of ex-offenders policy

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Please contact the SGSAT Human Resources Department

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Job Title/Role:	Human Resources Business Partner
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Approved by:	SGSAT Board of Trustees
Date:	10 July 2024

Recruitment of ex-offenders policy

1. Policy Intent

1.1. 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), SGS Academy Trust (SGSAT) complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. SGSAT undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

2. Scope

2.1. This policy applies to all applicants for employment to South Gloucestershire & Stroud Academy Trust (SGSAT). Throughout this document, the employer will be referred to as 'SGSAT'.

3. Procedures

3.1. SGSAT can only ask an individual to provide details of convictions and cautions that SGSAT 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), SGSAT can only ask an individual about convictions and cautions that are not protected (see paragraph 6 for further information about conviction information).

3.2. SGSAT is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

3.3. SGSAT has this written policy on the recruitment of ex-offenders, which will be made available to all DBS applicants on request at the outset of the recruitment process.

3.4. SGSAT actively promotes 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. SGSAT select all candidates for interview based on their skills, qualifications and experience.

3.5. An application for a criminal record check is only submitted to DBS after assessment has indicated that one is relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for an Enhanced DBS certificate will be submitted in the event of the individual being offered the position.

3.6. SGSAT ensures that all those in SGSAT who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. SGSAT also ensures that they have received

appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

3.7. At interview, or in a separate discussion, SGSAT ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

3.8. SGSAT makes every subject of a criminal record check submitted to DBS aware of the existence of the Code of Practice and makes a copy available on request.

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

4. Related Policies, Procedures, Charters, Plans, Guidance and Legislation

4.1. https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide

4.2. Employing prisoners and ex-offenders - GOV.UK (www.gov.uk)

5. Impact

5.1. The impact of this policy and related procedures is to ensure that applicants have clarity about the recruitment process for employment with SGSAT and that they are treated fairly and in line with current legislation.

6. Additional useful information

6.1. On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure. (See Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013; and Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013.)

6.2. In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

6.3. All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

6.4. Further information can be found on the DBS website to explain the filtering of old and minor cautions, and convictions which are 'protected' and so not subject to disclosure to employers:

7. MANDATORY INITIAL IMPACT SCREENING

Completed by:

Name Vanessa Terry	Title Human Resources Business Partner	28/06/2024

I have read the guidance document: Completing a Policy Impact Assessment?	✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:	✓

EQUALITY AND DIVERSITY IMPACT ASSESSMENT	
Characteristic	This policy seeks to:
Age	No appreciable impact
Disability	No appreciable impact
Faith or Belief	No appreciable impact
Gender	No appreciable impact
Race or Ethnicity	No appreciable impact
Orientation	No appreciable impact
Gender reassignment	No appreciable impact
Economic disadvantage	No appreciable impact
Rural isolation	No appreciable impact
Marriage	No appreciable impact
Pregnancy & maternity	No appreciable impact
Carers & care leavers	No appreciable impact
Vulnerable persons	Safeguarding children or vulnerable adults
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the College's stakeholder groups:	N/A
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the College's stakeholder groups:	N/A

Is there any possibility that this policy could operate in a discriminatory way?	☐	×	If you have ticked yes (red), which characteristic will be most affected? Choose an item.
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	☐		Click or tap to enter a date.

Note: if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

MAPPING OF FUNDAMENTAL RIGHTS	
Which United Nations Convention on the Rights of the Child (UNCRC), Right does this policy most protect:	Art. 2 Non-discrimination Art. 6 Life, survival & development Art. 40. Right to justice
Which Human Right (HRA) does this policy most protect:	Art. 14 Prohibition of discrimination Choose an item.

DATA PROTECTION & PRIVACY BY DESIGN SCREENING	
Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will not result in the collection, storage or processing of personal data outside of official College systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	✓