



Employment of Ex-Offenders Policy

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1. Introduction

Inspira Academy Trust is committed to working in accordance with Keeping Children Safe in Education, and the DBS Code of Practice, which require that the school makes available a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

This policy provides a framework within which the school will seek to ensure that all cases are assessed fairly, and on an individual basis. Inspira Academy Trust will not discriminate because of a conviction or other information revealed.

2. Scope

This policy applies to all Employees, Volunteers, Trustees, Governors and Members of Inspira Academy Trust.

3. Adoption Arrangements and Date

This policy was adopted by the Trust Board of Inspira Academy Trust in October 2023 and supersedes any previous Employment of Ex-Offenders Policy.

This policy will be reviewed by the Trust Board every 2 years or earlier if there is a need.

The effectiveness of this policy will be monitored, evaluated, and reviewed by the CEO/Headteacher and Trust Board/ Local Governing Body.

4. Purpose

This document applies to the recruitment and selection of all teachers (including the Headteacher), support staff, volunteers, Governors, Trustees & Members and should be read in conjunction with the school's Recruitment and Selection policy.

For individuals who work at the School's within our Trust via external agencies, e.g. catering and cleaning staff, the school will ensure that confirmation is received from the supplying organisation that relevant checks in relation to the employment of ex-offenders have been undertaken.

The purpose of this policy is to outline the process of assessing:

- A job applicant's suitability to work within this Trust where a criminal conviction is disclosed by either:

- > The job applicant directly,
- > The Disclosure and Barring Service, on an Enhanced DBS certificate.
- > The Police or other Law Enforcement Agency, as additional information alongside the Enhanced DBS certificate.
- > An existing employee's suitability to continue to work within this Trust where they have received a criminal conviction or caution during the course of their employment.

This policy outlines a fair and transparent process to enable school leaders to make fully informed and objective decisions on whether to continue with the appointment (or the employment) of an individual, whilst also ensuring the school meets its safeguarding obligations.

For the purposes of this document a "conviction" refers to a criminal conviction, caution, reprimand or warning, or where legal action is being taken against an individual which may result in a legal penalty.

The school have also adopted the Disclosure and Barring Service's Code of Practice on the handling of Disclosure Information and will adhere to it in all circumstances.

5. Rehabilitation of Offenders

The Rehabilitation of Offenders Act 1974 (The Act) allows most convictions, cautions and reprimands to be considered "spent" after a certain length of time has elapsed. This is known as the "rehabilitation period" and is determined by the sentence or disposal given. The Act provides individuals with spent convictions the legal right not to disclose them when applying for most jobs.

However, most school-based roles will fall under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, e.g. where the post is involved in regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely in charge of children under the age of 18, and are exempt from the provisions of The Act. The school is therefore entitled to request details of spent and unspent convictions and cautions that are not protected (i.e. eligible for filtering, see below). This information will be taken into account when determining an applicant's suitability for the role applied for in school.

Having a criminal record will not necessarily prevent an individual from working in this school. Decisions on whether or not to recruit an individual will

only be taken following a detailed and considered assessment of all the circumstances.

The school will not discriminate unfairly against any individual on the basis of a conviction or other information revealed.

6. Pre-Employment Checks

It is unlawful for the Trust to employ anyone who is barred from working with children. Similarly, it is a criminal offence for any person who is barred from working with children to apply for a position at the school.

Shortlisting of Applicants:

During the recruitment process, all short-listed applicants will be asked to disclose any relevant spent or unspent convictions and cautions prior to interview using the Shortlisted Candidate Self-Disclosure Form (Appendix 1). This form should be returned to the Trust HR Officer prior to interview.

- > Under the Exceptions Order the following must be disclosed:

- > All unspent convictions and cautions, **and**

Spent cautions and convictions if they meet the circumstances described in the table below:

Disposal	Age when given/sentenced	How long since given/sentenced?
Caution for specified offence	18 years or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over Under 18	Less than 11 years Less than 5 and half years

A 'specified offence' is serious and relates to:

- > Sexual offending,
- > Violent offending and/or are relevant to safeguarding children and vulnerable adults.

The full list of "specified offences" can be found on the DBS website.

[List of offences that will never be filtered from a DBS certificate - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Where the applicant is successful at the interview stage and a criminal record has been disclosed on the Shortlisted Candidate Self-Disclosure Form, please refer to **Section 3** of this policy.

Where a conditional offer of employment is made:

A job applicant who is successful at the interview stage will receive a conditional offer of employment. This offer will be subject to a satisfactory Enhanced Criminal Record check with a barred list check (where appropriate) by the Disclosure and Barring Service before an appointment is confirmed.

An Enhanced DBS certificate will always include:

- > convictions that resulted in a custodial sentence,
- > "specified offences" where they resulted in a conviction, **or**
- > An adult caution regardless of when they were received.

Cautions, reprimands and warnings received when an individual was under the age of 18 will not automatically appear on an Enhanced DBS certificate.

As a result of the amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now 'Protected' or 'filtered' convictions or cautions and should **not** be disclosed or included on a DBS Disclosure Certificate. Information volunteered by an applicant relating to 'protected' convictions and cautions will be disregarded.

Further information can be found on the [Ministry of Justice](https://www.ministryofjustice.gov.uk) website.

Furthermore, there may be occasions where the police choose to disclose information relating to a protected caution or conviction along with the Enhanced Disclosure where it is considered relevant to the role that the individual has applied for. This information will be taken into account as part of the vetting process.

Failure to disclose a previous conviction may lead to an application being rejected or an offer of employment withdrawn. Where it is discovered, after

employment has started, that an individual did not disclose a criminal record, this may lead to disciplinary action being taken. A failure to disclose a previous conviction may also amount to a criminal offence.

The Trust will make a report to the Police and/or the DBS if:

- > It receives an application from a barred person;
- > It is provided with false information in, or in support of an applicant's application; or
- > It has serious concerns about an applicant's suitability to work with children.

7. When A Job Applicant Declares a Criminal Conviction/Caution

Where a panel consider a job applicant is appointable following interview, and a conviction, caution or other offence has been disclosed on Shortlisted Candidate Self-Disclosure form, a further interview with the applicant will take place to discuss the declared information. The school will then determine whether or not the information provided has an impact on the applicant's ability to undertake the role they are applying for, before a final recruitment decision is made.

The Chair of the Panel will arrange a meeting with the individual, as soon as practically possible in order to complete the Impact Assessment Form ([Part 1](#) and [Part 2](#)). Following the meeting the chair of the panel will:

- > Conclude whether or not the declared information impacts on the role applied for, **And**
- > Provide a clear rationale of the reasons behind the conclusion.

The completed Impact Assessment Form will be retained with all other documentation relevant to the individual's application.

NB. Part 2 does not always need to be completed. This is dependent on the circumstances. See attached forms at Appendix 2. Where necessary external HR advice will be sought.

8. When A DBS Disclosure Certificate Identifies A Criminal Record

Prior to confirming an offer of employment, the school must have sight of the applicant's original DBS certificate. Where an applicant does not have a current DBS certificate, the school will apply for one.

Where a criminal record is stated on the DBS Certificate (and/or additional information is provided by the Police), and where the Chair of the Recruitment Panel did not complete the Impact Assessment at the Interview stage (due to no convictions being stated on the Criminal Convictions Self-Disclosure Form), the Headteacher will undertake an assessment which may determine:

Due to the age and/or nature of the offence(s) there is no impact on the role the individual will be undertaking. The Headteacher will complete the Impact Assessment Form **Part 1 only** and place this in the individual's personal file.

OR

That further investigation is required before any decision can be taken on whether an appointment can be confirmed. The Headteacher will complete the Impact Assessment Form **Part 1 & Part 2**. The form will be retained on the individual's personal file. Any copies taken of the Disclosure Certificate will be destroyed.

In instances where an individual disputes the contents of the DBS disclosure certificate issued to them, the school has the discretion to suspend the recruitment process until such time as the dispute is resolved

The Headteacher will seek advice from their external HR Adviser and the LADO where the disclosure or additional information was of a safeguarding nature.

9. When A Criminal Conviction is Declared by a Current Employee/ Volunteer

Where an employee/volunteer declares a criminal record or advises the Headteacher of pending criminal action, an Impact Assessment will be undertaken to establish whether this affects the individual's suitability to continue to undertake their role.

Where appropriate, the Headteacher will complete the Impact Assessment Form Part 1, and depending on the nature of the criminal record, Part 2, and place this on the individual's personal file. The Head teacher may conclude:

- a) Where the impact assessment concludes that there is no impact on the individual's employment, no further action will be taken.
- b) Where the assessment concludes that there is an impact, action will be taken in accordance with the School's Disciplinary Procedure. For Volunteers/casual staff, continued use of such individuals may cease.

Where necessary HR advice will be sought.

The Headteacher will seek advice from their HR Provider and/or the LADO where the disclosure or additional information was of a safeguarding nature.

10. The Impact Assessment

An Impact Assessment will be undertaken to fully assess information received about a criminal conviction and inform decisions on the individual's suitability to undertake the role applied for/ remain in their current role.

All decisions made in respect of an individual's employment will be based on objective and factual consideration, and the rationale will record that serious consideration has been given to the potential risk of employing the individual.

The impact assessment will contain:

A summary of the information received and how this was received. If information is received via a DBS check it is not appropriate to summarise any of the information received.

The outcome of the assessment and any recommended action to be taken.

For existing employees: the outcome of an Impact Assessment may lead to disciplinary action. In such circumstances the Impact Assessment may act as the investigation stage of the Disciplinary Procedure in which case the employee will be advised of their right to representation.

Impact Assessment Form – Part 1 (to be completed in all cases):

In making an initial assessment the following questions will be considered:

- > Is the criminal offence(s) related to the type of work to be undertaken?

- > Does the post involve unsupervised work with vulnerable groups i.e. children, young people or vulnerable adults?
- > What penalty was awarded, if any?
- > Was the offence committed when the person was a juvenile or an adult?
- > How long ago was the offence?
- > Is the offence within [The Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009?](#)

N.B. The Safeguarding Vulnerable Groups Act 2006 provides for a [list of offences](#) that will result in automatic inclusion in one or more of the Independent Safeguarding Agency (ISA) barred lists .

- > If there was more than one offence, is there a pattern of offences — how frequent, how long since the last offence?
- > Does the post involve any direct responsibilities for property, finance or items of value?
- > The employers' duties in law.
- > Consideration will also be given to the country in which the offence was committed

For those individuals who have lived or worked abroad, has a letter of good conduct been received from that country(ies)

Impact Assessment Form – Part 2 (to be completed when further investigation is required): School leaders will consider the following when completing Part 2 of the Impact Assessment Form.

New Job Applicants:

- > The nature of the crime, when it happened, the circumstances surrounding the matter and the sentence was given.
- > Any advice from the LADO/HR?
- > The nature and seriousness of the offence and whether there is a potential risk to children, young people, vulnerable adults, other service users, the public and/or colleagues?
- > The nature of the offence and the potential to risk to property or finance?

Current employee/volunteers:

- > The nature of the crime, when did it take place etc.
- > Was the information previously known? e.g. from a previous DBS check undertaken?

- > Did the concern arise/offence take place prior to working for the School, if so was it considered during the recruitment? If yes, was this recorded?
- > Did the concern arise/offence take place whilst the individual was working at the School?
- > Did the individual declare the offence at the time it happened? If yes, was disciplinary action taken against the individual?
- > If disciplinary action was not taken, what alternative action (if any) was taken?
- > Have there been any other related concerns about the individual?
- > Is the concern sufficient to contact the LADO for advice?

The individual undertaking the interview will ensure that as part of the process:

- > The applicant/employee agrees that the information recorded on the DBS Disclosure certificate is correct and that it relates to them?
- > The applicant/employee provides a detailed explanation of what happened and context around the incident. Be aware that it is normal for people to minimise both what actually happened and justify their actions.
- > Consideration is given to the individual's circumstances; have these changed since the offence was committed?
- > The degree of remorse expressed by the applicant/employee and their motivation to change.

Following the Impact Assessment, a decision will be made based on the information gathered, regarding the individual's suitability to work/continue working in the role.

Possible outcomes of the Impact Assessment Process

The possible outcomes are:

- > To appoint to post
- > Not to appoint to post

Or for existing employees:

- > To continue in current role, with the option of making reasonably adjustments (where possible).

- > To continue in a different role; for employees the alternative role wherever practicable should be on the same grade.
- > Manage the individual under the school's Disciplinary Process. An outcome of which may be dismissal.

Appendix 1: Shortlisted Candidates Self-Disclosure Form

Congratulations on being shortlisted. Please return this disclosure to the school at least one day prior to interview. If we have not received this, we reserve the right to withdraw the offer of interview.

POST APPLIED FOR:		Date:
Surname:	Previous name(s) (if any):	
Forename(s):	Preferred title:	Date of birth
National Insurance No:	Teacher Ref. No (if applicable):	Date of recognition as qualified teacher, QTS (if applicable):

Inspira Academy Trust is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.

We comply with the Disclosure & Barring Service (DBS) code of practice and have a written policy on the recruitment of ex-offenders, both of which are available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account. Please read the information [here](#) before answering the following questions. If you are unsure whether you need to disclose criminal information, you should seek legal advice or you may wish to contact Nacro or Unlock for impartial advice. There is more information on filtering and protected offences on the Ministry of Justice website.

Nacro - <https://www.nacro.org.uk/criminal-record-support-service/>
or email helpline@nacro.org.uk or phone 0300 123 1999

Unlock – <http://hub.unlock.org.uk/contact/> phone 01634 247350 text 07824 113848

Do you have any convictions or adult cautions that are unspent? Yes / No

If yes, please provide details here

Do you have any other cautions or convictions that would not be filtered? Yes / No
If yes, please provide details here
Are you included on the DBS children's barred list? Yes / No
If yes, please provide details here
(Teaching posts only) Are you, or have you ever been, prohibited from teaching by the TRA or sanctioned by the GTCE? Yes / No / Not applicable
If yes, please provide details here
Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable
If yes, please provide details here
Have you lived or worked outside the UK for more than 3 months in the last 5 years? Yes / No
If yes, please provide details here
Are you subject to any sanctions relating to work with children in any country outside the UK? Yes / No
If yes, please provide details here
The Disqualification under the Childcare Act 2006 Regulations (2018) state that anyone employed to care for children in early years (children under the age of 5) or later years (wrap-around care for children under the age of 8) is disqualified from that work if they meet certain criteria. These criteria include (this is not an exhaustive list): Certain serious criminal offences Court orders relating to the care of your own child Being prohibited from private fostering
Do you have any reason to believe you are disqualified from working in childcare? Yes / No
If yes, please contact us for more information on the Regulations.

Please complete the declaration below:

I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role.

Signed:

Date:

Please return this form to Helen Owens, Trust HR Officer at:

howens@inspiraacademy.co.uk

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed within 6 months of your application.

Appendix 2: Criminal Record Impact Assessment Form Part 1

If it is proposed to interview the individual about the declared criminal record information Part 2 will be completed.

Name of job candidate/ Volunteer/Governor:			
Job applied for:			
Job location:			
Was the information disclosed: <input type="checkbox"/> on a DBS Disclosure Certificate <input type="checkbox"/> by the individual <input type="checkbox"/> by another source	If declared on DBS Disclosure Certificate:		
	Certificate Number		
	Date certificate issued		
<p>Please briefly outline the nature of the disclosure: <i>NB. It is not appropriate to record the precise details of any convictions, cautions, reprimands, warnings or additional information on this form. Instead record the nature of the disclosure, the year it happened and the penalty received.</i></p> <p>Examples:</p> <p><i>Driving Offence 2007 Fine</i> <i>Shop Lifting 2012 Community Service</i> <i>Assault 1994 Custody sentence</i> <i>Breach of the Peace 2017 Caution</i></p>			
Does this post require the individual to work with children, young people or vulnerable adults?		Please tick appropriate box Children <input type="checkbox"/> Adults <input type="checkbox"/>	
Following an initial assessment is verification required from the individual as to whether the information received is accurate?		Please tick appropriate box Yes <input type="checkbox"/> No <input type="checkbox"/>	

If NO – please state reason why not. *NB an initial assessment may easily determine that the information is of limited relevance to the post and a decision can quickly be made and recorded, with the reasoning stated and easily justifiable.*

Examples:

- *A serious drink driving offence is identified but driving is not required as part of the role, .therefore no action is required.*
- *The age of the offence - deemed as 'spent' under the terms of the [Rehabilitation of Offenders \(ROA\) Act 1974](#), therefore no action is required.*

If consideration is being given to investigate further then the individual will be asked to verify the accuracy of the

Information received

Following an initial assessment is it proposed to interview the individual in respect of the information received?

Please tick appropriate box

Yes No

If Yes – Part 2 of the form **will** be completed – if an employee the interview **will** take place in accordance with the Trust Disciplinary Procedure

If NO – please state reasons and conclusion

Please complete section A or B on the next page

Section A (Part 1 only) – Existing Employee/Volunteer	
If only Part 1 has been completed and no further action is required the signature of the Headteacher is required.	
Signed:	Date:

Section B (both Part 1 & 2) – New Employee/New Volunteer	Please tick appropriate box
Decision	
<input type="checkbox"/> To appoint to post	<input type="checkbox"/>
<input type="checkbox"/> Not to appoint to post	<input type="checkbox"/>
Signature of the HR Officer	
Signed:	Date:

Section B (both Part 1 & 2) – Current Employee/Volunteer	Please tick appropriate box
Decision	
<input type="checkbox"/> No action required	<input type="checkbox"/>
Employees - The following outcomes can only be enacted using the Trust Disciplinary procedure	
<input type="checkbox"/> Not to continue in current role	<input type="checkbox"/>
<input type="checkbox"/> To continue in current role, with the option of making reasonably practicable adjustments.	<input type="checkbox"/>
<input type="checkbox"/> To continue in a different role; for employees the alternative role wherever practicable should be on the same grade.	<input type="checkbox"/>
Signatures of Headteacher & CEO required:	
Headteacher Signature:	Date:
Print Name:	
CEO Signature:	Date:
Print Name:	

Criminal Record Impact Assessment Form Part 2

Has the individual consented to being interviewed?	Please tick appropriate box Yes <input type="checkbox"/> No <input type="checkbox"/>
If an employee, have they been informed of their right to have a representative present?	Please tick appropriate box Yes <input type="checkbox"/> No <input type="checkbox"/>

What impact does the offence/information have on the individual's suitability to carry out the role in question or the individual's suitability to continue within their role?

Having interviewed the individual include the rationale for decision as to whether or not the individual is suitable to take up/continue in the role. If appropriate, include measure(s) proposed to put in place to enable the individual to take up/continue in post:

If the employee/volunteer is not considered suitable to continue in post are there sufficient grounds to make a referral to the Independent Safeguarding Authority?

Yes No If No, please state reasons.