



Reviewed by Finance & Resources Committee: Autumn 2021

Next Review: Summer 2023

Policy for suitability of ex-offenders for employment

Background

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.

- in addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- 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
- you can direct applicants to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](#) which are now 'protected' so not subject to disclosure to employers

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), Trafalgar Schools' Federation complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly

- Trafalgar Schools' Federation undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- Trafalgar Schools' Federation can only ask an individual to provide details of convictions and cautions that Trafalgar Schools' Federation 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).
- Trafalgar Schools' Federation can only ask an individual about convictions and cautions that are not protected
- Trafalgar Schools' Federation 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
- Trafalgar Schools' Federation has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
- Trafalgar Schools' Federation 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



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- Trafalgar Schools' Federation selects all candidates for interview based on their skills, qualifications and experience
- an application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and 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 a DBS certificate will be submitted in the event of the individual being offered the position
- Trafalgar Schools' Federation ensures that all those in Trafalgar Schools' Federation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences
- Trafalgar Schools' Federation 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
- at interview, or in a separate discussion, Trafalgar Schools' Federation 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
- Trafalgar Schools' Federation 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
- Trafalgar Schools' Federation undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

<https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders>

<https://www.gov.uk/government/publications/dbs-code-of-practice>

<https://www.gov.uk/government/collections/dbs-filtering-guidance>