



# **Employing People with Criminal Convictions Policy Engage MAT**

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## **Employing People with Criminal Convictions Policy**

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### **1. Introduction and Policy Statement**

- 1.1 As an equal opportunities employer, the Engage Trust undertakes to treat all applicants for positions fairly and equitably. The importance of equality of opportunity for all is recognised, as are the benefits of having diversity of talent, skills and potential. As such, the Trust welcomes applications from as wide a range of applicants as possible, including those with criminal records.
- 1.2 The Engage Trust is committed to the fair treatment of its employees, potential employees and users of its services, regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status responsibilities for dependants, age or offending background.
- 1.3 The Engage Trust uses the services of the Disclosure and Barring Service (DBS) to assist in assessment of applicants' suitability for positions of trust. In so doing it undertakes not to discriminate without justification against any subject of a Disclosure on the basis of conviction or other information revealed through the Disclosure process.

### **2. Commitment**

- 2.1 All candidates will be selected for interview on the basis of their skills, qualifications and experience in relation to the requirements of the job.
- 2.2 All positions in The Engage Trust will require a DBS check. If this is the case it will be made clear in the recruitment literature. It follows that offers of employment to positions will be conditional upon further assessment of the relevance of any conviction/s to the job in question before being confirmed.
- 2.3 All applicants are encouraged to provide details of a criminal record at an early stage in the application process. It is requested that this be sent under separate cover to the recruiting officer who will use this information only for assessment of suitability for the position being applied for.
- 2.4 Applicants are asked to declare all 'unspent' convictions unless the nature of the position being applied for is exempt as defined in the Rehabilitation of Offenders Act

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1974 (Exceptions) (Amendment) Order 2001 and it is a requirement that an entire criminal record (including spent convictions) is declared. This will be made clear in the recruitment literature.

- 2.5 Appropriate guidance on identifying and assessing the relevance of the content of criminal records is provided to those involved in the recruitment process.
- 2.6 The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Please refer to the guidance and criteria on the filtering of these cautions and convictions which can be found on the gov.uk website.
- 2.7 Where applicable, applicants will be given the opportunity at interview to discuss the subject of any declared offences or other matter and their relativity to the position being sought.
- 2.8 Failure to reveal information that is relevant to the position sought will lead to the immediate withdrawal of any offer of employment.
- 2.9 For positions where a Disclosure will be required, applicants are made aware that the Trust has a DBS checks policy which includes security and storage information for dealing with disclosures and disclosure information which meets the standards of the DBS Code of Practice and that copies are available on request.
- 2.10 Any information revealed in a Disclosure, which gives cause for concern to the Trust, will be discussed with the individual before any conditional offer of employment already made is withdrawn.

### **3. Employment of persons with criminal records**

- 3.1 All individuals are assured that the presence of a criminal record will not necessarily exclude them from employment with the Trust. Any criminal background will be assessed by reference to the circumstances and nature of offences and how these relate to the nature of the position.

### **4. Data Protection**

The Trust processes information about an individual's criminal convictions in accordance with its data protection policy. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with

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the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.

### **5. Associated Documents**

- Disclosure and Barring services (DBS) checks policy
- Recruitment and selection policy
- Recruitment and selection guidance DBS Risk assessment form - matters disclosed
- DBS Risk assessment – commencing employment before DBS received