

## RECRUITMENT OF APPLICANTS WITH A CRIMINAL RECORD POLICY

### Introduction

This policy outlines the practice of Aspire North East Multi Academy Trust on asking questions about a prospective (or existing) member of staff's criminal record and carrying out Disclosure and Barring Service (DBS) checks in compliance with the provisions of the DBS Code of Practice, a copy of which is available on request.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of Aspire North East Multi Academy Trust who are required to familiarise themselves and comply with its contents, including volunteers, apprentices, agency workers, workers and employees. Prospective candidates will also have access to this policy. We reserve the right to amend its content at any time.

This policy sets out our commitment to comply with our obligations under the DBS Code of Practice, to treat prospective staff fairly and not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

### Purpose and Scope of this Policy

We welcome applications from a candidate and will not necessarily prevent an application based on the circumstances and background of any offence(s) and the nature of the role, balancing the rights and interests of the individual, our staff, our pupils and the public.

We will recruit staff and volunteers fairly but reserve the right to withdraw an offer of employment if a DBS check reveals information which is incompatible with the role.

We will recruit to all and aim to select people for employment on the basis of merit, skills, experience and, where appropriate, qualifications and training.

Under the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975), certain convictions involving children are not "spent" and are therefore not protected. We therefore ask applicants to disclose any convictions that would prevent them from fulfilling the role. This includes convictions for child care offences. We are also required to carry out a DBS check on all staff.

Disclosure of any previous conviction or offence as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 2013 and amended in 2020) is an essential

## Rehabilitation of Offenders Disclosure

In view of the fact that all positions within the Trust amount to "regulated positions", all applicants for employment must declare all previous convictions and adult cautions (except those which are "protected" defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020).

We therefore ask shortlisted job applicants to disclose any cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions.

We will not unlawfully discriminate against any applicant for employment on the basis of conviction or other details revealed. We make appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar their employment within the Trust. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

A failure to disclose a previous conviction or adult caution may lead to an application being rejected, an offer of employment being withdrawn or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for us to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for us to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Trust if we:

- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation offered by the convicted person.

If the post involves regular contact with children, it is our normal policy to consider it high risk to employ anyone who has been convicted at any time of any of the following offences against:

- adults: murder, manslaughter, rape, serious sexual offences, grievous bodily harm or other serious acts of violence;
- children or adults: serious class A drugs offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is our normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is our normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

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