

Recruitment of Ex-Offenders Policy

Sept 2021

Version 2

1. Introduction

Expansive Learning will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. Expansive Learning makes appointment decisions based on merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with Expansive Learning. Each case will be decided on its merits in accordance with the objective assessment criteria.

All positions within Expansive Learning are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose 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.

It is unlawful for Expansive Learning to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at Expansive Learning. Expansive Learning 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 and/or vulnerable adults.

2. Assessment criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, Expansive Learning will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter occurred
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant
- If the post involves regular contact with children, it is Expansive Learning's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:
 - *murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or serious class A drug related offences, robbery, burglary, theft, deception or fraud.*

If the post involves access to money or budget responsibility, it is Expansive Learning's 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 Expansive Learning's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving [within the last ten years].

3. Assessment procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, Expansive Learning will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by Head of Corporate Services before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, Expansive Learning may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

4. Retention and security of disclosure information

Expansive Learning's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. In particular, Expansive Learning will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months
- Expanse Learning will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

If a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the Head of Human Resources to discuss the conviction(s) and circumstances. Following this meeting a risk assessment will be carried out and a decision made and communicated back to the person concerned. For safer recruitment purposes, until this decision has been made the applicant should not commence employment.

Monitoring and Review

The effectiveness of this policy will be reviewed annually.

Impact of non-compliance

Staff:	Disciplinary action, Support, Action Plan
Student:	Not applicable
Legislation/organisational:	statutory and non-regulated compliance. Prosecution, Staff Retention, Poor employee performance etc
Compliance lead:	Corporate Services
Policy Reference:	EGL-POL-HRM-010
Version:	2
Agreed policy location:	DatabridgeMIS
Does the policy require Governor approval?	No

Approval

Prepared by Scott Roberts 01/09/2021  Head of Corporate Services	Approved by Tony Brown 01/09/2021  CEO	Counter Signatory Karl Wane 01/09/2021  Director of College
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Version Control

Version	Date	Revision	Review Date
1	01/09/2020	Policy Review	31/08/2021
2	01/09/2021	Policy reviewed	31/08/2022
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1. How long does it take to receive my DBS Certificate?

On average the process can take 3-4 weeks (but may take longer if you have lived at various addresses).

2. What do I receive from the DBS?

You will receive a certificate from the DBS stating whether or not you have a police record and, where appropriate, will confirm that your details have been checked against the list of those banned from working with vulnerable adults or children. In order for Expanse Learning to verify the DBS Certificate you must contact the Human Resources Department for them to take a copy.

3. Is my DBS certificate portable?

Yes, if you register with the DBS Update Service. Further details can be found at <https://www.gov.uk/dbs-update-service>.

4. What happens if I have a previous conviction(s)?

Having a criminal record will not necessarily stop you from working at Expanse Learning. This will depend on the nature of your work, the circumstances and background of the offence(s) and the time elapsed. Please read our policy and procedure on Recruitment of Ex-offenders.

5. What happens if I have a criminal conviction during employment?

It is important, if you have a criminal conviction, that you disclose this information either Line Manager or Human Resources. You will be asked to attend an interview to explain the background and circumstances regarding the conviction. Failure to reveal information directly relevant your role may lead to disciplinary action.

6. Who will know about my criminal record?

If a criminal record is revealed through a DBS check, Human Resources will know the details of the convictions, and any agencies with which Expanse Learning is obliged to share that information (i.e. if you have applied to work with children when banned from doing so).

7. The information on my Certificate is wrong – what can I do?

If you think that any information contained on your Certificate is wrong, please contact the DBS Certificate Dispute line on 0870 9090 778 who will advise on their dispute procedures.

8. Can I refuse to apply for a Certificate?

It is compulsory to check your details against the list of people banned from working with children. Expanse Learning is obliged to insist on DBS Certificate from applicants and members of staff.

9. How long are Certificates valid?

A Certificate carries no period of validity. The information it contains reflects the position at the date of its issue. The closer this date, the more reliance can be placed on its content. Expanse Learning has a policy of renewals every three years.

10. Do all parent helpers and volunteers need to obtain a Certificate?

This depends on the level of contact and Regulated Activity or the possibility that helpers may be alone with or have some responsibility for students. Expanse will use its discretion about whether or not it is needed.

11. Do teachers from overseas need to be checked?

Yes. Overseas teachers will be treated the same as any new employee. In addition, any member of staff that has lived/worked abroad will need to obtain the relevant police check from the country they lived/worked in before they commence employment.

12. How long does a teacher newly arrived from overseas need to live in the country before a Check is carried out?

If the teacher has lived in this country previously, a Check against the Barred List can be done immediately. Those who have not lived here previously should contact their embassy to seek a letter of good conduct and a Police check from the Country.

13. Can I start my employment before my DBS arrives?

No. Under the Expanse's Safer Recruitment policy all staff must have a DBS Certificate in place before commencing work.