

# The Recruitment of Ex-offenders Policy

Expanse Learning Group

October 2022

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**Version** 3

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## 1. Introduction

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Expanse Learning will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. Expanse 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 Expanse Learning. Each case will be decided on its merits in accordance with the objective assessment criteria.

All positions within Expanse 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 Expanse 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 Expanse Learning. Expanse 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

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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, Expanse 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 Expanse Learning's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of 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 Expanse 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 Expanse 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

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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, Expanse Learning will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by Head of Shared 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, Expanse 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

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

## 5. Monitoring and Review

The effectiveness of this policy will be reviewed by the Head of shared Services.

### Impact of non-compliance

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| <b>Staff:</b>                                     | Disciplinary action, Support, Action Plan   |
| <b>Student:</b>                                   | Not applicable  |
| <b>Legislation/organisational:</b>                | statutory and non-regulated compliance. Prosecution, Staff Retention, Poor employee performance etc |
| <b>Compliance lead:</b>                           | Head of Shared Services   |
| <b>Policy Reference:</b>                          | EGL-HRIM-POL-0010_(Oct24)   |
| <b>Version:</b>                                   | 3   |
| <b>Agreed policy location:</b>                    | Document Hub, company webpage and employee intranet   |
| <b>Review schedule:</b>                           | 24 months   |
| <b>Does the policy require Governor approval?</b> | No  |

### Approval

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| Prepared by<br>Scott Roberts<br>11/10/2022<br><br>Head of Shared Services | Approved by<br>Tony Brown<br>11/10/2022<br><br>CEO | Counter Signatory<br>Karl Wane<br>11/10/2022<br><br>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  |
| 3       | 11/10/2022 | Policy reviewed | 10/10/2024  |
| 4       |            |                 |             |
| 5       |            |                 |             |