



**Policy statement on recruiting applicants with criminal records, and criminal record declaration form for jobs exempt from the Rehabilitation of Offenders Act 1974**

Last reviewed: September 2021

This document applies to all schools and operations of the Vale Academy Trust. [www.vale-academy.org](http://www.vale-academy.org)

Document Control			
Review period	24 Months	Next review	September 2023
Owner	HR Director	Approver	CEO
Category	Public	Type	Global

## **Introduction**

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This statement has been adopted by the Board of the Vale Academy Trust (the 'Trust') for use in its schools, the central team and other Trust operations.

This statement applies to all shortlisted potential employees, employees working in schools, the central team and elsewhere in the Trust. It also applies to all members of local governing bodies and the Board.

Further advice and support on the application of this policy is available from the HR Director.

## **Statement on recruiting applicants with criminal records**

### **Contribution that people with criminal records can make**

We recognise the contribution that people with criminal records can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to a role in the Trust. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

### **Consideration of conviction**

All cases will be examined on an individual basis and the Trust will take the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- Your age at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) provided.
- Whether your circumstances have changed since the offending behaviour.

### **Regulated Activity**

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed.

Employers who are Regulated Activity Providers (including Trusts and schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, ('the Trust') complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

## Equality

The Trust is committed to the fair treatment of its employees, potential employees or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities or offending background.

This policy on the recruitment of ex-offenders is available on the [Trust website](#) and is also available to all DBS applicants on request.

As a Trust we actively promote 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. We select all candidates for interview based on their skills, knowledge and experience.

## DBS Checks and Criminal History

As a Regulated Activity Provider (RAP) most paid employees of the Trust are in regulated activity with children and therefore subject to checks of the DBS children's barred list in addition to enhanced DBS certificate.

In relation to volunteers and contractors, we only request a DBS check after a risk assessment had indicated that one is both proportionate and relevant to the position concerned.

For those positions where a DBS check is required, all job adverts will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

We expect all applicants to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013) at an early stage in the application process, when they are notified that they have been shortlisted. Using the **Criminal record declaration form (exempt positions)** they should disclose details of any unspent convictions, cautions, reprimands, bindovers and final warnings they may have in addition to any pending criminal proceedings.

They should not disclose any criminal history that would be protected or filtered.

We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

We ensure that everyone within the Trust who is involved in the recruitment process has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and its amendments and know how to access advice and support.

At interview, or on a separate occasion, we ensure that an open and measured discussion takes place on the subject of any relevant offences or other matter that may be relevant to the position.

Any offer of employment will be conditional on checks detailed in the Trusts Safer Recruitment Policy, whether an outcome of a check is satisfactory will be determined by the Trust.

We undertake to discuss any matter revealed in a DBS check with the person seeking the

position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR Director or another trained member of our Senior Leadership Team.

Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of the conditional offer of employment. If a candidate is appointed and has deliberately attempted to conceal the information requested in this form, it is important that applicants understand this could result in disciplinary proceedings or dismissal.

Further advice and guidance on disclosing criminal records can be obtained from [Nacro's Criminal Record Support Service](#)

## Criminal record declaration form (exempt positions)

As part of our duty to safeguard pupils, we need to check whether you are barred from working with children, or whether you have convictions that would make you unsuitable to work with children or in the role you've applied for.

Please complete the following form as accurately as possible.

**Note:** you are not required to disclose convictions or cautions that are 'protected', as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). If you're not sure whether one of your convictions is 'protected', you can [check here](#).

If you accidentally provide information about 'protected' convictions or cautions, we won't take this into account.

### How we'll use this information

We'll use the information in this form to:

- Identify whether you may be ineligible for a role based on barring, a section 128 direction or childcare disqualification requirements
- Inform our conversations with you about any relevant details during the interview process

We won't use this information to make decisions about job offers.

If we offer you a position, we'll compare the information you've provided in this self-declaration with the information in your formal DBS check so that we only make decisions based on the most accurate information possible.

Name	
Role	

## Self-declaration Primary (Regulated)

	YES/NO
The role you've applied for is 'regulated activity', so is eligible for a barred list check.	
Are you barred from working in regulated activity with children (i.e., are you included on the Disclosure and Barring Service Children's Barred List)?	
Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?	
Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?	

	YES/NO
Have you committed an offence overseas which would have resulted in disqualification if it had occurred in the UK?	
<b>Delete this row if the role you're recruiting for isn't a management position</b> Are you subject to a section 128 direction?	
<b>Delete this row if the role you're recruiting for isn't in/covered by childcare disqualification requirements</b> Have any orders relating to the care of children, as set out in schedule 1 of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, been made in respect of you? This includes, but is not limited to: <ul style="list-style-type: none"> <li>➤ Orders disqualifying you from caring for children</li> <li>➤ Orders disqualifying you from private fostering</li> <li>➤ Any refusal of an application for you to be registered in relation to a children's home</li> <li>➤ Care/child protection orders issued in respect of a child in your care</li> </ul>	
<b>Delete this row if the role you're recruiting for isn't in/covered by childcare disqualification requirements</b> Have you been convicted of committing, or been given a caution, reprimand or warning since 6 April 2007 for, any offences set out in regulation 4 and schedules 2 and 3 of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018? This includes, but is not limited to: <ul style="list-style-type: none"> <li>➤ Any offence against or involving a child</li> <li>➤ Any sexual offence</li> <li>➤ Any violent offence, i.e. murder, manslaughter, kidnapping, false imprisonment, actual bodily harm (ABH), or grievous bodily harm (GBH)</li> </ul>	
Do the police or children's social care have your name and/or information on file for any reason?	
If you answered 'yes' to any of the questions above, please provide further information.	

I confirm that the information above is accurate to the best of my knowledge, and that I will make the school aware of any changes in my circumstances that may affect the answers I've provided above, or my suitability for the post.

I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role

Signed:

Date:

## Self-declaration Secondary (Regulated)

	YES/NO
The role you've applied for is 'regulated activity', so is eligible for a barred list check.  Are you barred from working in regulated activity with children (i.e., are you included on the Disclosure and Barring Service Children's Barred List)?	
Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?	
Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?	
Have you committed an offence overseas which would have resulted in disqualification if it had occurred in the UK?	
<b>Delete this row if the role you're recruiting for isn't a management position</b> Are you subject to a section 128 direction?	
Do the police or children's social care have your name and/or information on file for any reason?	
If you answered 'yes' to any of the questions above, please provide further information.	

I confirm that the information above is accurate to the best of my knowledge, and that I will make the school aware of any changes in my circumstances that may affect the answers I've provided above, or my suitability for the post.

I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role

Signed:

Date:

**Please return this form to your HR contact**