



Humber Education Trust

Policy on the Recruitment of Ex-Offenders

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Policy on the Recruitment of Ex-Offenders

As a Trust assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), * Humber Education Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

** Note:- i) The Disclosure and Barring Service (DBS) was established in December 2012 under Part V of the Protection of Freedoms Act (POFA) to undertake disclosure and barring functions. There are specific legal requirements around these checks. Disclosure functions are set out in Part V of the Police Act 1997, which requires Registered Bodies to adhere to this Code of Practice.*

ii) The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Humber Education Trust therefore recognises its legal duty and undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. As a Trust we acknowledge that we can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended), Humber Education Trust can only ask an individual about convictions and cautions that are not protected. We will only submit an application for a criminal record check to the DBS for any post when there is a legal requirement.

For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position. The practice for Humber Education Trust is that this must be displayed in job adverts, the job description/person specification and in provisional offer letters.

Humber Education Trust is also committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. This Policy on the recruitment of ex-offenders will therefore be made available to all DBS applicants at the outset of the recruitment process.

To comply with the requirements of the GDPR we do not ask about any criminal record spent or unspent convictions on the application form. This is on the basis that we recognise that we can't use criminal record information to screen candidates as it is illegal to deny someone a job simply because they have spent or unspent convictions.

In order to withdraw a job, offer this would be based on Humber Education Trust making an assessment about the applicant's suitability based on the type of offence that shows up on a DBS check, but not based on whether the DBS shows any convictions at all.

If an applicant is offered a post, this will be a provisional offer and subject to the normal safer recruitment checks, including the receipt of a satisfactory Enhanced & Barring List disclosure from the Disclosure & Barring Service (DBS).

The DBS certificate will be sent directly to the applicant from the Disclosure and Barring Service (DBS). The certificate will give details of everything relating to any criminal record, including cautions, reprimands, final warnings, convictions and any other information and, if relevant, the findings of checks against Government department lists of people banned or unsuitable for work with children or vulnerable adults. The applicant will then be required to bring their Enhanced DBS certificate into school for clearance by the Trust.

As a Trust we treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information. In view of this, Humber Education Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before considering withdrawing a conditional offer of employment, this would normally be a face to face meeting. The Trust will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. If an applicant fails to reveal information that is directly relevant to the position sought this could lead to withdrawal of an offer of employment.

Humber Education Trust ensures that all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences as part of its Safer Recruitment process. It also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Humber Education Trust will ensure that any person subject of a criminal record check submitted to DBS is made aware of the existence of this Policy via its website or will make a copy available on request as well as the existence of the Code of Practice on <https://www.gov.uk/government/publications/dbs-code-of-practice>

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