

Policy Statement on the Recruitment of Ex-offenders

The Heart of Mercia Multi Academy Trust are committed to providing equal opportunities to all individuals, regardless of their background or personal history. This policy statement outlines our approach to the recruitment of ex-offenders, emphasizing our commitment to fair and inclusive employment practices.

As an organisation using the Disclosure & Barring Service (DBS) to assess applicants' suitability for positions of trust, The Heart of Mercia Multi Academy Trust complies fully with the [DBS Code of Practice](#) and undertakes to treat all applicants for positions of employment fairly. We will not unfairly discriminate against an applicant who is the subject of a DBS check and will assess the information disclosed in the light of the position applied for, and the circumstances and backgrounds of the offences committed.

This Policy Statement on the recruitment of ex-offenders is therefore made available to all applicants as part of the Recruitment process.

- 1) We actively promote equality of opportunity for all and welcome applications from a wide range of applicants.
- 2) An Enhanced DBS check for Regulated Activity is required for every employed position because the work involves substantial opportunity for access to children. It is therefore exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Applicants are required to declare any pending prosecutions or convictions they may have, even if they would otherwise be regarded as "spent" under this Act, and any cautions. However, applicants are not legally required to disclose information concerning protected cautions and convictions. Applicants are advised to refer to the *guidance note to applicants on disclosing information about cautions and convictions on their applications*.
- 3) All applicants for positions of employment or those enquiring, will be notified that an Enhanced DBS check for Regulated Activity will be required if they are offered and accept the post.
- 4) We select all candidates for interview based on an objective assessment of their qualifications, skills, experience, aptitude and potential.
- 5) Any applicant called for interview is required to provide details of their criminal record (excluding protected cautions and convictions), at an early stage. We suggest this information is sent under separate, confidential cover to the HR department, to guarantee this information is only seen by those who need to as part of the recruitment process. In the event that a candidate provides criminal record information in a sealed envelope or by email to the HR department and they are not shortlisted, the unopened envelope will be returned, or the email deleted.
- 6) At interview, questions may be asked about all aspects of your criminal record. Staff involved in the selection and interview process receive suitable training to identify and assess the relevance and circumstances of offences. At interview, or in a separate discussion, we will facilitate an open and measured discussion regarding any offences or other matters that may be relevant to the position. Failure to reveal information that is directly relevant to the position may lead to an offer of employment being withdrawn.
- 7) A copy of the DBS Code will be made available on request or can be found at <https://www.gov.uk/government/publications/dbs-code-of-practice>

- 8) Employees or prospective employees who make an application to the DBS for an Enhanced check will be required to present the certificate to the HR department before employment, or as soon as it becomes available.
- 9) We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

The disclosure of a criminal record, or other information, will not debar you from appointment unless the selection panel considers the conviction renders you unsuitable for appointment. In making this decision we will consider the nature of the offence, how long ago it happened, your age, and any other relevant factors, including appropriate considerations published in the Heart of Mercia Multi Academy Trust Equality, Diversity and Inclusion policy.

Having a criminal record will not necessarily prevent you from working with us.

Guidance for applicants on disclosing information about cautions and convictions

The Heart of Mercia Multi Academy Trust provides education to children and young persons. Therefore, we need to assess your suitability for the position you are applying for, and is entitled to ask questions about your criminal record.

You are required to disclose certain information about your criminal cautions and convictions. You must disclose information about spent and unspent criminal convictions (other than a protected conviction) and spent and unspent cautions (other than a protected caution).

You are not legally required to disclose information concerning protected cautions and convictions. To determine if your caution or conviction is protected and whether or not you need to disclose it in your application, you need to refer to the relevant legislation, including the offences listed in [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2020](#).

Applicants who were over the age of 18 when the caution or conviction was issued

Do I need to disclose my conviction?

If your answer to any of the following questions is 'yes', you will need to disclose your conviction:

- 1) Is the conviction for a listed offence?
- 2) Did you receive a custodial sentence/sentence of service detention?
- 3) Have you been convicted of any other offence at any time?

If you answered 'no' to the above 3 questions, have 11 years or more passed since the date of the conviction?

If less than 11 years have passed since the time of the conviction, you will still need to disclose it.

Do I need to disclose my caution?

- 1) Is the caution for a listed offence?

If your answer to question 1 above is yes, you will need to disclose your caution.

If your answer to question 1 above is no and you were over age 18 at the time of the caution, have six or more years passed since the time of the caution?

If less than six years have passed since the time of the caution, you will still need to disclose it.

Applicants who were under the age of 18 when the caution or conviction was issued

Do I need to disclose my conviction?

If your answer to any of the following 3 questions is 'yes', you will need to disclose your conviction:

- 1) Is the conviction for a listed offence?
- 2) Did you receive a custodial sentence/sentence of service detention?
- 3) Have you been convicted of any other offence at any time?

If you answered 'no' to the above three questions, has five years and six months or more passed since the date of the conviction?

If less than five years and six months have passed since the time of the conviction, you will still need to disclose it.

Do I need to disclose my caution?

- 1) Is the caution for a listed offence?

If your answer to question 1 above is 'yes', you will need to disclose your caution.

If your answer to question 1 above is 'no', has two or more years passed since the time of the caution?

If less than two years have passed since the time of the caution, you will still need to disclose it.

All cautions and convictions for specified serious violent and sexual offences, as well as other offences relating to the safeguarding of children and vulnerable adults, will always need to be disclosed.

Applicants are strongly encouraged to refer to the extensive list of such offences which is available on the [Disclosure and Barring Service](#) website.

The list of offences will be kept updated to reflect changes to legislation in the future.

In the event that you are offered employment, any failure to disclose unprotected convictions or cautions could result in disciplinary action which may lead to your dismissal. Therefore, if you are unsure about how the law applies to you, you are encouraged to seek legal advice before making your application.

All applicants who are offered employment will be subject to criminal records check from the Disclosure & Barring Service (DBS) and any appointment will be subject to satisfactory clearance of this check and any other relevant pre-employment checks.