


NS POLICY		Recruitment of Ex-Offenders	
Senior Manager Responsible	Head of Human Resources		
Policy Date	October 2021		
Policy Review Date	September 2024		
Superseded Documents			
Associated Documents	Safeguarding Policy, Equality and Diversity Policy Secure Storage, handling, use retention and disposal of disclosures and disclosure information Policy		
Impact Assessment			
Name	Comments	Date	
L Barrett	Neutral	Jan 2020	
Authorisation		Authorisation Date	
		27.10.2021	

History	Name	Comments
September 2021	R Burke	Reviewed
Jan 2020	L Barrett	Updated impact assessment
April 2019	M Saunders	Board approval
November 2018	R Burke	Updated
December 2015	P Styles	Board approval
September 2015	T Summers	Reviewed

1. Introduction

1.1 Background and legal Framework

National Star regards the protection of its learners and residents as a priority and is committed to safeguarding their welfare. As part of these responsibilities the organisation complies with the recruitment practices outlined in Keeping Children Safe and National Star is both a registered body with the Disclosure and Barring Service (DBS) and a user of umbrella bodies.

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) 2013
- Keeping Children Safe in Education 2021
- Police Act, 1997 (Criminal Record Certificates: Relevant Matters) (Amendment England and Wales) Order 2013
- Working Together to Safeguard Children 2018
- In Safe Hands, Implementing Adult Protection in Wales
- Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse 2010 (updated 2013)
- Safeguarding Children, Working Together under the Children Act (2004)
- All Wales Child Protection Procedures (2008)
- Equality Act 2010
- DBS Code of Practice
- General Data Protection Regulations (2016/679 EU)

This Policy should be read in conjunction with the following policies:

- Staff Recruitment and Selection Policy
- Disciplinary Policy
- Safeguarding Policy
- Equality, Diversity & Inclusion Policy
- Secure Storage, Handling, Use, Retention & Disposal of DBS Certificates & Certificate Information Policy
- Data Protection Policy

1.2 Purpose

This policy aims to ensure that ex-offenders receive fair treatment throughout their experience of recruitment and employment and that National Star meets its statutory duties and safeguarding responsibilities.

2. Scope

This policy applies to all applicants for positions of trust with National Star and partner organisations.

3. Policy Statement

As an organisation that assesses 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), National Star complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. National Star undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

National Star can only ask an individual to provide details of convictions and cautions that National Star 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), National Star can only ask an individual about convictions and cautions that are not protected.

National Star is committed to the fair treatment of staff, potential staff and users of our 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 is available to all applicants at the outset of the recruitment process.

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, qualifications and experience.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, 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.

National Star ensures that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. National Star also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, including the Rehabilitation of Offenders Act 1974.

Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process, except for certain spent convictions and cautions which are 'protected' and therefore not subject to disclosure to employers and cannot be taken into account. We request that any information not subject to this filtering is sent under separate, confidential cover, to the Head of Human Resources and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

At interview or in a separate discussion, National Star ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

The Head of Human Resources and/or the Registered Manager/Director of Service will assess the relevance and circumstances of offences and make the recruitment decision, for example taking into account the nature of the offence, the circumstances relating to it, the recentness of the offence, the age at the time and the wider context of the applicant and application.

We make everyone subject to a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

4. Roles & Responsibilities

4.1 Implementation

The Chief Executive is responsible for ensuring an effective policy is established.

The Head of Human Resources is responsible for policy implementation, and that any issue reported is investigated with fairness and consistency.

The Human Resources team will facilitate communication to ensure that the policy is applied fairly and consistently.

4.2 Support, Advice and Communication

Support and advice is available from the Head of Human Resources or the Human Resources team.

5. Review

This policy should be reviewed every 3 years or in light of any legislation or DBS Code of Practice changes.