National Star
Realising the aspirations of people with disabilities

Senior Manager Responsible	Reviewed by	Approved by	Date Approved	Review Date
Chief People Officer	Kate Challenger	Board of Trustees	Feb 26	Feb 29

Working with National Star

Recruitment of Ex-Offenders Policy (England)

1. About this Policy

1.1. National Star regards the protection of its students 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 in Education 2021, and National Star is both a registered body with the Disclosure and Barring Service (DBS) and a user of regulated bodies.

2. Scope

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

3. Policy Statement

3.1. 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.

3.2. 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.

3.3. National Star is committed to the fair treatment of employees, potential employees and users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

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3.4. This policy on the recruitment of ex-offenders is available to all applicants at the outset of the recruitment process.

3.5. 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.

3.6. We conduct a safer recruitment interview for all applicants and recruitment briefs contain a statement that an application for a criminal record check will be submitted to DBS. This is at the point an offer has been made and accepted. A DBS check is for all roles at National Star, whether this is for regulated or non-regulated activity.

3.7. 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.

3.8. 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 Chief People Officer and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

3.9. 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 matters that might be relevant to the position. Failure to disclose relevant information could lead to withdrawal of an offer of employment. Failure to disclose relevant information once employed at National Star, of which National Star is made aware, could lead to action taken under the Disciplinary Policy.

3.10. The Chief People Officer 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.

3.11. 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.

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

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4. Relationship with other policies

4.1. This Policy should be read in conjunction with the following policies including but not exclusively:

- Recruitment and Selection Policy
- DBS Policy
- Data Protection Policy
- Safeguarding Policy
- Equality, Diversity and Inclusion Policy
- Disciplinary Policy

5. Review

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

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Procedures

1. Implementation

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

2. Support, Advice & Communication

2.1. Support and advice are available from the Chief People Officer or the Human Resources team.

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