



THAMES LEARNING TRUST

Name of Policy	Employment of Ex-Offenders
Scope of Policy	This policy applies to all Academies within The Thames Learning Trust
Approved by	Chief Executive Officer
Date of Approval	December 2024
Review period	Two Years
Review Date	December 2026

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THAMES LEARNING TRUST

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1. INTRODUCTION

- 1.1 The purpose of this policy is to set out the Trust's position on the employment of ex-offenders.
- 1.2 This policy applies to the recruitment for all posts within the Trust.
- 1.3 This policy will be reviewed regularly to ensure that it remains in line with changing legislation.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time at our absolute discretion.

2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020)

- 2.1. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) was introduced to ensure ex-offenders who have not re-offended for a period of time following the date of their conviction are not discriminated against when applying for employment. Under the provisions of this Act, job applicants do not have to declare a conviction after a 'rehabilitation' period has passed.

3. EXEMPTION FROM THE REHABILITATION OF OFFENDERS ACT 1974

- 3.1 Under the Rehabilitation of Offenders Act 1974 all positions within the Trust are exempt as all positions bring contact with children. Applicants for any position must therefore disclose all information on spent and unspent convictions.
- 3.2 As an educational provider the Trust is permitted to ask whether an applicant has any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020).
- 3.3 The Trust is entitled to carry out Enhanced Disclosure checks for all staff and volunteers once an offer is made. This will include details of cautions, reprimands and warnings as well as spent and unspent convictions.
- 3.4 The Trust will make this clear on its application forms, job advert and any other information provided about the post.
- 3.5 On application and at interview all job applicants will be clearly asked to declare any previous convictions and cautions not filtered inline with current guidance whether current or spent.

4. CONVICTIONS OR OTHER DETAILS REVEALED

- 4.1 The Trust makes appointment decisions on the basis of merit and ability. Having a criminal record will not automatically bar an applicant from employment within the Trust. Convictions will be taken into account for recruitment purposes only when the conviction is relevant.
- 4.2 The Trust will not discriminate unfairly against any candidate of a disclosure on the basis of conviction or other details revealed.
- 4.3 Where a conviction(s) is revealed the following factors will be taken into account:
 - Whether the conviction or other matter revealed is relevant to the position to which they will be appointed

- The seriousness of any offence or any other matter revealed
- The length of time since the offence or any other matter occurred
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicants' circumstances have changed since the offending behaviour or the other relevant matters, and
- The circumstances surrounding the offence and the explanations[s] offered of the offending person
- Whether or not the applicant has declared the conviction on their application.

4.4 There are particular offences that would automatically prevent an applicant from commencing employment within the Trust.

If appropriate, applicants will be contacted to discuss disclosure information before a final recruitment decision is made.

4.5 All job applicants should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

5. PREVIOUS UNFILTERED CONVICTIONS

5.1 Job applicants with previous unfiltered convictions will be requested to provide the details in a sealed envelope addressed to the Human Resources Manager. The information will only be accessed at interview stage and the applicant will be given the opportunity to present their view of the situation surrounding the conviction.

5.2 At interview the Trust will ensure that open and measured discussions can take place on the nature of offences. Notes will be taken and used to prepare any associated risk assessment prior to the offer of employment.

5.3 Failure to reveal information at application and interview could lead to withdrawal of an offer of employment or the offer of volunteer work.

6. UNLAWFUL EMPLOYMENT

6.1 Under the relevant legislation, it is unlawful for the Trust to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children.

6.2 It is also unlawful for the Trust to employ anyone who is subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

6.3 It is also unlawful for the Trust to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (August 2018).

7. DISCLOSURE OF CONVICTIONS BY CURRENT EMPLOYEES

7.1 Existing employees are required to immediately disclose any new convictions, cautions or reprimands issued during the course of their employment (which wouldn't be filtered inline with current guidance), regardless of how minor they are considered to be.

Employees are expected to inform the Human Resources Manager as early as possible for example at the point of being interviewed by the police in connection with alleged criminal conduct or arrested.

- 7.2 Where a conviction is disclosed, a full appraisal of the situation will be carried out by the Human Resources Manager and CEO including whether the conviction is relevant to the post and an assessment of the risks involved. Where there is significant risk the Trust may consider the introduction of safeguards, moving the employee to an alternative role or dismissal.
- 7.3 Depending on the nature of the new conviction it may be necessary to suspend the employee while the matter is being investigated.
- 7.4 In the case of a disclosure inline with Childcare Disqualification Regulations the employee will need to be suspended immediately in line with KCSIE guidance.
- 7.5 Disclosure of a matter which does not, in the reasonable opinion of the Trust, affect the employee's ability or suitability to carry out their role will not usually lead to any disciplinary or other action being taken.
- 7.6 Should a new conviction be disclosed by any member of staff, the Trust are under a legal obligation to report the matter to the Disclosure and Barring Service and, in case of teachers, to the Department of Education.
- 7.7 If it is believed that an employee deliberately held information about a new conviction or disqualification the Trust may consider investigating and dealing with the matter via the disciplinary procedures which could result in dismissal.

8.0 ABUSE OF THIS POLICY

Any abuse of this policy shall amount to a misconduct issue and shall be dealt with under the Trust's Disciplinary Procedure.