Appendix 2 – The employment of ex-offenders – policy and procedures

Employment of Ex-Offenders

Policy statement

Leading Learners Multi Academy Trust is committed to promoting equality of opportunity and to treating all applicants and employees fairly, including those who have criminal records.

The Trust complies with the Rehabilitation of Offenders Act 1974, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended, the Disclosure and Barring Service (DBS) Code of Practice and relevant government guidance on the recruitment of ex-offenders.

The Trust will not unfairly discriminate against any applicant or employee based on a conviction, caution or other information revealed through the recruitment process or a DBS check.

The Trust will only request information about criminal convictions and cautions, or undertake a Standard or Enhanced DBS check, where it is legally entitled to do so for the role concerned.

Recruitment of ex-offenders

The Trust actively promotes equality of opportunity for all applicants and welcomes applications from people with criminal records.

Candidates will be selected for interview based on their skills, qualifications, experience and suitability for the role. Having a criminal record will not automatically prevent an individual from being appointed.

Where a role is eligible for a Standard or Enhanced DBS check, applicants will be informed as part of the recruitment process that a DBS check will be required if they are offered the position.

The Trust will ensure that job adverts, application forms and recruitment information make clear where a role is exempt from the Rehabilitation of Offenders Act 1974 and is therefore subject to an exempted question about criminal records.

Applicants will only be required to disclose convictions and cautions that they are legally required to disclose. Certain convictions and cautions are protected and must not be disclosed by applicants or considered by the Trust. The Trust will follow the current DBS filtering guidance when determining which convictions and cautions may be considered.

Assessment of criminal record information

In roles involving work with children, the Trust's primary consideration will be the safeguarding and welfare of children and young people. The Trust will consider whether any disclosed information raises concerns about an individual's suitability to work with children, taking account of relevant legislation, statutory guidance and safeguarding responsibilities.

Where criminal record information is disclosed, the Trust will consider each case individually and will not automatically refuse employment because of a conviction or caution.

The Trust will consider whether the information is relevant to the particular role and will consider factors including:

- the nature and seriousness of the offence.
- the circumstances surrounding the offence.
- the age of the individual at the time of the offence.
- the length of time that has passed since the offence.
- whether there is a pattern of offending.
- the relevance of the offence to the duties and responsibilities of the role.
- the level of risk presented to pupils, staff or others.
- evidence of rehabilitation or positive changes in circumstances; and
- any other relevant information provided by the applicant.

Where appropriate, the Trust will discuss the information with the applicant before making a recruitment decision.

A criminal record will only prevent appointment where the Trust considers, following an appropriate assessment, that the individual is unsuitable for the role or where legislation prevents the individual from undertaking the role.

Where relevant, the Trust may also consider criminal record information, sanctions, restrictions or professional conduct findings from overseas jurisdictions where these are relevant to the role

DBS checks

The Trust will only request a DBS check where the role is legally eligible for the relevant level of check.

Where a Standard or Enhanced DBS check is required, the Trust will comply with the DBS Code of Practice and relevant guidance.

The Trust will ensure that information disclosed through a DBS check is treated fairly, confidentially and proportionately and is only used for the purpose for which it was obtained.

Where information is disclosed on a DBS certificate that was not previously declared, the Trust will discuss the information with the individual before making a decision about their suitability, unless there is a legal or safeguarding reason why this is not appropriate.

The Trust will not take protected convictions or cautions into account when making recruitment decisions.

Self-disclosure

Where a role is subject to an exempted question under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, applicants may be required to provide a self-declaration of relevant criminal record information at the appropriate stage of the recruitment process.

The Trust will ensure that applicants are provided with clear information about what they are legally required to disclose and will signpost them to appropriate guidance where necessary.

Applicants will not be asked to disclose protected convictions or cautions.

Failure to disclose information that an applicant is legally required to disclose may be considered when considering suitability for the role and may result in the withdrawal of a conditional offer of employment.

Recruitment and selection staff

The Trust will ensure that employees involved in recruitment decisions are appropriately trained and understand the relevant legislation and guidance relating to the recruitment of ex-offenders.

Those involved in assessing criminal record information will ensure that decisions are based on relevant and proportionate considerations and that information is handled sensitively and confidentially.

Conditional offers of employment

Where a criminal record check is required, any offer of employment will be conditional upon satisfactory completion of the required pre-employment checks.

Where criminal record information is disclosed, the Trust will provide the applicant with an opportunity to discuss the information before a decision is made to withdraw a conditional offer, unless there is a legal reason preventing this.

The Trust will record the reasons for any decision where criminal record information has been considered.

Availability of the policy

This policy is available to all applicants and employees and will be published on the Trust website and/or made available on request. The Trust will ensure that the policy is reviewed regularly to reflect changes to legislation, DBS guidance and relevant safeguarding requirements.

Data Protection

Criminal record information will be processed in accordance with UK GDPR, the Data Protection Act 2018, the DBS Code of Practice and the Trust's data protection policies. Access to such information will be restricted to those who require it for legitimate recruitment, safeguarding or employment purposes.

Related legislation and guidance

This policy should be read alongside:

- Rehabilitation of Offenders Act 1974.
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended.
- Disclosure and Barring Service Code of Practice.
- DBS guidance on the recruitment of ex-offenders.
- DBS filtering guidance.
- Ministry of Justice guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975.
- Keeping Children Safe in Education 2026.
- The Trust's Safer Recruitment Policy.
- The Trust's Data Protection and Information Security policies.