Recruitment of Applicants With a Criminal Record Policy

The Bridge Trust

Pride
Passion
Partnership
Professionalism
Positivity

Name of Document	Recruitment of Applicants with a Criminal Record Policy
Status	Approved
Date Approved	September 2026
Policy Approver	Hermann Farrington, CEO
Policy Owner	Lisa Maria Cardinali, Head of People Services
Policy Author	Matt Lake, Trust Governance Professional
Next Review Date	September 2027

Please note that all Trust policies are reviewed annually. Should you have any queries regards this policy, note an omission or wish to propose an amendment, please email mattheweldon.lake@thebridgetrust.academy

Contents

1.0 Introduction....3
2.0 Purpose and Scope of this Policy....3
3.0 Rehabilitation of Offenders Disclosure....3
4.0 Recruitment of Applicants with a Criminal Record....4
5.0 Assessment Criteria....4
6.0 Assessment Procedure....5
7.0 Disclosure of Convictions by Current Employees....5
8.0 Communicating the Policy to Staff and Job Applicants....6
9.0 Retention and Security of Disclosure Information....6
10.0 Further Information....6

1.0 Introduction

1.1 This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust who are required to familiarise themselves and comply with its contents, including volunteers, apprentices, agency workers, workers, Directors and Governors and employees. Prospective candidates will also have access to this policy. The Trust reserves the right to amend its content at any time.

1.2 This policy outlines the Trust's policy on asking questions about a prospective (or existing) member of staff's criminal record, and carrying out Disclosure and Barring Service (DBS) checks. The Trust complies with the provisions of the DBS Code of Practice, a copy of which is available on request.

1.3 This policy sets out the Trust's commitment to comply with our obligations under the DBS Code of Practice, to treat prospective staff fairly and not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

2.0 Purpose and Scope of this Policy

2.1 The Trust welcomes applications from a wide range of applicants. Having a criminal record will not necessarily prevent you from working with us. We will take into account the circumstances and background of any offence(s) and whether it or they are relevant to the position in question, balancing the rights and interests of the individual, our employees, pupils/parents, school community, third parties and the public.

2.2 We will treat all applicants, employees, staff and volunteers fairly but reserve the right to withdraw an offer of employment if you do not disclose relevant information, or if an Enhanced DBS check reveals information which we reasonably believe would make you unsuitable for the role.

2.3 We are committed to providing equality of opportunity to all and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

2.4 Certain criminal convictions as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975), prohibit those individuals from attempting to engage in regulated activity involving children. We therefore ask candidates about whether they have any criminal convictions that would prevent them from fulfilling the role. This is to ensure the candidate is suitable to work for the Trust. The Trust is also required to carry out a DBS check in order to determine your suitability for the role.

2.5 The safeguarding of children is of paramount importance to us and consideration of any previous conviction or adult caution (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020) is an essential and non-negotiable part of the pre-employment check process.

2.6 The Trust will, however, consider any person with a criminal record for employment on a case-by-case basis.

3.0 Rehabilitation of Offenders Disclosure

3.1 In view of the fact that all positions within the Trust will amount to "regulated positions", all applicants for employment must declare all previous convictions and adult cautions (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020).

3.2 We therefore ask shortlisted job applicants to disclose any cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions.

3.3 The Trust will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Trust makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar them from employment within the Trust. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

3.4 A failure to disclose a previous conviction or adult caution may lead to an application being rejected, an offer of employment being withdrawn or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

3.5 Under the relevant legislation, it is unlawful for the Trust to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the Trust to employ anyone who is the 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.

3.6 It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Trust.

3.7 The Trust will report any such incidents to the Police, DBS and/or the DfE if the Trust:

- Receives an application from a disqualified person;
- Is provided with false information in, or in support of, an applicant's application; or
- Has serious concerns about an applicant's suitability to work with children.

4.0 Recruitment of Applicants with a Criminal Record

4.1 Following the shortlisting exercise, all job applicants invited to interview will be asked to declare any previous convictions and cautions not filtered in line with current guidance whether current or spent (as at 3.2). It should be noted that certain 'spent' convictions and cautions are 'protected' meaning they are not subject to disclosure and cannot be taken into account. It should also be noted that any convictions in overseas territories should also be declared.

4.2 Once the Trust has chosen a successful candidate, we will make a conditional offer of employment; whereby receipt of a satisfactory Enhanced DBS check, (including the Children's Barred List where applicable to the role) will be required.

4.3 Where the individual is a member of the DBS update service in the relevant workforce and at the required level, the Trust will, with the individual's permission, carry out a status check on any current certificate.

5.0 Assessment Criteria

5.1 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will ensure an open and fair discussion takes place and considers the following factors before reaching a final recruitment decision:

- Whether the conviction or other matter revealed is relevant to the position in question;
- The seriousness of any offence or other matter revealed;
- The length of time since the offence or other matter occurred;
- Whether the applicant has a pattern of offending behaviour or other relevant matters;
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person;
- Opportunities within the role to reoffend;
- The location of the offence as some activities may be an offence in Scotland but not in England for example;
- Whether the offence has since been decriminalised by Parliament;
- The degree of remorse expressed by the applicant and their motivation to change; and
- Whether the applicant's circumstances have changed since the offence took place.

5.2 If the post involves regular contact with children, it is the Trust's normal policy to consider it high risk to employ anyone who has been convicted at any time of any the following offences:

- Against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- Against children or adults: serious class a drug-related offences, robbery, burglary, theft, deception or fraud.

5.3 If the post involves access to money or budget responsibility, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

5.4 If the post involves some driving responsibilities, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted of driving under the influence of drink or drugs, reckless driving or driving without due care and attention within the last 10 years.

6.0 Assessment Procedure

6.1 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the CEO of the Trust before a position is offered.

6.2 If an applicant wishes to dispute any information contained in a Disclosure, they can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

7.0 Disclosure of Convictions by Current Employees

Expectations on employees

7.1 The Trust seeks to create an ethos of a safe culture with ongoing vigilance which will be maintained throughout the employment relationship.

7.2 Existing employees are required to disclose any new convictions, cautions or reprimands (which wouldn't be filtered in line with current guidance) during the course of their employment. The expectation would be that the employee advises the Trust (i.e. advising the CEO or Headteacher) as early as possible, for example at the point of being interviewed by the police in connection with alleged criminal conduct or arrested. The People Services Team will be able to advise which allegations or convictions are not able to be dealt with any further by the school in line with current DBS filtering guidance i.e. as an employer, the Trust is not legally authorised to ask any questions about convictions which have or would be filtered.

7.3 New employees will be advised of this requirement during the induction process and reminders will be issued to staff periodically.

Review of the situation

7.4 Where a new conviction is disclosed, a full appraisal of the situation will be carried out by the CEO, Vice CEO or Principal/Headteacher with support from the People Services Team including whether the conviction is relevant to the post and an assessment of the risks involved. In order to carry out the appraisal, a version of the risk assessment as outlined at 2.2 will be used.

7.5 Depending on the nature of the new conviction, it may be appropriate to suspend the employee while the matter is investigated.

Outcomes

7.6 Where there is a deemed risk, the Trust may consider the introduction of safeguards, moving the employee to an alternative role or dismissal.

7.7 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.

7.8 Should a new conviction be disclosed by any member of staff (or the Trust is informed of a conviction) which meets the DBS' "harm" criteria and that member of staff is suspended, dismissed or moved out of regulated activity to a new role, the Trust is under a legal obligation to report the matter to the Disclosure and Barring Service. In addition, the Trust will discuss the matter with the Haringey LADO/local Safeguarding Board. In the case of teachers, the matter will also be reported to the Department of Education.

7.9 If it is believed that an employee deliberately withheld 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.

7.10 It may be the case that the local Safeguarding Board advise the Trust of a safeguarding issue relating to a member of staff. In such instances the Trust would work in conjunction with the local Safeguarding Board to address the situation in the appropriate manner.

8.0 Communicating the Policy to Staff and Job Applicants

8.1 The Trust will ensure that all staff involved in the recruitment process of staff and volunteers are aware of this Policy and have the relevant training and support.

8.2 A copy of the Recruitment of Ex-Offenders Policy is available to applicants via the Trust schools' websites or will be provided upon request to the People Services Team.

9.0 Retention and Security of Disclosure Information

9.1 The Trust is committed to ensuring that all information provided about an individual's criminal record, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of relevant data protection legislation. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment and/or safeguarding purposes and will not be disclosed to any unauthorised person. The Privacy Notice for Job Applicants is available under the Policy pages of the Trust's website.

9.2 The Trust's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. In particular, the Trust will:

- Store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the Trust's Business Support Team
- Not retain disclosure information or any associated correspondence for longer than is necessary. In most cases, the Trust will not retain such information for longer than 6 months although the Trust will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- Ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- Prohibit the photocopying or scanning of any disclosure information.

10.0 Further Information

10.1 Further guidance on whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.

10.2 Information on offences that will never be filtered on a DBS Certificate is available from the Disclosure and Barring Service and NACRO.

10.3 General information about employment following a conviction is available from Unlock.

Policy Owner and Contact Details
Lisa Cardinali
For further information on the Policy, please contact via email
Lisa.Cardinali@thebridgetrust.academy or phone 020 7619 1000
Next Review Date: September 2027