

STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS



**Resilience
Multi Academy
Trust**

Summary	The code of practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed. The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.
Responsible Person/Author:	Director of HR COO
Applies to: (please circle/delete as appropriate)	Colleagues ☒ Student ☐ Community ☒
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Document Control

Date	Version	Action	Amendments
March 2019	1	Policy first implemented	
Nov 2020	2	Policy reformatted	
Autumn 2021	3	Amendments	Amendments to ensure compliance with exit from EU and changes to pre-employment checks Addition of EIA Review in line with DBS Guidance on the recruitment of ex-offenders
May 2025	4	Amendments	Rebrand
June 2026	5	Amendments	References to staff changed to colleagues. EIA updated

Contents

Document Control.....	2
Introduction.....	4
Scope and purpose.....	4
Publication.....	4
Responsibility	4
Aims.....	4
Policy statement	4
Monitoring.....	6
Appendix 1 –Equality Impact Assessment	8

Introduction

1. As an organisation, the Resilience Multi Academy Trust ("RMAT") is required to assess applicants' suitability for positions which are included in the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#) using criminal record checks processed through the Disclosure and Barring Service ("DBS"). RMAT complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.
2. It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

Scope and purpose

3. This policy will apply to all external and internal candidates who apply for positions within RMAT.

Publication

4. The policy will be held internally by RMAT and will be made available to applicants for employment at the start of the application process and others on request.

Responsibility

5. RMAT has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory and RMAT Framework. The RMAT Board has delegated day to day responsibility for operating the policy to the Chief Executive, The Director of Human Resources ("HR") and the Principal at each Academy.

Aims

6. RMAT is committed to using DBS along with other parts of the regulatory system regulating employees in schools to assess applicants' suitability for all positions of trust. We do not discriminate unfairly against any potential employee who is the subject of a disclosure on the basis of conviction or other information revealed.

Policy statement

7. We will only ask an individual about convictions and cautions that are not protected under the amendments to the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#), the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2013](#), and the [Rehabilitation of Offenders Act 1975 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2020](#)
8. We are committed to the fair treatment of colleagues, potential colleagues, students, parents and carers and members of Trust Governance regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

9. 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.
10. As a Regulated Activity Provider all paid employees of the Trust are in regulated activity and therefore subject to enhanced DBS checks.
11. An Enhanced DBS Check is also always undertaken (by the employing organisation if not engaged directly by the Trust) for Members, Trustees, Members of Local Review Boards, Staff, Supply staff, Student trainees, Contractors and volunteers who work, are involved in Governance or otherwise support the Trust
12. We check all qualified teachers against the Prohibition from Teaching List (DfE Secretary of State requirement September 2013), including those who may not be employed as a teacher, but who are deemed to undertake 'teaching work' in clause 3. of **The Teachers Disciplinary (England) Regulations 2012**. We undertake checks for management positions (including the Chair of the Trust) in line with the Prohibition from Management List (Section 128) to ensure colleagues/Members/Trustees/Local Review Board members are suitable for management positions. We also undertake appropriate checks for individuals who may have either lived or worked outside the UK.
13. For those positions where a DBS check, Prohibition Order and Section 128 check are required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position. For any other individuals where this is a requirement they will be informed prior to working, taking part in Governance of the Trust or otherwise supporting the Trust.
14. Shortlisted applicants will be required to provide details of any convictions, cautions, reprimands or final warnings as defined by the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)**. The amendments to the Exceptions order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, these cannot be taken into account. The amendments to the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020)** provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice **[What-will-be-filtered-by-the-DBS.pdf \(unlock.org.uk\)](https://unlock.org.uk/What-will-be-filtered-by-the-DBS.pdf)**.
15. Shortlisted candidates will be asked to provide details of all unspent convictions and those that would not be filtered prior to the date of the interview by completing a Self-Disclosure Form available on the Vacancies section of the Academy website and by returning this to recruitment@rodilillianacademy.co.uk prior to interview/assessment. They may be asked for further information about their criminal history during the recruitment process. This information will be confidential and only shown to those who need to see it as part of the recruitment process.
16. The Director of HR who oversees the recruitment process and provides advice and guidance to our Recruitment Panels has been suitably trained to identify and assess the relevance and circumstances of offences and is aware of all the relevant legislation relating to the employment of ex-offenders.
17. Candidates will have the opportunity for an open and measured discussion on the subject of any offences or other matters that might be relevant to the position with a member of the HR team. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer

of employment or disciplinary action, which could result in dismissal. We undertake to ensure that any matter revealed in a DBS Disclosure or Prohibition Order is discussed with the person seeking the position and risk assessed before withdrawing a conditional offer of employment.

18. All employees have a duty to advise their Principal and the Director of HR of any Police enquiries regarding any concerns/allegations which have been made against them at the point which they are made aware. This is referenced within the Personal and Professional Conduct of Staff Policy.
19. Where a candidate/employee/adult has committed an offence, received a caution, or been the subject of a Police investigation, following a discussion, a risk assessment is undertaken by HR to determine whether or not their actions pose a risk to children, young people or the Trust as a whole. Once a decision has been made the individual and the Principal will be informed of the outcome. A written copy of the risk assessment, where applicable, is held confidentially on file.
20. All colleagues employed by the Trust are made aware of the policies and procedures in line with their responsibilities to support their work with Children and Young People across the Trust e.g. Personal and Professional Conduct of Colleagues and Safe Working Practice Policies.
21. Members, Trustees, Local Review Board members, Colleagues, Initial Teacher Training Students, Supply Colleagues, Contractors volunteers who work, are involved in Governance or otherwise support the Trust are made aware of the existence of the DBS Code of Practice, Working Together to Safeguard Children, Keeping Children Safe in Education statutory guidance and their statutory responsibilities within them.
22. For any supply colleagues, contractors on site and/or other agency workers who may attend our academies we will ensure that an Enhanced DBS check has been carried out. We will also record an identity check and ensure we have written confirmation from their organisation that demonstrates they have undertaken the relevant checks and obtained the appropriate certificates and the date they were received.
23. We make every subject of a DBS check aware of the existence of the Code of Practice www.gov.uk/government/publications/dbs-code-of-practice and make a hard copy available on request.
24. Having a criminal record will not necessarily bar candidates from working for us. This will depend on the nature of the position and the circumstances and background of the offences.
25. The RMA Privacy Notice - Recruitment outlines the lawful basis for processing information for recruitment purposes and can be found on the Trust website.

Monitoring

26. HR will monitor the implementation and effectiveness of the policy by monitoring the recruitment and selection and pre-employment, pre-appointment of members of RMA Governance and pre-appointment of volunteers processes with the Trust.
27. HR will monitor the relevant legislation, guidelines and information forthcoming from the relevant statutory bodies for any recommendation or changes.
28. HR will advise the PPPC committee of the Trust Board of any changes that are needed and a proposal will be submitted to the RMA Board within an appropriate timescale. There will be a full review of the

policy by HR prior to the stated review date where recommendations will be made for consideration by the PPPC.

Other policies

The following policies should be read in conjunction with this policy:

- Recruitment and Selection Policy
- Equality and Diversity Policy
- Safeguarding and Child Protection Policy
- Data Protection and Information Governance Policy
- Accessibility Policy
- Privacy Notice – Recruitment
- Safe Working Practices Policy

Appendix 1 - Equality Impact Assessment

Policy: Statement on the Recruitment of Ex-Offenders

Date of assessment: June 2026

Purpose of the Statement: To ensure compliance with Disclosure and Barring Service (DBS) requirements and relevant legislation, while promoting fair and consistent recruitment practices for applicants with criminal records. The policy supports safeguarding responsibilities whilst ensuring applicants are not unfairly excluded from employment opportunities because of their offending background.

Groups affected:

- External applicants for employment
- Internal applicants applying for new roles
- Volunteers
- Trustees, Members and Local Review Board members
- Contractors and agency workers
- Recruiting managers and interview panels
- HR colleagues involved in recruitment and vetting process

Protected characteristics considered:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership.
- Pregnancy and maternity
- Race.
- Religion or belief
- Sex
- Sexual orientation

Potential impacts:

Positive impacts:

- Promotes equality of opportunity by welcoming applications from suitably qualified individuals with criminal records.
- Ensures applicants are assessed on skills, qualifications and experience rather than offending history alone.
- Provides a consistent and transparent approach to considering criminal record information.
- Supports rehabilitation and social inclusion through fair access to employment opportunities.
- Requires individual risk assessments rather than automatic exclusion decisions.
- Ensures sensitive information is handled confidentially and only shared with those involved in recruitment decisions.

Negative or unequal impacts:

- Applicants with criminal records may perceive the recruitment process as a barrier to employment.
- Certain convictions may result in exclusion where safeguarding considerations outweigh employment opportunities.
- Individuals with learning disabilities, neurodiverse conditions or mental health conditions may require additional support to understand disclosure requirements.

- Applicants from some demographic groups may be disproportionately represented within criminal justice systems and therefore more likely to be affected by criminal record checks.
- Risk of bias or inconsistent decision-making if criminal record information is not assessed objectively.

Mitigation actions:

- Ensure recruitment and selection decisions are based on objective assessment of skills, experience and role requirements.
- Provide trained HR support to recruiting managers and recruitment panels when assessing disclosures.
- Undertake individual risk assessments considering the nature of the offence, relevance to the role, safeguarding implications and evidence of rehabilitation.
- Provide applicants with the opportunity to discuss disclosures openly and explain circumstances.
- Maintain confidentiality and compliance with data protection requirements throughout the recruitment process.
- Monitor recruitment practices to ensure compliance with DBS guidance and equality legislation.
- Review decisions consistently across the Trust to minimise bias and promote equitable treatment.

Monitoring and Review:

- HR will monitor recruitment outcomes and the application of this policy.
- Recruitment practices and risk assessment decisions will be reviewed periodically to ensure consistency and fairness.
- Relevant changes to DBS requirements, safeguarding guidance and employment legislation will be reflected within the policy.
- The policy will be formally reviewed in accordance with the Trust's policy review schedule or sooner where legislative changes require amendment.
- Feedback from applicants, recruiting managers and HR colleagues will be considered when reviewing the effectiveness of the policy.