



Recruitment of Ex-Offenders Policy

| Version 2.0 |

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1. Introduction

1.1 Staff Power Training (SPT) is committed to equality of opportunity in all aspects of employment. We recognise that people with criminal records often face considerable barriers in gaining employment and that these barriers can contribute to social exclusion and reoffending.

This policy sets out SPT's approach to the recruitment of applicants who have a criminal record. It is designed to ensure that ex-offenders are treated fairly, that recruitment decisions are based on merit and relevant risk assessment, and that the Organisation meets its legal obligations under the Rehabilitation of Offenders Act 1974 (as amended), the Equality Act 2010, and guidance issued by the Disclosure and Barring Service (DBS).

As a Further Education (FE) training provider working with learners who may include young people, adults, and individuals with vulnerabilities, we also have a duty to maintain a safe learning and working environment. This policy therefore balances fairness to applicants with our safeguarding responsibilities.

2. Scope

2.1 This policy applies to:

- *All paid employees, including permanent, temporary, casual, and agency staff*
- *Volunteers, governors, trustees, and board members*
- *Contractors, sub-contractors, and self-employed workers engaged by SPT*
- *All roles across SPT, whether or not they are subject to DBS checks*

2.2 This policy applies at the point of recruitment and may also be applied where an existing member of staff discloses a conviction after appointment.

3. Legal Framework

3.1 This policy is informed by the following legislation and guidance:

- Rehabilitation of Offenders Act 1974 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012)
- Police Act 1997 (Part V) – provisions relating to criminal record certificates
- Equality Act 2010 – in particular, the protected characteristic of spent convictions in certain circumstances
- Protection of Freedoms Act 2012
- Safeguarding Vulnerable Groups Act 2006
- DBS Code of Practice (current version)
- Children Act 1989 and 2004
- General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018
- Keeping Children Safe in Education (KCSiE) – where applicable
- Ofsted Inspection Framework – requirements regarding safer recruitment

4. When We Ask About Criminal Records

4.1 Application Stage – ‘Ban the Box’ Approach

SPT has adopted a ‘Ban the Box’ approach. We will not ask applicants to disclose criminal convictions on the initial application form, except where the role is specifically exempt from the Rehabilitation of Offenders Act 1974 and a declaration is legally required.

For all other roles, questions about criminal records will only be asked at the conditional offer stage or following shortlisting, to avoid early-stage discrimination.

4.2 Roles Exempt from the Rehabilitation of Offenders Act 1974

Certain roles within SPT are exempt from the provisions of the Rehabilitation of Offenders Act 1974 by virtue of the Exceptions Order 1975. For these roles, applicants are required to disclose all convictions, cautions, reprimands, and final warnings, including those that would otherwise be considered spent. Such roles include (but are not limited to):

- *Roles involving regulated activity with children or vulnerable adults*
- *Roles requiring an Enhanced DBS check with Barred List check*
- *Roles in which the post-holder will have unsupervised access to learners under the age of 18*
- *Roles involving the administration of medication or personal care*

Applicants for these roles will be made aware at the point of advertisement and prior to application that an exemption applies.

4.3 Self-Disclosure Prior to DBS Check

For roles requiring a DBS check, shortlisted applicants will be asked to complete a self-disclosure declaration prior to or alongside the submission of a DBS application. This allows SPT to conduct a structured conversation before the certificate is received. Applicants are advised to disclose honestly and will be informed that the DBS check will verify the information provided.

5. Assessing Criminal Records – Our Decision-Making Framework

5.1 Where a criminal record is disclosed or revealed through a DBS check, SPT will carry out an individual, structured assessment before making any employment decision. The assessment will consider all relevant factors, including:

- *The nature of the offence(s) and the circumstances in which they occurred*
- *The seriousness of the offence and the sentence imposed*
- *The relevance of the offence to the role applied for*
- *The length of time that has elapsed since the offence*
- *Whether the offence was a one-off incident or part of a pattern of behaviour*
- *The age of the applicant at the time of the offence*
- *Evidence of rehabilitation, changed behaviour, or mitigating circumstances*
- *Any information provided by the applicant in explanation or mitigation*
- *The degree of risk posed to learners, colleagues, or others in SPT*
- *Whether the applicant would be in a position of trust or authority*

5.2 Having a criminal record will not automatically bar an applicant from employment. However, where an offence is deemed to pose an unacceptable risk to the safety of learners or others, or where the law prohibits employment (*e.g. where an individual is on a barred list*), an offer of employment will not be made or will be withdrawn.

6. Process for Making Decisions

6.1 Who Makes the Decision

Decisions regarding the employment of individuals with criminal records will be made by the SPT Directors in consultation with the relevant line manager and, where safeguarding considerations are relevant, the Designated Safeguarding Lead (DSL).

6.2 Opportunity to Discuss

Before a decision is made to withdraw an offer of employment on the basis of a criminal record, SPT will invite the applicant to discuss the matter and provide any additional context or explanation. This will normally be done by telephone or face-to-face meeting.

6.3 Notification of Decision

The applicant will be notified in writing of the SPT decision and, where an offer is withdrawn or not extended, will be provided with a clear explanation of the reasons. Where appropriate, the applicant will be advised of any right to appeal.

6.4 Record Keeping

Records of the decision-making process, including any self-disclosure forms, notes of discussions, and written decisions, will be retained securely for no longer than is necessary, in accordance with SPT Data Retention Policy and UK GDPR requirements.

7. Existing Employees

7.1 All employees are required to notify SPT promptly if they receive a criminal conviction, caution, warning, or reprimand after the commencement of their employment, including during any period of employment. Failure to disclose may be treated as a disciplinary matter.

Where an existing employee discloses a criminal conviction, SPT will apply the same assessment framework set out in Section 6 above to determine whether the conviction is relevant to the individual's role and responsibilities, and what, if any, action is required. Any action taken in relation to existing employees will be conducted in accordance with the SPT Disciplinary Policy and Procedure and, where relevant, its Safeguarding Policy.

8. Policy Review

8.1 This policy will be reviewed annually, or more frequently if there are significant changes in legislation, working practices, or following any incidents.