

Policy Statement on the Recruitment of Ex-Offenders

General Principles

As an organisation using the Disclosure and Barring checking service to assess applicants' suitability for positions of trust, Berkshire Music Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any individual on the basis of a conviction or other information revealed.

This policy on the recruitment of ex-offenders should be made available to all DBS applicants at the outset of the recruitment process as well as to individuals who, either at the start of their employment or during its course, give consent for online Status Checks to be undertaken on their DBS Certificate via the Update Service.

Equalities

Berkshire Music Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and will consider applications from a wide range of candidates, including those with criminal records. All candidates should be selected for interview based on their skills, qualifications and experience.

Undertaking DBS Checks

A DBS check (whether new or via the Update Service) is only requested after it has been clearly identified that one is both proportionate and relevant to the position concerned. For those positions where a check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested as part of the recruitment process.

Where a DBS check is to form part of the recruitment process, we require all shortlisted applicants to provide details of any cautions, convictions, reprimands or final warnings which are not protected (i.e. that are not filtered out¹), as defined by the Rehabilitation of Offenders Act 1974

¹ Amendments to the Exceptions Order 1975 provide that certain spent convictions and cautions are 'protected' meaning that they are not subject to disclosure to employers and cannot be taken into account.

All guidance and criteria on the filtering of these cautions and convictions can be found in the DBS filtering collection on the Gov.uk website and further information on disclosing a criminal record can also be obtained from Nacro: www.nacro.org.uk

(Exceptions) Order 1975 (as amended). We request that this information is sent under separate, confidential cover during the recruitment process to HR. This information will only be seen by those who need to see it as part of the recruitment process.

In undertaking enhanced or standard DBS checks, Berkshire Music Trust is allowed to ask questions about an individual's entire criminal record, including asking about 'spent' convictions as defined in the Rehabilitation of Offenders Act 1974, except those that are filtered out.¹

We ensure that all those in Berkshire Music Trust who are involved in the DBS process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Where, however, an individual fails to reveal previous convictions, include 'spent' convictions, or any other relevant information, this could lead to withdrawal of an offer of employment or termination of their employment, regardless of the relevance of the conviction to the nature of their employment.

The DBS have a Code of Practice for registered bodies and other recipients of DBS check information and this is available through our website or on request.

Dealing with Criminal Record Declarations and Positive DBS Checks

Having a criminal record will not necessarily bar an individual from working in the role they have applied for. This will depend on the nature of the position and the circumstances and background of their offences. Where convictions or other relevant information is revealed a full risk assessment will be undertaken which will take into account a range of factors including the following:

- Whether the conviction is relevant to the position applied for;
- The seriousness of any offence revealed;
- The age of the applicant at the time of the offence(s);
- The length of time since the offence(s) occurred;
- Whether the applicant has a pattern of offending behaviour;
- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned, including whether the individual accepted responsibility for their actions;
- Whether the applicant's circumstances have changed since the offending behaviour.

For teaching posts, the incident(s) will also be considered in the context of the teacher misconduct guidance.

Before any decision is taken as to whether or not any matter revealed in a DBS check would lead to withdrawing a conditional offer of employment or, if an individual has already commenced work, the contract of employment is to be terminated, the risk assessment will be discussed with the individual concerned. Any decision not to appoint will be clearly documented.