

## ETF POLICY FOR RECRUITING EX OFFENDERS

### 1 Introduction

1.1 This notice provides individuals that engage with the Education and Training Foundation's (the ETF, we, us, our) recruitment processes with information on our approach to employing ex-offenders. The ETF is a registered charity (registration no: 1153859) and a company limited by guarantee (company registration number (England and Wales): 08540597). When referring to the ETF, we also include our professional membership organisation, the Society for Education and Training (SET).

### 2 Background

2.1 The aim of this policy is to set out ETF's approach to employing people with a criminal record. As an organisation that is committed to equality of opportunity for all job applications and aim to select people for employment based on their skills, abilities, experience, knowledge and, where needed, qualifications and training. We will therefore consider job applicants who have a criminal record on their individual merits.

2.2 Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended). We can only ask an individual about convictions and cautions that are not protected.

2.3 We select all candidates for interview based on their skills, qualifications, and experience. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

### 3 Rehabilitation of Offenders Act 1974

3.1 Under the [Rehabilitation of Offenders Act 1974](#), sentences not exceeding 48 months become "spent" after a defined period. (see [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#) for further information).

3.2 For most positions it is unlawful to refuse to employ someone on the ground that they have a spent conviction..

3.3 Roles in our organisation are covered by the Rehabilitation of Offenders Act 1974, which means that job applicants for these jobs cannot be treated unfavourably because they have a spent conviction. We will not automatically refuse to employ someone just because they have a previous criminal conviction.

3.4 At some stage during the recruitment process, our organisation will ask job applicants to disclose unspent convictions. We will not ask job applicants questions about spent convictions or expect anyone to disclose spent convictions.

3.5 If a job applicant has a conviction that is unspent and if the nature of the offence is relevant to the job they are applying for, we will review the individual circumstances and may, at our discretion, not select the individual for employment.

#### **4 Data protection**

4.1 Our organisation processes information about individuals' criminal records in accordance with our data protection policy. [View our Recruitment Privacy Policy](#).

4.2 We are committed to going through the proper DBS channels to establish whether an individual has a criminal record. We will not require job applicants or existing employees to use their subject access rights under data protection provisions to provide criminal record details.



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Director of Corporate Services

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