



Criminal Convictions Policy

Introduction

Having a criminal record will not necessarily prevent an individual from working or studying at Eastern Region Training. This will depend on the nature of the position or programme of study, the outcome of any Disclosure and Barring Service (DBS) check, and the circumstances and background of the offences. It will also depend on the nature of the conviction and what else is happening in the centre. We want to safeguard everyone that we work with, whether that is our young people or our adult learners.

The aim of the policy is to set out how we manage adult learners with previous criminal offenses which pertain to minors. We want to ensure relative anonymity to those individuals with unspent convictions and ensure that our vulnerable students are not at risk in anyway.

We also hold high quality standards for our processing of the data of our students. Please see the company GDPR policy which details how we hold information that we collect on unspent convictions.

Policy Statement

- ERT is committed to the fair treatment of its staff, students and applicants, and no individual will be unjustifiably discriminated against on the basis of gender, race, nationality, ethnic or national origin, religious or political beliefs, disability, marital status, family circumstance, sexual orientation, spent criminal convictions, age or for any other reason.
- The group actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications to work or study at ERT from a wide range of candidates, including those with criminal records.
- ERT asks all third-party referral agencies to consider the need for safeguarding on ERT's site when referring candidates for training. We have minors on the premises most days and as such the training of those with offenses against minors or those with conditions of probation will need to be discussed on a case by case basis.
- ERT is entitled to make enquiries about the applicant's entire criminal record due to the occurrence of regulated activity on premises and will seek a disclosure through the DBS where any post involves working with children or vulnerable adults.

- For students, ERT will only ask about “unspent” convictions, unless the nature of the programme of study is likely to bring the student into contact with children or vulnerable adults, in which case we will seek a disclosure through the DBS
- It is a criminal offence for a barred individual to undertake regulated activity. ERT will not therefore permit this to occur.
- Where a staff or student applicant fails to reveal information that is directly relevant to the position sought, this could lead to withdrawal of an offer of employment or an offer to study. Action may also be taken, under the appropriate procedures, against an existing employee, where it is discovered that he or she has failed to reveal information directly relevant to the position held.
- Where it is revealed that an applicant has a criminal record, ERT will follow the appropriate procedures in deciding whether the nature of the criminal record is such that the individual should not be offered the post or place on the programme, as appropriate.
- ERT informs those who are involved in the recruitment of staff or students of the need to comply with the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and the Safeguarding Vulnerable Groups Act 2006, and of the need to comply with our policies and procedures relating to the recruitment of staff or students with a criminal record.

Disclosures through the Disclosure and Barring Service

- This policy on the recruitment of ex-offenders is made available to all disclosure applicants at the outset of the recruitment process. Anyone is welcome to ask for a copy of this policy and the GDPR policy when they fill in their disclosure form.
- As an organisation using the DBS disclosure service to assess applicants’ suitability for positions of trust, ERT complies fully with the DBS Code of Practice and undertakes to treat all applicants for posts or programmes of study fairly. It undertakes not to discriminate unfairly against any subject of a disclosure based on convictions or other information revealed.
- A disclosure is only requested after a thorough risk assessment has indicated that it is both proportionate and relevant to the position or programme of study concerned. For those positions where a DBS check is required, all application forms, job adverts and job specifications will contain a statement that this will be requested in the event of the individual being offered the position. Applicants for relevant programmes of study will likewise be notified that a DBS check is required.
- In the case of students, if a DBS check is required because of the nature of the programme of study or length of study, applicants are encouraged to provide details of their criminal record as soon as possible. This information should be sent under separate, confidential cover to Clive Coote as Managing Director and this information will only be seen by those who need to see it as part of the recruitment process.
- ERT undertakes to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment or a place on a programme of study.

Disclosures not through the Disclosure and Barring Service:

- Due to our training centre being a place for adult students and children students, we must take precautions to avoid any unsupervised contact between the parties.

- To uphold the safeguarding of all students who study with us, for any person entering the premises, we will request a disclosure of unspent convictions and the nature of the offense. This will be done confidentially at the start of any course.
- This will be done at the point of entry to the building in individual booths.
- Please read this policy in conjunction with our GDPR Confidentiality policy as the protection of individual's data is of the utmost importance to us at ERT.
- During term time, we cannot have those individuals with offenses against minors studying in the building at the same time as our minors are studying due to our duty of care under Keeping Children Safe in Education 2018.
- For any student who discloses an offense of a sexual nature pertaining to minors, this will be brought to the attention of Clive Coote as Managing Director. From here Clive will decide on the best course of action.
- In the first instance, the individual will be asked to leave the premises while Clive reviews the information. After this the individual will be contacted by telephone for proposed alternative arrangements to be made.
- We will have individuals on courses during school holidays when we do not have minors in the building with any type of conviction
- Clive will decide on the best course of action to keep the convicted adult learners separate from the minor learners. Any alternative arrangements will be at the discretion of Clive Coote.
- Potential solutions include training for those with sexual offenses after regular hours during the week or on Saturdays.

Confidentiality

Please read in conjunction with the Confidentiality & GDPR

Any disclosure obtained through the DBS or by other means must be kept, and ultimately disposed of, in accordance with the current guidance from the DBS on the secure storage, handling, use, retention and disposal of disclosures and disclosure information (see [DBS website](#)). All other documentation should be kept securely and in accordance with ERT's Guidelines on the Data Protection Act and GDPR. Any DBS disclosure should not be kept on the student file, but, if necessary, one copy may be kept in the Data Protection Room, separately in a locked filing cabinet with restricted access, for a maximum six-month period. Permission will need to be obtained from the DBS if it is necessary to hold the DBS disclosure for longer. Similarly, other (non-DBS disclosure) information on a person's criminal record should not be kept on the student file, but one copy should be kept in the locked filing cabinet in the Data Protection Room. All other copies should be destroyed. All Schools who obtain DBS disclosure or any other information relating to an applicant's criminal conviction(s) must follow the same practice.