



## Eastern Region Roof Training Group Ltd

### Criminal Convictions Policy

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#### Introduction

Having a criminal record will not necessarily prevent an individual from working or studying at ERRTG. 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.

#### Policy Statement

- ERRTG 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 ERRTG from a wide range of candidates, including those with criminal records.
- ERRTG asks all third party referral agencies to consider the need for safeguarding on ERRTG's site when referring candidates for training.
- ERRTG is entitled to make enquiries about the applicant's entire criminal record and will seek a disclosure through the DBS where any post involves working with children or vulnerable adults.

- For students, ERRTG 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. ERRTG 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, ERRTG 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.
- ERRTG 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.
- As an organisation using the DBS disclosure service to assess applicants’ suitability for positions of trust, ERRTG 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 on the basis of 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 the Admissions Officer and this information will only be seen by those who need to see it as part of the recruitment process.
- ERRTG 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.

### **Confidentiality**

Please read in conjunction with the Confidentiality & GDPR policy.

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 ERRTG’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.