

CRIMINAL RECORDS POLICY

This document outlines RETURN TO LEARNING LTD's policy against discrimination during recruitment of people with a criminal record.

This policy applies for those in paid employment directly by or on behalf of, RETURN TO LEARNING LTD, including sub-contractors and agency workers; and for those undertaking any voluntary engagement with RETURN TO LEARNING LTD, its clients and/or service users where an Enhanced Criminal Record Certificate (criminal records check) is required.

1. Recruitment

- 1.1. All applicants to any position at or with RETURN TO LEARNING LTD will be informed when a basic level of disclosure is required. This shall be communicated in any job advertisement, and in the job summary provided to each applicant.
- 1.2. The appointment of any successful candidate will always be conditional on receipt of a satisfactory Enhanced DBS check. Candidates can provide details of their Enhanced DBS check should it be on the official government update service. If a candidate does not have this, they can apply for an Enhanced DBS check. More information on how to apply will be provided to candidates ahead of appointment.
- 1.3. The DBS charges applicants a fee for the disclosure check. This fee will be covered by RETURN TO LEARNING LTD.

2. Disclosure information

- 2.1. Once the Enhanced DBS check is received by the applicant via post, the applicant is required to bring the certificate to RETURN TO LEARNING LTD for a copy to be made. A copy made by the applicant and signed by a legal representative to verify its originality will also be accepted.
- 2.2. The information contained in the Disclosure is considered confidential sensitive personal information. It will be stored and maintained in accordance with the GDPR; details of which can be found in RETURN TO LEARNING LTD's Data Protection and Data Security Policy. The certified copy of any Enhanced Criminal Record Certification will be retained on a person's personnel file only for as long as is it required. This includes the requirement that it could be needed to allow for the consideration and resolution of any disputes or complaints.

3. Assessment of the relevance of criminal records

- 3.1. RETURN TO LEARNING LTD will only consider a criminal record if the conviction is relevant to the role for which the applicant has applied.
- 3.2. Criminal records checks will only be carried out when a job offer has been made to ensure that there is no influence on the initial selection process.
- 3.3. If a candidate wishes to discuss any criminal records, including cautions or warnings, spent or unspent, with the Head of Recruitment, before they apply for the criminal records check, then they can do so at their own discretion.
- 3.4. If a candidate's criminal records check is returned and discloses any criminal activity, an assessment will be made to decide the relevance of the conviction and the position applied for at RETURN TO LEARNING LTD. This assessment will include a practical assessment of any and all associated risks.

- 3.5. Protection of the applicant's rights and interests must be weighed against the rights and interests of the organisation, its employees, clients and service users of RETURN TO LEARNING LTD, or members of the public with whom an employee may come into contact.
- 3.6. All cases will be assessed on a case by case basis. The following factors will be considered in each case:
- 3.6.1 the relevance of the offence to the duties and responsibilities of the post;
 - 3.6.2. the seriousness of the offence and its relevance to the safety of other people and resources;
 - 3.6.3. the length of time since the offence was committed;
 - 3.6.4. the nature and background of the offence;
 - 3.6.5. details of the circumstances that led to the offence;
 - 3.6.6. changes to the individual's circumstances that may influence reoffending;
 - 3.6.7. whether the individual has a history of re-offending; and
 - 3.6.8. the country in which the offence was committed, for example some offences in Scotland are not necessarily offences in England and Wales.
- 3.7. The applicant will be given the opportunity to discuss their criminal records check with the person leading the recruitment which will be an opportunity to communicate any views or opinions they might wish to.
- 3.8. Once a decision has been made, the person leading the recruitment will confirm the decision in writing.
- 4. Starting work pending a disclosure**
- 4.1. No applicant will be allowed to commence work with RETURN TO LEARNING LTD in any role requiring client or service user interaction, until their criminal records check has been received.
- 4.2. Due to the nature of RETURN TO LEARNING LTD's provisions and the flexible working, where most staff will work from their own homes, there may be instances where it is acceptable to begin employment prior to the criminal records check being returned. These would include but are not exclusive to;
- 4.2.1. Administration duties carried out in the employee's own home (or business location of their choice as stipulated in their employment contract)
- 4.3. Any arrangements made around this clause will be reviewed on a fortnightly basis until the certificate is received.
- 5. Portability**
- 5.1. As aforementioned, applicants with subscriptions to the DBS Update Service, a full application for a criminal records check is not necessary.
- 5.2. In such cases, RETURN TO LEARNING LTD can, with the applicant's consent, go online to check whether or not the individual's DBS certificate is up to date.
- 5.3. RETURN TO LEARNING LTD will then obtain a record of the applicant's certificate to be held as outlined above and in compliance with GDPR.
- 6. Complaints**
- 6.1. If any applicant is unhappy with any aspect of this policy, they can make a complaint. Ways to make a complaint are highlighted in RETURN TO LEARNING LTD's Complaints Policy which is available on the website at www.returntolearningonline.com/policies or can be requested via email.
- 6.2. Any emails requesting copies of this, or any other policy, will be responded to within 72 hours.

- 6.3. If any applicant is unhappy with any information provided on the criminal records check, this can only be processed by the DBS.