

Recruitment of Ex Offenders Policy

Moxi Recruitment Limited, operating as an Employment Agency and an Employment Business which focuses on supplying School and the Education Sector, uses the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust. Moxi 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 subject of a Disclosure on the basis of a conviction or other information revealed.

Moxi will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. Moxi makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within a client organisation. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

Moxi only ask an individual to provide details of convictions and cautions that they are legally entitled to know about. 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)

Moxi can only ask an individual about convictions and cautions that are not protected.

Moxi 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.

Under the relevant legislation, it is unlawful for Moxi to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for Moxi to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for Moxi to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a DBS check, Moxi will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;

- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is Moxi's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

All positions which Moxi recruits for involve a degree of responsibility for the safeguarding and welfare of children. Therefore, all positions are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except those that are classed as protected offences. Information on the DBS filtering rules can be found [here](#).

It is a condition of employment that the employee should not have been convicted of a criminal offence against children, nor have been dismissed from or resigned from a previous employer for misconduct of a similar nature.

The opportunity to make Moxi aware of any criminal records is made on the application form, the DBS application form and during the interview process. We encourage all applicants to provide details of their criminal record at an early stage in the application process. Any information provided should only be given to your consultant and will only be seen by those who need to see it as part of the recruitment process.

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. We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Moxi undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.