

## **Policy Statement on the Recruitment of Ex-Offenders**

The School is aware of its responsibility under the Police Act 1997 not to discriminate against applicants based on their criminal record. The school will only ask an individual to provide details of convictions and cautions that the school is legally entitled to consider when recruiting candidates.

The school is committed to the fair treatment of all applicants, regardless of race, gender, religion, sexual orientation, responsibilities for dependant, age, physical or mental disability or offending background. All candidates will be selected for interview based on their skills, qualifications and experience. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with objective assessment criteria.

All positions within the School are **exempt** from the provisions of the **Rehabilitation of Offenders Act 1974**. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the [DBS filtering rules](#).

### **Criminal record checks carried out during the recruitment process**

**Criminal Record Self-Declaration:** All shortlisted applicants are required to declare if they have any convictions or cautions (excluding youth cautions, reprimands or warnings) that are not 'protected' as defined by the [Ministry of Justice](#) by completing a Criminal Record Self-declaration form. Short listed candidates who have convictions or cautions must check the [filtering rules](#) to determine if they should declare them or if they are now 'protected' and no longer require disclosure; before signing this declaration form. Any relevant information of any criminal record or any information that would deem them unsuitable to work with children will be discussed and considered at interview.

**Overseas Criminal Record Check:** DBS is unable to access criminal records held overseas. Therefore, if a shortlisted applicant has lived outside the UK, the applicant will be required to provide the school evidence of an overseas criminal check. How an applicant can obtain an overseas criminality check can be found on the [Home office website](#). Any relevant information disclosed on an overseas criminal record check will be discussed and considered at interview or prior to offering a position of employment.

**Online Search:** An online search will be undertaken on all shortlisted applicants, before invited to interview, to help identify any incidents or issues that have happened, and are available to view publicly, which school may want to explore with the candidate at interview.

**Disclosure and Barring Service Check:** All applicants who are conditionally offered employment in a school will be subject to a criminal record check from the Disclosure and Barring Service before an appointment is confirmed. The school fully complies with the [DBS Code of Practise](#). The DBS check may also include information held on the Children's Barred List, alongside any information held by local police forces, that is considered relevant to the applied-for post. Any relevant information of any criminal record or any information that would deem them unsuitable to work with children will be discussed and considered before employment commences.

## **Failure to Disclose a Previous Conviction**

Failure to reveal any information which is directly related to the post could result in the application either; being rejected, the offer of employment being withdrawn or if discovered after employment has commenced, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to knowingly employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School.

It is also unlawful for the school to knowingly employ someone to work in the relevant setting who is disqualified from providing childcare as set out in the statutory guidance 'Disqualifications under the Childcare Act 2006'.

The School will make a report to the Police and / or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of a candidate's application; or
- it has serious concerns about a candidate's suitability to work with children.

## **Disclosure of a previous conviction**

In the event of a disclosure containing criminal information, the headteacher will meet with the individual to discuss the circumstances surrounding these and their suitability to work with children.

The individual will be required to confirm that the convictions are theirs. If the individual denies that the convictions relate to them, the headteacher will contact the DBS to carry out an investigation.

If the candidate confirms the criminal information relates to them, or in the circumstance they denied that they relate to them, but it is established by the DBS that the convictions do concern the individual, the headteacher will explore the circumstances surrounding these and their suitability to work with children, in accordance with the governing board and LA.

If an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered individually, rather than all being automatically disclosed.

The headteacher will discuss the disclosed information with the governing board and LA immediately to agree a course of action regarding any prospective or existing employee.

For prospective employees, all posts will remain pending whilst meetings and investigations take place - an exception applies if the headteacher was already aware of the employee's convictions and had previously discussed with the governing board and LA that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

For current employees, the headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.

- Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.

The headteacher will consult the Senior Office Manager (SOM) when deciding what adjustments will need to be made for the employee concerned.

## **Making a recruitment decision**

All offers of employment made by the school will be conditional upon satisfactory completion of the mandatory pre-employment checks.

The Headteacher will consider the magnitude of any disclosures.

**Major disclosures** will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:

- Children's barred list
- Adults' barred list

**Serious disclosures** which involve criminal activity, but do not pose a risk to pupils, will be discussed with the headteacher prior to the candidate being accepted for the role. The headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.

When considering an applicant who will not be working in regulated activity, the school will not consider any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016).

When deciding to accept or reject a candidate, the school will consider the following information:

- The seriousness and relevance of the disclosure in relation to the position applied for
- The length of time since the offence or other matters occurred
- Whether it was a one-off incident or if there is a history of incidents
- The circumstances around the incident and explanation offered by the applicant
- Whether the candidate's circumstances have changed since the incident
- Whether the candidate has accepted responsibility for their actions

A risk assessment will be conducted by the headteacher following a positive disclosure, before deciding on the candidate's suitability. A record of all recruitment decisions following a disclosure will be kept by the SOM. Depending on the circumstances of each case, the chair of the governing board may be asked to countersign the form recording the recruitment decision.

If the post involves regular contact with children, it is the School'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, incest, other serious sexual offences, grievous bodily harm, other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

## **Referral to the DBS**

The school will uphold its legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where they:

- Have harmed, or poses a risk of harm, to a pupil.
- Have satisfied the harm test.
- Have received a caution or conviction for a relevant offence.
- Are, have or may be in the future, working in regulated activity.

The school will follow the DBS' ['Making barring referrals to the DBS'](#) guidance when making such referrals.

Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member from regulated activity.

## **Retention and security of disclosure information**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the School will:

- Store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted and limited to those entitled to see them as part of their duties;
- Ensure that any disclosure information is destroyed by suitably secure means such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates
- not retain disclosure information or any associated correspondence for longer than is necessary once a recruitment decision has been made, usually no longer than 6 months to allow for the consideration and resolution of any disputes or complaints.
- **Successful candidate:**
- The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- Risk assessments will be kept in line with the school's retention policy and kept in locked, non-portable storage containers, access to which will be restricted and limited to those entitled to see them as part of their duties.