



Together, over time, we are proud to learn to make a difference to ourselves and others

Schools Policy Statement on the Recruitment of Ex-Offenders

Exemption from the Rehabilitation of Offenders Act 1974

Ex-offenders have to disclose information about spent, as well as unspent convictions if the job for which they are applying is exempted from the Rehabilitation of Offenders Act 1974.

How this affects school based jobs

All school based jobs are exempt from the Rehabilitation of Offenders Act as the work brings employees into contact with children who are regarded by the Act as a vulnerable group.

Applicants for school based jobs must, therefore, disclose all spent and unspent convictions.

All applicants who are offered employment in a school will be subject to a criminal record check from the Disclosure and Barring Service before an appointment is confirmed. This will include details of cautions, reprimands and warnings as well as spent and unspent convictions. An enhanced DBS (check) may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

The successful applicant will not be eligible to start work until the school has received notification from the DBS.

Having a criminal record will not necessarily bar someone from working in a school. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant.

Schools undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

When reaching a recruitment decision the following factors will be taken into account:

- Whether the conviction or other matter revealed is relevant to the position in question
- 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 applicants circumstances have changed since the offending behaviour or the other relevant matters, and

- The circumstances surrounding the offence and the explanation(s) offered of the offending person.

There are, however, particular offences that would automatically prevent an offer of employment in a school being confirmed. These include:

- Rape
- Incest
- Unlawful sexual intercourse
- Indecent assault
- Gross indecency
- Taking or distributing indecent photographs

Other offences which make it unlikely (although not automatic) for an offer of employment in a school to be confirmed include the following:

- Violent behaviour towards children or young people
- A sexual, or otherwise inappropriate relationship with a pupil (regardless of whether the pupil is over the legal age of consent)
- A sexual offence against someone over the age of 16
- Any offence involving serious violence
- Drug trafficking and other drug related offences
- Stealing school property or monies
- Deception in relation to employment as a teacher or at a school, for example false claims about qualifications, or failure to disclose past convictions
- Any conviction which results in a sentence of more than 12 months imprisonment
- Repeated misconduct or multiple convictions unless of a very minor nature.

If appropriate, applicants will be invited to discuss disclosure information before a final recruitment decision is made.

It may be necessary at times to update the records of existing employees. Existing employees who are found to have criminal records will not be dismissed as a matter of course. Each case will be considered on its merits, and an assessment of risk and relevance will be involved.

The school has adopted the Disclosure and Barring Service's Code of Practice on the use and handling of Disclosure information, and will adhere to it under all circumstances.

A copy of the code is available from Schools HR on request.

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The DBS Code of Practice requires that the school makes available a copy of its Policy on the Recruitment of Ex-offenders to all job applicants. Our policy statement is given below. In accordance with the Disclosure and Barring Service Code of Practice this policy is made available to all job applicants at the outset of the recruitment process. The DBS Code of Practice is available at <https://www.gov.uk/government/publications/dbs-code-of-practice>

- As an organisation which uses the Disclosure and Barring service, the Governing Body of the school complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- We meet the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974. A DBS check will therefore be carried out before appointment to any job at the school is confirmed. This will include details of convictions cautions and reprimands, as well as ‘spent’ and ‘unspent’ convictions. A criminal record will not necessarily be a bar to obtaining a position.
- We are committed to the fair treatment of applicants on all protected grounds and in relation to all history of offending.
- We promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their competencies, qualifications and knowledge.
- Application forms and recruitment information will contain a statement that job applicants will be required to disclose their criminal record if they are invited to interview and a DBS check will be carried out if they are offered the job. The information 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. Failure to reveal information that is directly relevant to the job sought could lead to withdrawal of an offer of employment.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.
- We ensure that people at the school who are involved in the recruitment process have access to professional advice from our HR Department to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to t