

Policy on recruitment of ex-offenders

1.1 Background

The School makes appointment decisions on the basis of merit and ability. The School will not unfairly discriminate against any applicant on the basis of conviction or other details revealed. The School complies fully with the provisions of the DBS code of practice and undertakes to treat all applicants for positions fairly. If an applicant has a criminal record this will not automatically exclude him or her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 1.2 below.

Because all positions within the School amount to "regulated positions" within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions (including those which would normally be considered "spent" under the Rehabilitation of Offenders Act 1974). A failure to disclose a previous conviction may lead to an application being rejected or, if the failure is discovered after employment has started, 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. The School will not ask applicants to disclose 'protected' criminal records information as it is unlawful to take into account a conviction or caution that has been filtered in line with the Disclosure and Barring Service filtering rules.

It is unlawful for the School to employ anyone who is included on the lists maintained by the DfE and the Department of Health of individuals who are considered unsuitable to work with children. In addition, it is unlawful for the School 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 a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the police, DBS and/or the DfE Children's Safeguarding Operations Unit if:

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

1.2 Assessment criteria

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 disclosure check, the School will consider the following factors before reaching a recruitment decision:

- 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 applicant's circumstances have changed since the offending behaviour or other relevant matters; and
 - the circumstances surrounding the offence and the explanation(s) offered by the convicted person.
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- If the post involves regular contact with children, it is the School's policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences:
 - murder, manslaughter, rape, 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 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 policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

1.3 Assessment procedure

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 disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Principal before a position is offered.

If an applicant wishes to dispute any information contained in a disclosure, he or she can do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

1.4 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. The School will process all disclosure information in accordance with our Staff Data Protection and Privacy Policy. 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 to the Principal and the HR Manager.
- not retain disclosure information or any associated correspondence for longer than is necessary. In most cases, the School will not retain such information for longer than six months although 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.

- ensure that any disclosure information is destroyed by suitably secure means such as shredding;
- prohibit the photocopying or scanning of any disclosure information.