



Christ Church CE VC Primary School

MODEL RECRUITMENT OF EX-OFFENDERS POLICY AND PROCEDURE FOR SCHOOLS

This model policy will apply to both teaching and non-teaching staff and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison, Unite and GMB

Index

Section	Page
What is it?	3
Who does it apply to?	3
When does it apply?	3
What are the main points?	3
Disqualification Orders	4
Convictions are never spent.....	4
New Convictions	5
Protected convictions	5
Cautions, reprimands and warnings	5
Police information.....	5
Equal opportunities.....	6
Legislation	6
Further advice and information.....	6

What is it?

1. This policy outlines the School's procedure for the employment of ex-offenders.

Who does it apply to?

2. This policy applies to all school employees. The school has adopted this policy on the recruitment of ex-offenders and will make this available to all DBS applicants at the outset of the recruitment process.

When does it apply?

3. This policy applies to applicants and current employees when a disclosure and barring service check or a recheck is carried out for the role they are to undertake or currently undertake.

What are the main points?

4. This policy follows the DBS code of practice on the employment of ex-offenders.
5. As a school using the disclosure and barring checking service to assess applicants' suitability for positions of trust working with children, the school undertakes not to discriminate unfairly against any person who is the subject of a DBS check on the basis of a conviction or other information revealed.
6. The school is committed to the fair treatment of its staff and potential staff, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
7. The school actively promotes equality of opportunity for all applicants with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The headteacher (or recruiting manager) will select candidates for interview based on their skills, qualifications and experience.
8. All positions require an enhanced DBS check and, all application forms, job adverts and recruitment briefs will contain a statement that an enhanced DBS check will be requested in the event of the individual being provisionally offered the position.
9. The headteacher (or recruitment manager) will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. It will be requested to be sent under separate, confidential cover to the headteacher. The school will guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

10. Unless the nature of the position allows the school to ask questions about an entire criminal record, they will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
11. The school will 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.
12. The school is aware of their obligations under the Rehabilitation of Offenders Act 1974. Candidates should be aware that all roles at the school are exempt from the provisions of this Act, however.
13. At interview, or in a separate discussion, the school will 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 position sought could lead to withdrawal of an offer of employment.
14. The school undertakes to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.
15. Having a criminal record will not necessarily bar the applicant from working at the school. It will depend on the nature of the position and the circumstances and background of the offence(s).

Disqualification orders

16. There are some offences which may result in a person being subject to a disqualification order (DO).
17. It is an offence for such a person to apply for a post that is restricted under the DO. The school will report any such applicant to the disclosure and barring service and to the police.

Convictions / cautions are never spent

18. All roles at a school are exempted from the Rehabilitation of Offender Act 1974 (Exceptions) Order 1975. Applicants are required to be completely honest in disclosing all convictions and cautions throughout their entire life, from the age of criminal responsibility (10 years), except for protected convictions or protected cautions.
19. Where an applicant or employee has accepted a caution, warning or reprimand from the police then these must also be declared as relevant offences.

Protected convictions

20. A protected conviction does not need to be disclosed. A protected conviction is, if the person was 18 or over at the time of the conviction, a conviction for an offence where:
- 11 years or more have elapsed since the date of the conviction; and
 - It is their only offence: and
 - It did not result in a custodial sentence; and
 - The offence does not appear on the list of offences relevant to safeguarding*.
21. Where the person was under 18 at the time of the conviction, the same rules apply as above in relation to it being a protected conviction, except that the elapsed time period is 5 and a half years or more.

Protected cautions

22. A caution is a "protected caution" if:
- The offence does not appear on the list of offences relevant to safeguarding*
 - It was given when the person was aged under the age of 18 at the time of the caution and **two years or more** have elapsed.
 - It was given to the person whilst aged 18 or over at the time of the caution and **six years or more** have elapsed.

* The list of offences is detailed in the government document "List of offences that will never be filtered from a DBS certificate" which can be found at www.gov.uk/government/publications

New convictions / cautions

23. It is essential to inform the Headteacher of all new convictions (and where required by regulation to any relevant professional registered bodies of which you are a member) of any police investigation, charge, caution, reprimand, fine or conviction, immediately.
24. All such disclosures will be handled in confidence but it may result in the suspension from duties of the employee whilst an investigation takes place. Refer to the disciplinary policy.

Cautions, reprimands and warnings

25. If the person has accepted a police caution as an alternative to prosecution, this information is entered onto the police national computer and will therefore appear when a disclosure and barring service check is carried out.

Police information

26. From time to time the police may divulge information to the school about a current investigation being undertaken about an applicant or new employee. The school will not divulge such information to the applicant or new employee as to do so would be a criminal offence.

Equal Opportunities

27. The school will make any necessary adjustments to ensure that all employees are treated fairly within the law.

Legislation

28. - Rehabilitation of Offenders Act 1974
- DBS code of practice
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

Further advice and information

29. If you require help in accessing or understanding this policy or completing any of the associated forms you should contact an HR case adviser.
30. There are a number of related policies and procedures that you should be aware of including:
- disciplinary
 - DBS disclosures
 - storage of disclosure information
 - recruitment