

## RS07 DBS Policy - Appendix 1

### Statement on the recruitment of ex-offenders

#### 1. Overview

Subject to the over-riding consideration of protecting children and vulnerable people, and/or minimising the risk of employing an individual who is considered unsuitable to work in certain occupations, the School undertakes to treat all applicants for positions fairly, and not discriminate unfairly on the grounds of disclosure information regarding an individual's criminal record. The School will therefore consider ex-offenders for employment on their individual merits. The School's approach towards employing ex-offenders is appropriately amended dependent upon whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

The organisation will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction, unless legislation bars employment for specific jobs.

#### 1. Roles that are exempt from the Rehabilitation of Offenders Act 1974

The majority of the roles in a school are included in the excluded jobs listed in the Rehabilitation of Offenders Act 1974, and therefore the school will require the candidate to disclose **all convictions, whether spent or unspent**, and the school will request a Disclosure and Barring Service (DBS) disclosure at the appropriate level.

Where the individual is member of the DBS Update Service, (and where the school accepts use of the Update Service) the school will, with their permission, carry out a status check on any current certificate.

#### 2. Principles

Criminal record disclosure checks will be requested for preferred candidates conditionally selected for appointment to jobs that involve working with children or vulnerable adults, or in roles as set out in the DBS Policy. Applicants will be informed of this during the recruitment process, whether in the advert or job description, or recruitment information.

Should detail on a criminal record emerge from a DBS check, or be raised by the preferred candidate, the school expects that an open and measured discussion should take place with the individual regarding any offences or other matters that might be relevant to the position. Managers may have support from an HR Advisor in these discussions.

Failure to reveal information that is directly relevant to the position could mean that the conditional offer of employment is not confirmed (or could result in termination of employment if, in exceptional circumstances, the individual has been authorised to start employment before satisfactory DBS clearance has been received).

**Having a criminal record will not necessarily prevent a person being appointed, unless the offence debars the person, or the school considers that the information gathered about the criminal record makes the person inappropriate for the role.**

Managers are supported in their consideration about criminal information traces by a **Positive Disclosure Risk Assessment** process, which structures the discussion with the individual concerned, and presents the information for consideration to the Head Teacher., with HR Advisory support if required.

### **3. Asking about unspent convictions in roles that do not require a DBS check**

A Recruiting Manager could ask a preferred candidate to disclose any unspent convictions, but will not ask questions about spent convictions, nor expect them to disclose any spent convictions. If a preferred candidate has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the school will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

### **4. Data protection**

The school ensures that information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of data protection legislation and the DBS Code of Practice.