

St Helen's Church of England Primary School



Recruitment of Ex-Offenders Policy

Approved by:	Governing Body	Date: November 2023
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St. Helen's Church of England Primary School Policy Statement on the Recruitment of Ex-Offenders

The aim of this policy is to state the Schools approach towards employing people who have criminal convictions. The policy applies to applicants, prospective employees, current employees, volunteers, and governors/trustees within the School.

As a School using the Disclosure and Barring Service (DBS) Disclosure service to help assess the suitability of applicants for positions of trust and are recipients of Disclosure information, St. Helen's Church of England Primary School complies fully with the DBS Code of Practice. It undertakes not to discriminate unfairly against any subject of a Disclosure based on conviction or other information revealed.

This policy statement will be made known to all applicants at the outset of the recruitment process in accordance with the Disclosure and Barring Service (DBS) Code of Practice. The policy statement is located on the School website and copies will be made available to all applicants who have been shortlisted for interview.

The DBS Code of Practice is available at <https://www.gov.uk/government/publications/dbs-code-of-practice>. A printed copy can be made available on request to the School Office. Our full Safer Recruitment Policy and Procedure is available from the School Office on request.

All positions within the school involve a degree of responsibility for the safeguarding and welfare of children. Therefore, the School meets the requirements in respect of exempted questions under the [Rehabilitation of Offenders Act 1974 \(Exceptions Order 1975\)](#) and requires applicants to disclose all spent convictions and cautions except those which are 'protected' under Police Act 1997 – Part V and the amendments to the Exception Order 1975 (2013 and 2020). Guidance on the filtering of 'protected' cautions and convictions which do not need to be disclosed by an applicant can be found at: <https://www.gov.uk/search/all?keywords=filtering&order=relevance>.

The School engages in "regulated activity", an Enhanced DBS check must therefore be carried out before appointment to a post is confirmed. Details of the information that a DBS will include is available <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about#dbs-checks>.

The School will also carry out the following checks, where relevant, to assess the applicant's suitability for the position, in accordance with the relevant legislation and [Keeping Children Safe in Education Statutory Guidance](#),:

- Whether an applicant is banned from being involved in the management and governance of schools by a '[Section 128 direction](#)' under section 128 of the Education and Skills Act 2008.
- Whether an applicant is barred from working with children in regulated activity;
- Whether an applicant is [disqualified under the Childcare Act 2006 and the Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#);

- Whether an applicant is [prohibited from teaching by the Secretary of State](#) preventing them from carrying out teaching work in schools.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within a school.

Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment, or a review of your employment with the School if employment has already commenced. A failure to disclose a previous conviction may also amount to a criminal offence and a possible referral to the police and/or Department for Education.

Application forms and recruitment information will contain a statement that job applicants will be, if invited to interview, required to disclose details of their criminal record that we are legally entitled to be made aware of and that a DBS will be requested in the event of the individual being offered the position. The information will only be seen by those who need to see it as part of the recruitment process.

Where the applicant is a member of the [DBS update service](#), the School will, with the applicant's permission, carry out a status check on any current certificate.

A criminal record will not necessarily be a bar to obtaining a position. This will depend on the nature of the position, the circumstances and background of the offence/s. The School is committed to equality of opportunity for applicants. All candidates will be selected for interview based on their skills, qualifications, experience, and suitability only, and appointments will be made on merit.

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, before effecting the withdrawal of any offer of employment, or other placement. The School ensures that all staff who are involved in the recruitment process and in assessing the relevance and circumstances of any offences have access to professional advice, and act in accordance with relevant legislation, relating to the employment of ex-offenders.

The School also ensures that staff have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g., the Rehabilitation of Offenders Act 1974.

Within the defined categories set out by the DBS, the School will exercise the same care in assessing the suitability of volunteers and non-employees as we would for prospective employees of the School. We will only request a DBS check for volunteers after a thorough risk assessment has indicated it is both proportionate and relevant to the position concerned.

Retention and Security of Information

The School processes information about an individual's criminal convictions in accordance with its GDPR/Data Protection Policy/[DBS Code of Practice](#) on the use and handling of disclosure information. A copy is available from the School Office on request.