

B12 Recruitment

Policy Lead: BL	Creation Date: 01/11/2016	Revision due: Aug 2023
Date of Amendment:	Staff Initials:	
14.11.2017	RG	
26/08/2021	BL	



RECRUITMENT OF EX-OFFENDERS POLICY

School Tier: Whole School

Related Policies: Staff Recruitment, Selection and Disclosure; Equal Opportunities, Data Protection (GDPR)

POLICY AIMS

Through the operation of this policy we aim to clarify the School's approach towards employing people whom have criminal convictions:

1. Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him/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.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the school complies fully with the code of practice and undertakes to treat all applicants for positions fairly.

The School can only ask an individual to provide details of convictions and cautions that [School] are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position. The school can only ask an individual about convictions and cautions that are not protected.

All applicants must therefore declare previous convictions, cautions, reprimands or final warnings, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply. A failure to disclose a previous unfiltered conviction may lead to an application being rejected or, if the failure to disclose 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.

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It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School. The School will make a report to the Police and/or the DBS if:

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

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

1.2 Assessment criteria

The school undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. 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;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal 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 or other serious acts of violence; or
- 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 normal 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 normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 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.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS directly. 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

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The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

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 members of the School's HR Department;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months.

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 to only those who are permitted to.

The School complies with the provisions of the DBS code of practice, a copy of which is available on the DBS website.

2. Retention of records

If an applicant is appointed, the School will retain any relevant information provided his/her application form (together with any attachments) on his/her personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

3. Queries

If an applicant has any queries on how to complete the application form or any other matter he/she should contact the HR Department on 01909 537764 or email Recruitment@WSNL.CO.UK

References:

Legal Framework: Equality Act 2010, Data Protection Act 1998 and GPR Regulations, Rehabilitation of Offenders Act 1974 (Exceptions)

General Guidance: DBS – The Code of Practice

Technological:

Boarding Schools: DFE Statutory Guidance " Keeping Children Safe in Education"; NMS- National Minimum Standards for Boarding Schools; ISI Handbook for the inspection of schools – The Regulatory Requirements February 2016