



# **Policy on the Recruitment of Ex-Offenders and Disclosures of Convictions by Current Employees**

Written and reviewed by	Kate Stevens	Date	23 10 23
Headteacher review	Kate Stevens	Date	23 10 23
Proprietary board review	Mandy Cheriton-Metcalf	Date	23 10 23
Next Review	October 2024		

## Contents

1. Aims .....	2
2. Recruitment of Ex-Offenders .....	2
3. Disclosure of Convictions by Current Employees .....	3
4. Links with other policies.....	4

---

### 1. Aims

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), Oakwood Community School ("the School") complies fully with the code of practice and undertakes to treat all applicants for positions fairly.

We recruit individuals with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select candidates for interview based on their skills, qualifications and experience. Having a criminal record will not necessarily bar a candidate from working with us. This will depend on the nature of the position and the circumstances of the offences. We undertake not to discriminate unfairly against applicants because of convictions, cautions, reprimands or outstanding criminal proceedings.

The policy on the recruitment of ex-offenders is made available to all disclosure applicants at the outset of the recruitment process; it is also on the website.

### 2. Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate 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 individual 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 below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be 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 also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".

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 and/or the DBS if:

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

If the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct.

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 DBS 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;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- 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, 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 a serious driving offence within the last ten years, including careless driving, being under the influence of alcohol or drugs while driving.

### **3. Disclosure of Convictions by Current Employees**

Existing employees are required to disclose any new convictions during the course of their employment. New employees will be advised of this expectation during the induction process and reminders will be issued to staff periodically. The School seeks to create an ethos of a safe culture with ongoing vigilance which will be maintained throughout the employment relationship.

Employees are expected to advise the Head Teacher of any new convictions, cautions or reprimands issued during their employment (which wouldn't be filtered in line with current guidance), regardless of how minor they are considered to be. The expectation would be that the employee advises Head Teacher as early as possible for example at the point of being interviewed by the police in connection with alleged criminal conduct or arrested. HR are able to advise which allegations or convictions are not able to be dealt with any further by the School in line with current DBS filtering guidance i.e. as an employer the School is not legally authorised to ask any questions about convictions which have or would be filtered.

Likewise, should a relevant employee become disqualified through the disqualification regulations they must advise the Head Teacher as soon as possible.

Where a new conviction is disclosed, a full appraisal of the situation will be carried out by the Head Teacher including whether the conviction is relevant to the post and an assessment of the risks involved. Where there is a significant risk the School may consider the introduction of safeguards, moving the employee to an alternative role or dismissal. Depending on the nature of the new conviction, it may be appropriate to suspend



the employee while the matter is investigated. In the case of a disclosure in line with Childcare Disqualification Regulations the employee will need to be suspended immediately in line with KCSIE guidance. The School may subsequently seek a waiver through Ofsted.

Disclosure of a matter which does not, in the reasonable opinion of the School, affect the employee's ability or suitability to carry out their role will not usually lead to any disciplinary or other action being taken.

Should a new conviction be disclosed by any member of staff, the School is under a legal obligation to report the matter to the Disclosure and Barring Service and, in the case of teachers, to the Department of Education.

If it is believed that an employee deliberately held information about a new conviction or disqualification the School may consider investigating and dealing with the matter via the disciplinary procedures which could result in dismissal.

#### **4. Links with other policies**

This policy links with our policies on:

- Child protection and safeguarding
- Staff code of conduct
- Staff disciplinary procedures