



# Chapel Street

## Community Primary School

### Recruitment of ex-offenders

<b>Approval date</b>	May 2023	
<b>Review frequency</b>	Triennial	
<b>Date of next review</b>	May 2026	
<b>Signed by Headteacher</b>	Ella Hughes	
<b>Signed by Chair of Governors</b>	Tim Wheeler	

Document control	
<b>Policy title</b>	Recruitment of ex-offenders
<b>Last reviewed</b>	n/a
<b>Written by</b>	Ella Hughes (Headteacher) using model provided by the DBS
<b>Approved by</b>	Tim Wheeler (Chair of Governors)
<b>Approval date</b>	May 2023
<b>Recorded at</b>	Full Governing Body
<b>Date of meeting</b>	28/06/23
<b>Staff consultation</b>	N/A
<b>Review frequency</b>	Triennial
<b>Date of next review</b>	May 2026
<b>Status</b>	Statutory (required by the DBS)
<b>Published on website</b>	Yes
<b>Main amendments as part of this review / update</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>
<b>Links to statutory guidance</b>	<ul style="list-style-type: none"> <li>• <a href="#">DBS Code of Practice</a></li> <li>• <a href="#">Keeping Children Safe in Education</a></li> <li>• <a href="#">Working Together to Safeguard Children</a></li> </ul>
<b>Links to non-statutory guidance</b>	<ul style="list-style-type: none"> <li>• <a href="#">Rehabilitation of Offenders Act 1974 (Exceptions Order 1975)</a></li> <li>• <a href="#">Ministry of Justice filtering rules</a></li> <li>• <a href="#">DBS Sample policy on the recruitment of ex-offenders</a></li> <li>• <a href="#">Nacro – What do I need to disclose?</a></li> </ul>
<b>Other documents / resources used in the writing of this policy</b>	<ul style="list-style-type: none"> <li>• <a href="#">MCC Safeguarding Policies and Procedures including Safer Recruitment</a></li> <li>• <a href="#">The Key for School Leaders – Policy on employing ‘ex-offenders’: examples and guidance</a></li> <li>• <a href="#">The Key for School Leaders – How to manage a criminal records disclosure</a></li> </ul>
<b>Related policies</b>	<ul style="list-style-type: none"> <li>• Child Protection and Safeguarding</li> <li>• Safer Recruitment</li> <li>• Equality</li> </ul>



### Vision & Missions statement

Making a difference and achieving excellence for every child.

### School values

- Growth – *We go beyond what is expected to continually improve standards and deliver ambitious outcomes.*
- Respect – *We do the right thing for our children.*
- Inclusion – *We care about people as individuals.*

You can find out more about school on our website: <https://www.chapelstreetprimary.co.uk/>

If you have any questions about the content of this policy:

- If you are a member of staff – speak with your line manager or a member of the leadership team
- If you are a parent / carer – contact the school office on 0161 224 1269
- If you are another interested party – contact the school office on 0161 224 1269

## **Purpose**

The aim of this Policy is to provide details of our approach towards employing people who have criminal convictions, it must be used in conjunction with our Safer Recruitment Policy and Procedures and meets the requirements of the [Disclosure and Barring Service Code of Practice](#).

We are committed to equality of opportunity for all job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

However, Chapel Street Community Primary School is an exempt employer as defined in the [Rehabilitation of Offenders Act 1974 \(Exceptions Order 1975\)](#) and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, the school is a regulated activity provider and for most posts, we have a statutory duty to check that the individual is not barred from regulated work with children and / or adults.

The safeguarding of children and vulnerable adults is of paramount importance to us and the scrutiny of any unspent cautions or convictions and those which would not be protected under the [Ministry of Justice filtering rules](#) is an essential and non-negotiable part of the pre-employment check process.

We will consider ex-offenders for employment on their individual merits.

Where necessary the school will seek independent advice from their HR providers and / or the Local Authority and will undertake 'disclosure discussions' and complete 'criminal record assessments' where required and in line with relevant guidance.

## **Background**

On the 29<sup>th</sup> May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure. In addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions.

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

The following link outlines guidance and criteria which explains the [filtering of old and minor cautions and convictions](#) which are now 'protected' so not subject to disclosure to employers.

## **Policy Statement from the Disclosure and Barring Service**

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), Chapel Street Community Primary School complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

Chapel Street Community Primary School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Chapel Street Community Primary School can only ask an individual to provide details of convictions and cautions that the 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) the School can only ask an individual about convictions and cautions that are not protected.

Chapel Street Community Primary School is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Chapel Street Community Primary School has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

Chapel Street Community Primary School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

Chapel Street Community Primary School select all candidates for interview based on their skills, qualifications and experience.

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.

Chapel Street Community Primary School ensures that all those in the School who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. This includes at least one member of every panel being trained in Safer Recruitment. Safer Recruitment training is renewed at least every four years.

Chapel Street Community Primary School also ensures that they 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.

At interview, or in a separate discussion, Chapel Street Community Primary School ensures 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.

Chapel Street Community Primary School makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

Chapel Street Community Primary School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

#### **Jobs covered by the Rehabilitation of Offenders Act 1974**

We will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

During the recruitment process, we will ask shortlisted job applicants to disclose any unspent cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions. The successful applicant will be asked to apply for a basic DBS certificate.

If an applicant has a caution or conviction that is unspent and if the nature of the offence is relevant to their suitability for the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.

#### **Jobs / Roles that are exempt from the Rehabilitation of Offenders Act 1974**

The vast majority of the roles we are seeking to recruit are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (roles in regulated positions and in Further Education provision). In these cases, we will require shortlisted applicants to disclose all unspent convictions or bind overs in addition to any criminal history that would not be filtered. Even in these circumstances, however, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

As a result of amendments to the Rehabilitation of Offenders Act in 2013 and 2020, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be taken into account by potential employers. We encourage all applicants to use the [flowchart](#) provided by [Nacro](#) and to seek legal or impartial advice before completing their self-disclosure. We will not take into account any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

We will, once we have selected the person to whom we wish to offer employment, make a joint application to the Disclosure and Barring Service (DBS) for an enhanced certificate (with the relevant DBS barred list(s) check where the post is in regulated activity). Where the individual is a member of the DBS update service in the relevant workforce and at the required level, we will, with the individual's permission, carry out a status check on any current certificate.

We are committed to ensuring that all 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 the General Data Protection Regulations and the Data Protection Act 2018. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment and/or safeguarding purposes and will not be disclosed to any unauthorised person.

#### **Further information and support**

Both prospective applicants and those involved in recruitment may find the information on the following sources helpful:

- [Unlock - Employment information and advice](#)
- [Unlock](#)
- [Nacro – What do I need to disclose?](#)
- [Nacro](#)
- [Recruit! – A website for employers supporting the fair treatment of people with criminal records](#)
- [Disclosure and Barring Service Code of Practice](#)
- [Ministry of Justice filtering rules](#)
- [Unlock – Training for those involved in recruiting and for those applying for DBS checks](#)