

Policy Statement on the Recruitment of Ex-Offenders

Exemption from the Rehabilitation of Offenders Act 1974

Ex-offenders have to disclose information about spent, as well as unspent convictions if the job for which they are applying is exempted from the Rehabilitation of Offenders Act 1974.

How this affects school-based positions

All school-based roles are exempt from the Rehabilitation of Offenders Act as the work brings employees into contact with children who are regarded by the Act as a vulnerable group. Applicants for school-based jobs must, therefore, disclose all spent and unspent, unfiltered convictions.

All applicants who are offered employment in our organisation will be subject to a criminal record check from the Disclosure and Barring Service before an appointment is confirmed. This will include details of cautions, reprimands and warnings as well as spent and unspent, unfiltered, convictions. An enhanced DBS (check) may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

Having a criminal record will not necessarily bar someone from working in our school.

Criminal records will be taken into account for recruitment purposes only when the conviction is relevant.

When reaching a recruitment decision the following factors will be taken into account:

- 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 the other relevant matters, and
- The circumstances surrounding the offence and the explanation(s) offered of the offending person.

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), we comply fully with the DBS [code of practice](#) and undertake to treat all applicants for positions fairly.

We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

We can only ask an individual to provide details of convictions and cautions that we 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).

We can only ask an individual about convictions and cautions that are not protected.

We are 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.

We have this written policy statement on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

We actively promote 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.

We select all candidates for interview based on their skills, qualifications and experience.

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 conditionally offered the position.

We ensure that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

We also ensure 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, we 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. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make 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.

We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing any conditional offer of employment.

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