

RECRUITMENT OF EX-OFFENDERS POLICY & PROCEDURES

The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975)

Slimbridge Primary School



Approved by:	Full Governing Board	Date: September 2022
Last reviewed:	September 2022	
Next review due by:	September 2024	

1 Purpose & Scope

The aim of this Policy is to provide details of our approach towards employing people who have criminal convictions.

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.

As defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (as amended), Slimbridge Primary School is an exempt employer and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. Applicants for vacancies within our school must, therefore, disclose all spent and unspent convictions.

The safeguarding of children and vulnerable adults is of paramount importance to us and the scrutiny of any unspent cautions or convictions is an essential and non-negotiable part of the pre-employment check process.

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

Any DBS that contains information (caution, reprimand, conviction, soft information) will be referred to Gloucestershire County Council DBS Panel for consideration.

Slimbridge Primary School undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

When reaching a recruitment decision GCC DBS Panel will take the following factors 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.

There are, however, particular offences that would automatically prevent an offer of employment in a school being confirmed. These include:

- Rape
- Incest
- Unlawful sexual intercourse
- Indecent assault
- Gross indecency
- Taking or distributing indecent photographs

Other offences which make it unlikely (although not automatic) for an offer of employment in a school to be confirmed include the following:

- Violent behaviour towards children or young people
- A sexual, or otherwise inappropriate relationship with a pupil (regardless of whether the pupil is over the legal age of consent)
- A sexual offence against someone over the age of 16
- Any offence involving serious violence
- Drug trafficking and other drug related offences
- Stealing school property or monies
- Deception in relation to employment as a teacher or at a school, for example false claims about qualifications, or failure to disclose past convictions
- Any conviction which results in a sentence of more than 12 months' imprisonment

- Repeated misconduct or multiple convictions unless of a very minor nature.

2 The Process

All paid employees, governors and volunteers at Slimbridge Primary School are subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s).

All application forms, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS certificate will be requested in the event of the individual being offered the position and an explanation of when in the recruitment process criminal information will be requested and considered.

All applicants who are offered employment at Slimbridge Primary school 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 convictions. An enhanced DBS (check) may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

We ensure that all those 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 on the relevant legislation relating to the employment of ex-offenders and know how to access advice and support.

If appropriate, applicants will be invited to discuss disclosure information before a final recruitment decision is made.

It will be necessary at times to update the records of existing employees. Existing employees who are found to have criminal records will not be dismissed as a matter of course. Each case will be considered on its merits, and an assessment of risk and relevance will be involved.

3 References & Useful Links

Disclosure & Barring Service:

- www.gov.uk/government/organisations/disclosure-and-barring-service
- Detailed information, fact sheets and FAQs: <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>
- Filtering guidance from 28/11/20: <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

Ministry of Justice:

- Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (and self-disclosure) <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

National Association for the Care and Resettlement of Offenders (Nacro):

- Criminal record support service – advice for applicants and employers <https://www.nacro.org.uk/criminal-record-support-service/>

Linked Policies:

Safeguarding
Recruitment & Selection