

Schools 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 jobs

All school based jobs 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 convictions, cautions, reprimands and final warnings that are not 'protected' (i.e. filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013). The amendments to the Exceptions Order provide that certain 'spent' convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found using the following link.

<https://www.gov.uk/government/publications/dbs-filtering-guidance>

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

The successful applicant will not be eligible to start work until the Council has received notification from the Bureau.

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

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

Schools undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

- 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 applicants 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.

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

It may 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.

The school has adopted the Disclosure and Barring Service on the use and handling of Disclosure information, and will adhere to it under all circumstances. A copy of the code is available from Schools HR on the DBS website.