

Philpots Manor School



Recruitment of Ex-offenders and Handling of Disclosure Information Policy

Approved by: SLT

Date: 28.02.24

Last reviewed on: 28.02.24

Next review due by: 28.02.26

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.

However, Philpots Manor School is an exempt employer as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and as such, we have a lawful duty 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.

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.

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.

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.

Roles/jobs 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, cautions or bind overs in addition to any criminal history that would not be filtered. Even in these circumstances, 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 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.

The Process

As a Regulated Activity provider, almost all paid employees at Philpots Manor School are in regulated activity and therefore subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s).

In relation to volunteers and contractors, we only request a DBS certificate after risk assessing that a check is relevant to the position concerned.

For those positions where an enhanced DBS check for regulated activity is required, all application forms, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS certificate (with barred list check(s) where relevant) 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 shortlisted applicants are required to complete a Criminal Records Self Declaration Form (Appendix 1) to be returned no less than 1 day prior to the interview date. This information is to be sent to HR. Failure to return the self-disclosure will result in the offer of interview being withdrawn. We guarantee that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process.

The criminal history self-disclosure will include information for shortlisted applicants on the importance of seeking legal advice and/or impartial advice.

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, e.g., the Rehabilitation of Offenders Act 1974 (exceptions order 1975) (as amended 2013 & 2020) and know how to access advice and support.

At interview, or in a separate discussion, the recruitment selection panel will ensure that an open and measured discussion takes place on the subject of any offences or related concerns that might be relevant to the position. **Failure to reveal information that would not be filtered could lead to withdrawal of an offer of employment.**

All potential employees are guided to the Disclosure and Barring Service Code of Practice and a copy is made available on request.

We undertake to discuss any relevant matter revealed on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by the Head teacher or by another appointed person. If the DBS check reveals any matching information against the DBS barred list(s) or any criminal conviction which precludes them from working with children the applicant is deemed non appointable. In this circumstance, we would notify the Local Authority Designated Officer in line with the local multi-agency procedures.

Appendix 1:

Criminal Record Self-declaration and Disclosure Form

for **regulated activity** roles eligible for a DBS, that involve contact with children
(under 18 years old)

Private and confidential

All information will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. You have a right of access to information held on you under the Data Protection Act 2018.

Employee or volunteer information

Name				
Address				
Contact number(s)				
Date of birth				
Gender	Female	Male	Non-binary	Another description (please state)

Note: As the position you have applied for involves work with children and young people it is not covered by the provisions in the Rehabilitation of Offenders Act 1974. When answering questions 1 to 4 you must declare criminal convictions and/or cautions that are not 'protected' under the Exceptions Order (as amended). This includes UK, overseas and armed forces convictions, cautions and relevant service discipline convictions where it would be considered an equivalent offence in England and Wales.

Free, confidential advice can be sought from the organisations below to help you understand whether to disclose certain criminal record information:

Nacro – Tel: 0300 123 1999, or email: helpline@nacro.org.uk

Unlock – Tel: 01634 247350, email advice@unlock.org.uk or complete the online form on the Unlock website.

Declaration of individual		
1. Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?	No	Yes – please provide further information
2. Have you been formally charged with any other offence in any country which has not yet been disposed of?	No	Yes – please provide further information
3. Are you currently subject to any criminal investigations or pending prosecutions by the police in any country which may have a bearing on your suitability for this position?	No	Yes – please provide further information

4. Have you ever been known to any Children's Services department or the police as being a risk or potential risk to children?	No	Yes – please provide further information
5. Have you been the subject of any formal action, disciplinary investigation and/or sanction by any organisation due to concerns about your behaviour towards children?	No	Yes – please provide further information
6. Have you ever been dismissed for misconduct from any employment, volunteering, or other position previously held by you, in circumstances which may have bearing on your suitability for this position?	No	Yes – please provide further information
7. Are you currently subject to any fitness to practice investigations or proceedings by a regulatory, governing, or licensing body in any country, which may have bearing on your suitability for this position?	No	Yes – please provide further information

Confirmation of declaration

Please tick the boxes below and then sign this form.

I agree that the information provided here may be processed in connection with recruitment purposes and I understand that an offer of employment may be withdrawn or dismissal may result if information is not disclosed by me and subsequently comes to the organisation's attention.

In accordance with the organisation's procedures, if required I agree to provide a valid DBS certificate* and consent to the organisation clarifying any information provided on the disclosure with the agencies providing it.

I agree to inform the organisation within 24 hours if I am subsequently investigated by any agency or organisation in relation to concerns about my behaviour towards children or young people.

I understand that the information contained on this form, the results of the DBS check* and information supplied by third parties may be supplied by the organisation to other persons or organisations in circumstances where this is considered necessary to safeguard other children.

Signature

Print name

Today's date