Whitstable Junior School

Recruitment of ex-offenders Policy

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1. Introduction

Whitstable Junior School meets the requirements for exemption from the Rehabilitation of Offenders Act 1974.

This means that, where a role involves regulated activity, applicants are required to disclose **relevant** convictions and cautions (excluding exemptions – see section 2) if **shortlisted** for employment in our school

Roles involving regulated activity will also be subject to an enhanced Disclosure and Barring Service (DBS) check with barred list check.

Having a criminal record will not necessarily bar you from working at our school. The success of your application will depend on your suitability for the job, the nature of the role, and the circumstances and background of any offences.

We are committed to:

- Our duty to safeguard children under:
    - Keeping Children Safe in Education
    - The DBS code of practice
- The fair treatment of all applicants and equality of opportunity

2. Protections and exemptions

'Specified offences' will always be disclosed on a DBS certificate, and should always be included in self-declarations – see the government's list for further details.

It is a criminal offence for any person who is barred from working with children to apply for a position in a school. Whitstable Junior School will make a report to the DBS and/or the police as appropriate, if it receives an application from a barred person.

'Protected offences' are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is 'protected' can be found in:

- The Ministry of Justice's Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975
- The government's tool to check whether to disclose cautions or convictions

Applicants **should not** list any 'protected' offences on their self-declaration form, and we will not take them into account if we are made aware of them.

3. Responsibilities

3.1 The Co-headteacher

- Uphold Whitstable Junior School's commitment to the fair treatment of all job applicants

- Make sure all job application forms contain clear and relevant information about what cautions or convictions applicants are expected to disclose, and what safeguarding checks the school will carry out, and at what stage in the application process
- Make sure staff involved in the recruitment process have received appropriate guidance and training about their legal duties in employing ex-offenders, and assessing the relevance and circumstances of offences

3.2 Staff involved in the recruitment process

- Treat applicants fairly, including in relation to any history of offending
- Maintain privacy for applicants, making sure that information about applicants' criminal records won't be seen by anyone outside of the recruitment process
- Make sure that all shortlisted applicants complete a self-declaration form before the interview stage, and that all job offers are conditional, subject to appropriate safeguarding checks
- Hold discussions with applicants about their disclosures, where relevant, and make decisions about suitability based on the circumstances and background of offences
- Seek specialist legal/HR advice where relevant

3.3 All job applicants

- Familiarise themselves with the requirements for self-disclosure, and whether they have any previous convictions or cautions that must be disclosed
- Complete self-declaration forms honestly and completely, disclosing all required spent and unspent convictions and cautions (excluding 'protected' offences)
- Participate in disclosure discussions following either or both of their self-declaration and DBS check

4. The process for disclosing and assessing previous convictions

4.1 Self-declaration

All shortlisted applicants will be asked to complete a self-declaration form before the interview stage. Applicants must complete these forms accurately, and reveal all relevant convictions, as well as any other information that would make them unsuitable to work with children. Failure to reveal any relevant information could lead to the withdrawal of an offer of employment.

All job application forms will include information about this requirement.

Applicants will not be asked for information about previous convictions or cautions before this stage, and any such information that is disclosed before shortlisting stage won't be taken into account in the shortlisting process.

We will store all sensitive personal data securely, only share it with relevant staff members, and destroy it securely when we no longer need it.

Self-declaration forms will be reviewed by a staff member who is not involved in making recruitment decisions, and any irrelevant information will be deleted; for example, 'protected' convictions that legally can't be taken into account.

4.2 DBS checks

Successful candidates are subject to DBS and other safeguarding checks, as set out in statutory guidance, Keeping Children Safe in Education. Staff should consider whether:

- The checks reveal any new information that might prohibit or otherwise make a candidate unsuitable for the role
- The checks match any information disclosed in an applicant's self-declaration

Further disclosure discussions (see sub-section 4.3) may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions don't make applicants unsuitable for the role.

4.3 Disclosure discussions

Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further, and they will be informed that they legally cannot be considered for the job.

In all other cases, previous convictions will not necessarily prevent applicants from being employed by our school. Staff will determine, with support from HR specialists, whether disclosures warrant a discussion between our school and the candidate.

Where relevant, disclosure discussions will happen as part of the interview process and take the applicant's explanation into consideration. For example, we will consider:

- The seriousness of any offence and relevance to the post applied for
- How long ago the offence occurred
- Whether it was a one-off incident or a history of incidents
- The circumstances around the incident
- Whether the applicant accepted responsibility for their actions

Staff will then assess whether applicants' previous convictions or cautions make them unsuitable for the role.

We will not ask applicants about protected convictions and cautions.

A section 128 check will be requested for all roles that relate to the management of the school including but not limited to governors and headteachers.

5. Related policies

- Child protection policy
- Equal opportunities policy
- Safer recruitment policy