

Recruitment of Ex-Offenders Statement

Responsibility:

The School's Leadership Team draws up and implements the Recruitment of Ex-Offenders Statement.

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1. Introduction and aims

This statement is made available to all job applicants at the outset of the recruitment process as part of our aim not to discriminate unfairly against any subject of a Disclosure based on conviction or other information revealed. This policy complies with Keeping Children Safe in Education (DfE, September 2024) guidance.

2. 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.

3. 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. The information will only be seen by those who need to see it as part of the recruitment process.

4. How this affects jobs at Maidenhill School

At interview, or in a separate discussion, we 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 applied for by the applicant. Failure to reveal information that is directly relevant to the job sought could lead to the withdrawal of an offer of employment.

All applicants who are offered employment at Maidenhill School will be subject to a criminal record check from the Disclosure and Barring Service. 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.

Any DBS that contains information (caution, reprimand, conviction, soft information) will be referred to the Headteacher for consideration.

Having a criminal record will not necessarily bar someone from working at the school. It will be taken into account for recruitment purposes only when the conviction is relevant.

When reaching a recruitment decision, the Headteacher 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 the 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 the 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.

The Headteacher will undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.

Annually, existing employees are required to sign a Safeguarding Disclosure stating that since their last DBS check they have not been cautioned, convicted, released under investigation or arrested. Existing employees who are unable to sign this or have been found to have criminal records are required to undertake a frank discussion with the Headteacher. They will not be dismissed as a matter of course, however each case will be considered on its merits, and an assessment of risk and relevance will be involved.