

Recruitment of ex-offenders policy

Executive Summary:

KCSIE dictates the school must have a policy, also available on the external website, which explains its recruitment position regarding ex-offenders. The policy and position statement is explained below.

The Charity will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The Charity makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him / her from employment within the Charity. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

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.

Under the relevant legislation, it is unlawful for the Charity to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the Charity to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the Charity to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Charity. The Charity will report the matter to the Police and / or the DBS if:

- the Charity receives an application from a disqualified person;
- is provided with false information in, or in support of, an applicant's application; or
- the Charity has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Charity will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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 other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and

- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the Charity's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the Charity's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the Charity's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

Date of this policy:	August 2021
Policy drawn up by:	MRP
Date of next policy review:	August 2023
Date for publication of revised policy:	August 2023

References:

Internal

External

- Keeping Children Safe in Education (KCSIE)(2021)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007260/Keeping_children_safe_in_education_2021.pdf