



THE JOHN OF GAUNT SCHOOL

- A Community Academy -

RECRUITMENT OF EX-OFFENDERS POLICY

Originator	Reviewed by	Date of Review	Approved by	Date of Approval	Next Review Date	Website
School	R&A	October 2020	Board		October 2021	Yes

Vision Statement

'Creating an irresistible climate for achievement'

- We challenge, support and encourage every student to **achieve their potential**.
- We believe **effort** and **dedication** lead to success and we **raise aspirations**.
- We **personalise our provision** to meet the needs of individuals.
- We enable our students to flourish as **confident learners and leaders** of our community.
- We create a culture where all stakeholders **feel valued, supported and proud**.
- We **work collaboratively** to improve outcomes for our students and support other schools to improve.

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1. What is it?

This policy outlines the school's procedure for the employment of ex-offenders.

2. Who Does It Apply To?

This policy applies to all school employees. The school has adopted this policy on the recruitment of ex-offenders and will make this available to all DBS applicants at the outset of the recruitment process.

3. When Does It Apply?

This policy applies to applicants and current employees when a disclosure and barring service check or a recheck is carried out for the role they are to undertake or currently undertake.

4. What Are the Main Points?

This policy follows the DBS code of practice on the employment of ex-offenders.

As the school is using the disclosure and barring checking service to assess applicants' suitability for positions of trust working with children, the school undertakes not to discriminate unfairly against any person who is the subject of a DBS check on the basis of a conviction or other information revealed.

The school is committed to the fair treatment of its staff and potential staff, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

The school actively promotes equality of opportunity for all applicants with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The Headteacher (or recruiting manager) will select candidates for interview based on their skills, qualifications and experience.

All positions require an enhanced DBS check and, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being provisionally offered the position.

The Headteacher (or recruitment manager) will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. It will be requested to be sent under separate, confidential cover to the Headteacher. The school will guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the school to ask questions about an entire criminal record, they will only ask about 'unspent' convictions as defined in the rehabilitation of offenders act 1974.

The school will 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.

The school is aware of their obligations under the Rehabilitation of offenders act 1974. Candidates should be aware that all roles at the school are exempt from the provisions of this Act, however.

At interview, or in a separate discussion, the school will 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. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

The school undertakes to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar the applicant from working at the school. It will depend on the nature of the position and the circumstances and background of the offence(s).

5. Disqualification Orders

There are some offences which may result in a person being subject to a disqualification order (DO).

It is an offence for such a person to apply for a post that is restricted under the DO. The school will report any such applicant to the disclosure and barring service and to the police.

6. Spent Convictions

Certain convictions are considered 'spent' after the following periods of time.

The period of rehabilitation applies to the original conviction, not to how long that may have been spent in prison.

Sentence	Rehabilitation period
A sentence of imprisonment or corrective training for a term exceeding 6 months but not exceeding 30 months	10 years*
A sentence of youth custody for a term exceeding six months but not exceeding 30 months	10 years*
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	10 years*
A sentence of imprisonment or detention in a youth offending institution or youth custody for 6 months or less	7 years*
A sentence of imprisonment for a term not exceeding six months	7 years*
A sentence of dismissal from Her Majesty's Service	7 years*
Any sentence of detention in respect of a conviction in service disciplinary proceedings	5 years*
Absolute discharge	6 months
Conditional discharge	1 year
Probation order or community order (age 18 or more)	5 years
A fine or any other sentence subject to rehabilitation under the rehabilitation of offenders act.	5 years

*These sentences are halved if the offender was under 18 years of age at the date of conviction.

7. Convictions Which Are Never Spent

Sentences of imprisonment of more than 2.5 years are never spent and must be declared.

8. Protected Convictions

A protected conviction does not need to be disclosed. A protected conviction is, if the person was 18 or over at the time of the conviction, a conviction for an offence where:

- 11 years or more have elapsed since the date of the conviction; and
- it is their only offence; and
- it did not result in a custodial sentence; and
- the offence does not appear on the list of offences relevant to safeguarding*.

Where the person was under 18 at the time of the conviction, the same rules apply as above in relation to it being a protected conviction, except that the elapsed time period is 5 and a half years or more.

* The list of offences is detailed in the government document "List of offences that will never be filtered from a DBS certificate" which can be found at www.gov.uk/government/publications.

9. Cautions, Reprimands and Warnings

If the person has accepted a police caution as an alternative to prosecution, this information is entered onto the police national computer and will therefore appear when a disclosure and barring service check is carried out.

10. Police Information

From time to time the police may divulge information to the school about a current investigation being undertaken about an applicant or new employee. The school will not divulge such information to the applicant or new employee as to do so would be a criminal offence.

11. Equal Opportunities

The school will make any necessary adjustments to ensure that all employees are treated fairly within the law.

12. Legislation

- Rehabilitation of Offenders Act 1974
- DBS Code of Practice
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012

13. Further Advice and Information

If you require help in accessing or understanding this policy or completing any of the associated forms you should contact the HR Manager.

There are a number of related policies and procedures that you should be aware of including:

- Disciplinary Policy
- DBS disclosures
- Storage of disclosure information
- Recruitment Policy

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