



# Recruitment of Ex-offenders Policy

Our vision is to enable all to flourish.

Status and review cycle:	Bi-annually or if national policy changes
Responsible group:	ELT
Next Review Date:	August 2025

## **I. Policy Statement**

The Trust is an organisation with a Christian foundation. The vision, values and ethos of the Trust, and its associated schools, are central to all aspects of the Trust's work. The Trust recognises that its employees are its single most important resource and are fundamental to the success of each school. Our aim is to adopt a thorough, rigorous and professional approach to the recruitment processes to help each school attract and appoint staff of the highest calibre and with the necessary skills and attributes to fulfil the aims of the Trust and maximise pupil outcomes so that all young people can enjoy life in all its fullness.

Ex-offenders must 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.

All school-based jobs are exempt from this 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 Trust is committed to ensuring that the recruitment and selection process for staff is conducted in a manner that is systematic, efficient and effective and promotes recruitment of the highest quality staff and ensures equality of opportunity. Having a criminal record will not necessarily bar someone from working in a school. Criminal records will be considered for recruitment purposes only when the conviction is relevant.

This policy has been designed to provide a framework which promotes good practice and should be used alongside the Trust's Safer Recruitment Policy.

## **2. Scope**

This policy applies to the recruitment and selection of all staff to the Trust.

All trustees, the local governing board and employees involved at any stage of the recruitment and selection of staff should be aware of and adhere to the contents of this policy. The appointing headteacher (or CEO/DCEO in the event of the appointment of the headteacher) is responsible for ensuring that all involved with the recruitment process have had access to this policy prior to their involvement in the process.

Throughout the recruitment and selection process, everyone involved must be mindful of the Trust's Equal Opportunities Policy, Safer Recruitment Policy and Data Protection Policy.

## **3. Aims**

The aims of the policy are:

- To safeguard children and young people in each school;
- To ensure that recruitment processes are robust, fit for purpose and can stand up to scrutiny;
- To support the appointment of the best candidate for each position in order to undertake a specific role and make a contribution to the life of the school;
- To meet the Trusts and individual schools operational requirements and strategic aims.

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children's Act 1989
- Children's Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The School Staffing (England) Regulations 2009
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Education Act 2002
- Equality Act 2010

This policy has due regard to guidance including, but not limited to, the following:

- DfE (2023) 'Keeping children safe in education (2023)'
- DfE (2018) 'Staffing and employment advice for schools'
- DfE (2021) 'Basic check ID checking guidelines from 1 July 2021'
- DfE (2021) 'Recruit teachers from overseas'
- DfE (2021) 'Right to work checks: employing EU, EEA and Swiss citizens'

#### **4.Process**

DGAT schools will ensure that all personnel involved in the recruitment process have been suitably trained, to identify and assess the relevance and circumstances of offences as well as understanding the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974

DGAT schools run open and transparent recruitment processes. If an application is successful and leads to shortlisting, there will be a requirement to complete a criminal disclosure form ahead of the interview process.

At interview, or in a separate discussion, DGAT schools will ensure that an open and measured discussion takes place about 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.

#### **5. Pre-appointment Checks**

All applicants who are offered employment in a school will be subject to a criminal record check from the Disclosure and Barring Service before an appointment is confirmed. 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 Gloucestershire County Council DBS Panel for consideration.

DGAT schools will undertake not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

When reaching a recruitment decision GCC DBS Panel 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, offences that would automatically prevent an offer of employment in a 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 a 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.

If appropriate, applicants will be invited to discuss disclosure information before a final recruitment decision is made. DGAT schools undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

It may be necessary at times to update the records of existing employees. Existing employees who are found to have criminal records will not be dismissed as a matter of course. Each case will be considered on its merits, and an assessment of risk and relevance will be involved.