

# **Welton St. Mary's Church of England Primary Academy**



## **Our Vision**

As an inclusive Christian community we value each person, seeking to release everyone's full potential as promised by Jesus Christ. We seek to provide a safe, inspiring and creative learning environment providing opportunities for all to flourish. Through challenge, support and care, we strive for excellence in all that we do; always building on the foundations of shared values with consistently high expectations rooted in God's love. Together we are encouraged to be agents of positive change in this world.

*'May the God of hope fill you with all joy and peace as you trust in him, so that you may overflow with hope by the power of the Holy Spirit.' Romans 15:13*

**Wisdom Hope Community Dignity**

## **Recruitment of Ex- Offenders**

Approved December 2021

Review Bi-annually

Next Review Term 1 2023-24

## **Welton St Mary's CofE Primary Academy**

### **Policy, Procedure and Guidelines on Criminal Records Checks and the Recruitment of Ex-offenders**

#### **Purpose and Principles**

- As an organisation which uses the Disclosure and Barring (DBS) service to assess applicants' suitability for positions of trust, Welton St Mary's Church of England Primary Academy will ensure it complies fully with the DBS Code of Practice and the guidelines issued by DfE. The School will treat all applicants for positions fairly and will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.
- Welton St Mary's Church of England Primary Academy will support the fair treatment of its staff, potential staff, volunteers, Governors or users of its services, regardless of sex, gender reassignment, pregnancy and maternity, race, (which includes colour, nationality, ethnic or national origins), sexual orientation, religion or belief, age, disability, offending background or because someone is married or is a civil partner.
- The policy on the recruitment of ex-offenders is made available to all disclosure applicants at the outset of the recruitment process.
- The school will actively promote equality of opportunity for all with the right mix of talent, skills and potential and will welcome applications from a wide range of candidates, including those with criminal records. Candidates will be selected for interview based on their skills, qualifications and experience.
- Under the Safeguarding Vulnerable Groups Act 2006, (as amended by the Protection of Freedoms Act 2012) regulated activity relating to children is defined in general terms as any form of teaching, training, instruction, care, advice, guidance, treatment or therapy in relation to children which takes place in the School at least once a week or carried out four or more days in a 30-day period or overnight i.e. between 2am – 6am.
- The regulations make it mandatory for the school to obtain an Enhanced Disclosure + Children's Barred List check for all those undertaking regulated activities, including those employed to deliver extended services and Welton St Mary's CofE Primary Academy will comply with this. An Enhanced Criminal Records Check and a Check of the Children's Barred List will also be requested for every role within the school.
- All relevant recruitment briefs, (terms and conditions) along with the application form will contain a statement that a Criminal Records Check through the Disclosure and Barring Service, (DBS) will be requested in the event that the individual is offered the position.
- The Welton St Mary's Church of England Primary Academy Application Form contains the following statement: We comply with the Disclosure & Barring Service (DBS) code of practice and have a written policy on the recruitment of ex-offenders, both of which are available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974

(exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

- Where a Criminal Records Check through the DBS is to form part of the recruitment process the school requests that all applicants provide details of their criminal record at an early stage in the application process, following short-listing. The school requests that this information is completed on the Self-disclosure form and is returned to the Headteacher within Welton St Mary's CofE Primary Academy no later than two days before the interview. The headteacher guarantees that this information will only be seen by those who need to see it as part of the recruitment process. This information will be retained for 6 months after the date of the interview.
- The school ensures that staff who are involved in the recruitment process are suitably trained to identify and assess the relevance and circumstances of offences. The school also ensures that those staff concerned receives appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or separately, 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 could lead to withdrawal of an offer of employment, or dismissal.
- The Headteacher will discuss any matter revealed in a Criminal Records Check with the person seeking the position, before withdrawing a conditional offer of employment, or taking further action. Unless the nature of the position allows Welton St Mary's CofE Primary Academy to ask questions about the applicant's entire criminal record, they will only be asked about 'unspent' convictions, not protected as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) by SI 2013 1198. (See Appendix 1 for 'spent convictions').
- Having a criminal record will not necessarily bar applicants from working at Welton St Mary's CofE Primary Academy. This will depend on the nature of the position and the circumstances and background of the offence but under the relevant legislation, it is unlawful for the School 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 is also unlawful for the School 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 School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009, whether by association, or otherwise.
- It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:
  - the School receives an application from a disqualified person;
  - the School is provided with false information in, or in support of an applicant's application; or
  - the School 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 School will consider the following factors before reaching a recruitment decision:
  - 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 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 School'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 School'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 School's normal policy to consider it a high risk to employ anyone who has been convicted of drink or drug driving.
- 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.

<b>Sentence</b>	<b>Rehabilitation period</b>
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.