



As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Ward End Primary School complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

Ward End Primary School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Ward End Primary School can only ask an individual to provide details of convictions and cautions that Ward End Primary School are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

Ward End Primary School can only ask an individual about convictions and cautions that are not protected.

Ward End Primary School is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Ward End Primary School has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

Ward End Primary School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

Ward End Primary School select all candidates for interview based on their skills, qualifications and experience.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

Ward End Primary School ensures that all those in Ward End Primary School who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Ward End Primary School also ensures that they have received 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 in a separate discussion, Ward End Primary School ensures 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.

Ward End Primary School makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

Ward End Primary School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## **Schools Policy Statement on the Recruitment of Ex-Offenders**

### **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.

#### **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, cautions, reprimands and final warnings that are not 'protected' (i.e. filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013). The amendments to the Exceptions Order provide that certain 'spent' convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found using the following link.

<https://www.gov.uk/government/publications/dbs-filtering-guidance>

All applicants who are offered employment in a school will be subject to a Disclosure and Barring Service (DBS) check before an appointment is confirmed. This will include details of cautions, reprimands and warnings as well as spent and unspent convictions. An enhanced disclosure (check) may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

The successful applicant will not be eligible to start work until the Council has received notification from the Bureau.

Having a criminal record will not necessarily bar someone from working in a school.

Criminal records will be taken into account for recruitment purposes only when the conviction is relevant.

Schools 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 the following factors will be taken 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 applicants 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 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.

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.

The school has adopted the Disclosure and Barring Service on the use and handling of Disclosure information and will adhere to it under all circumstances. A copy of the code is available the DBS website.