



## **St. Nicholas C of E Primary School**

### **Policy on the Employment of Ex-Offenders**

#### **Our vision**

We prepare every pupil for their best future by ensuring they reach their full potential and attain the knowledge, skills and understanding required for success as we believe that 'With God, all things are possible'. Matthew 19:26



Date reviewed:	July 2024
Reviewed by:	R. Younger
Approved by Headteacher:	July 2024
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## **Introduction**

St Nicholas C of E Primary School will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. The School makes appointment decisions based on merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that applicants are required to disclose relevant convictions and cautions if shortlisted for employment in our school.

All applicants who are offered employment in the school will be subject to a criminal record check from the Disclosure and Barring Service (DBS) 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.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the Police and / or the DBS if:

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

Applicants may wish to refer to the DBS code of practice which can be accessed via this link: <https://www.gov.uk/government/publications/dbs-code-of-practice>

## **Process followed**

All shortlisted candidates are given a self-declaration form to complete, which asks them to list all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

Information about DBS filtering can be found online at:

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

At interview, or in a separate discussion, the 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 post applied for.

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, this information is forwarded to the Local Authority's DBS Panel who will consider:

- The nature, seriousness and relevance of any offence or other matter revealed;
- Whether the offence would be protected / filtered;
- The length of time since the offence or other matter occurred;
- Whether the applicant has a pattern of offending behaviour or other relevant matters;
- The circumstances surrounding the offence and the explanation(s) offered by the applicant;
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matter;
- The country of conviction;
- Decriminalisation, where relevant;
- Any other history on the individual.

The LA's DBS Panel will then advise the School of their opinion in the matter. If appropriate, applicants will be invited to discuss disclosure information before a final recruitment decision is made. The final decision as to whether to appoint the individual to the post applied for will rest with the School.

## **Data handling**

The School will not retain copies of DBS certificates which contain no criminal records.

Copies of DBS certificates which do contain criminal record history may be kept for a maximum of 6 months. They will be stored in a securely locked and non-portable cabinet or on a secure server with access limited to authorised staff.

In accordance with the Police Act 1997, access to DBS certificates is strictly controlled and records will only be accessed by the headteacher and school business manager. If in exceptional circumstances, and as part of their duties, another member of staff is required to access a DBS certificate, the school will keep a record of the named individual, and the individual whom the DBS certificate concerns will be informed prior to the sharing of the information.

DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

Copies of documents used to verify employees' identity, right to work and required qualifications will be kept in the employee's personal file in line with the DfE statutory guidance Keeping Children Safe in Education.

Copies of documents used to verify employees' right to work will be kept on their personal file for the duration of their employment and for 2 years afterwards, as per Home Office guidance <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

When they are no longer required, copies of DBS certificates and other personal documents will be disposed of securely such as by shredding, pulping or burning. Prior to disposal, all waste will be stored securely.

Although the school will not keep any copy of the DBS certificate after disposal, a record will be kept of the following:

- The date of issue of the certificate;
- The name of the subject;
- The type of certificate requested;
- The position for which it applied to;
- The unique reference number;
- The details of the final recruitment decision.