



ROUNDHAY SCHOOL

EST. 1903

Policy name: **Statement on the Recruitment of Ex-Offenders**

Author: **HR Team**

Governor committee: **Quality of Education**

To be approved by: **Committee**

Date approved: **Summer 2025**

Review date: **Spring 2028**

Applicable to

PRIMARY CAMPUS

SECONDARY CAMPUS

SIXTH FORM

Introduction

1. As an organisation, Roundhay School ("the School") is required to assess applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 using criminal record checks processed through the Disclosure and Barring Service ("DBS"). The School complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.

2. It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

Scope and purpose

3. This policy will apply to all external and internal candidates who apply for positions within the School.

Publication

4. The policy will be held internally by the School and will be made available to applicants for employment at the start of the application process and others on request.

Aims

6. The School is committed to using the Disclosure and Barring Service (DBS) along with other parts of the regulatory system to assess applicants' suitability for all positions of trust. We comply fully with the DBS Code of Practice to undertake to treat all applicants for positions fairly. We do not discriminate unfairly against any potential employee who is the subject of a disclosure on the basis of conviction or other information revealed.

Policy statement

7. We will only ask an individual about convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013, and the Rehabilitation of Offenders Act 1975 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020

8. We are committed to the fair treatment of staff, potential staff, students, parents and carers and members of School Governance regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

9. We actively promote 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. We select all candidates for interview based on their skills, qualifications and experience.

10. As a Regulated Activity Provider all paid employees of the School are in regulated activity and therefore subject to enhanced DBS checks.

11. An Enhanced DBS Check is also always undertaken (by the employing organisation if not engaged directly by the School) for Governors, Staff, Supply staff, Student trainees, Contractors and volunteers who work, are involved in Governance or otherwise support the School.

12. In line with KCSIE, childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children. This is in accordance with disqualification under the Childcare Act 2006 and the 2018 Regulations. The childcare disqualification arrangements apply to staff working with young children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on college sites. The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care. Where applicable this is checked as part of the Enhanced DBS check.

13. We check all qualified teachers against the Prohibition from Teaching List (DfE Secretary of State requirement September 2013), including those who may not be employed as a teacher but who are deemed to undertake 'teaching work' in clause 3 of The Teachers Disciplinary (England) Regulations 2012. We undertake checks for management positions (including the Chair of the Governing Body) in line with the Prohibition from Management List (Section 128) to ensure staff/Governors are suitable for management positions. We also undertake appropriate checks for individuals who may have either lived or worked outside the UK.

14. For those positions where a DBS check, Prohibition Order and Section 128 check are required, 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 offered the position. For any other individuals where this is a requirement they will be informed prior to working, taking part in Governance of the School or otherwise supporting the School.

15. Shortlisted applicants will be required to provide details of any convictions, cautions, reprimands or final warnings as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). The amendments to the Exceptions order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, these cannot be taken into account. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice What-will-be-filtered-by-the-DBS.pdf (unlock.org.uk).

16. Shortlisted candidates will be asked to provide details of all unspent convictions and those that would not be filtered prior to the date of the interview by completing a Self-Disclosure Form available on the Vacancies section of the School website and by returning this to recruitment@roundhayschool.com prior to interview/assessment. They may be asked for further

information about their criminal history during the recruitment process. This information will be confidential and only shown to those who need to see it as part of the recruitment process.

17. The HR Team who oversee the recruitment process and provide advice and guidance to our Recruitment Panels have been suitably trained to identify and assess the relevance and circumstances of offences and are aware of all the relevant legislation relating to the employment of ex-offenders.

18. Candidates will have the opportunity for an open and measured discussion on the subject of any offences or other matters that might be relevant to the position with a member of the HR team. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or disciplinary action, which could result in dismissal. We undertake to ensure that any matter revealed in a DBS Disclosure or Prohibition Order is discussed with the person seeking the position and risk assessed before withdrawing a conditional offer of employment.

19. All employees have a duty to advise their Headteacher and the HR team of any Police enquiries regarding any concerns/allegations which have been made against them at the point which they are made aware. This is referenced within the Code of Conduct, which can be found in the Staff Handbook. It states "Staff should notify school of any changes to their personal circumstances where the information is needed to discharge a duty of care to them, as well as to others. This could include:

- A medical condition where a risk assessment, reasonable adjustment or additional support would be appropriate
- Any incident (including outside of school) which could impact their ability to work with children, or would have safeguarding implications"

20. Where a candidate/employee/adult has committed an offence, received a caution, or been the subject of a Police investigation, following a discussion, a risk assessment is undertaken by the HR team to determine whether or not their actions pose a risk to children, young people or the School as a whole. Once a decision has been made the individual and the Headteacher will be informed of the outcome. A written copy of the risk assessment, where applicable, is held confidentially on file.

21. All staff employed by the School are made aware of the policies and procedures in line with their responsibilities to support their work with Children and Young People across the School e.g. Staff Code of Conduct and Safe Working Practice Policies.

22. Governors, staff, initial teacher training students, supply staff, contractors, or volunteers who work, are involved in Governance or otherwise support the School are made aware of the existence of the DBS Code of Practice, Working Together to Safeguard Children, Keeping Children Safe in Education statutory guidance and their statutory responsibilities within them.

23. For any supply staff, contractors on site and/or other agency workers who may attend our School sites, we will ensure that an Enhanced DBS check has been carried out. We will also record an identity check and ensure we have written confirmation from their organisation that demonstrates they have undertaken the relevant checks and obtained the appropriate certificates and the date they were received.

24. We make every subject of a DBS check aware of the existence of the Code of Practice www.gov.uk/government/publications/dbs-code-of-practice and make a hard copy available on request.

25. Having a criminal record will not necessarily bar candidates from working for us. This will depend on the nature of the position and the circumstances and background of the offences.

26. The School Privacy Notice outlines the lawful basis for processing information for recruitment purposes and can be found on the School website.

Monitoring

27. The HR team will monitor the implementation and effectiveness of the policy by monitoring the recruitment and selection processes within the School, including pre-employment/pre-appointment checks for volunteers and members of School Governance.

28. The HR team will monitor the relevant legislation, guidelines and information forthcoming from the relevant statutory bodies for any recommendation or changes.

29. The HR team will advise the Quality of Education (QoE) committee of the Governing Body of any changes that are needed and a proposal will be submitted to the Governing Body within an appropriate timescale. There will be a full review of the policy by the HR team prior to the stated review date where recommendations will be made for consideration by the QoE committee.

Other policies

The following policies should be read in conjunction with this policy:

- Recruitment and Selection Policy
- Equality and Diversity Policy
- Safeguarding and Child Protection Policy
- Data Protection Policy
- Accessibility Policy
- Privacy Notice
- Safe Working Practice Guidance