

Kingsmead School & Sixth Form

The Recruitment of Ex-Offenders



This plan is reviewed bi-annually in the autumn term.

Next Review Due: Nov 2025

History of Document:

Issue No.	Date Issued	Prepared By	Approved By	Comments
Issue 1	Nov 2023	L Baker		New policy created

Contents

1	Introduction.....	3
2	Applicants with Convictions	3
2.1	Disclosure of Convictions	3
2.2	Completing a Risk Assessment	4
3	Barred Individuals.....	4
4	Disclosure of Convictions by Current Employees	4
4.1	Expectations on employees	4
4.2	Review of the situation	5
4.3	Outcomes	5
5	Communicating the Policy to Staff and Job Applicants	6
6	Further Information.....	6
1.	APPENDIX A – DISCLOSURE AND BARRING SERVICE DISCLOSURE ASSESSMENT FORM	8

1 Introduction

Kingsmead School is committed to treating all job applicants and volunteers for positions within the organisation fairly, and to not discriminating against the subject of disclosure on the basis of conviction or other information revealed.

Roles within the school are exempt from the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975 (as amended in 2013). Therefore, the school will be entitled to ask for information about relevant convictions after the shortlisting stage (see R21 Safer Recruitment Policy for more information on the self-disclosure of convictions) and to carry out an Enhanced DBS check upon the offer of appointment.

2 Applicants with Convictions

Previous convictions will not automatically prohibit an applicant from being offered an appointment (subject to that person being barred from working with children as per section 2.3).

2.1 Disclosure of Convictions

Following the shortlisting exercise, all job applicants invited to interview will be asked to declare any previous convictions and cautions not filtered in line with current guidance whether current or spent. It should be noted that certain 'spent' convictions and cautions are 'protected' meaning they are not subject to disclosure and cannot be taken into account. It should also be noted that any convictions in overseas territories should also be declared.

At interview, the school will ensure that open, fair, and measured discussions can take place on the subject of offences. The candidate will be given the opportunity to present their view of the situation surrounding the conviction and any other relevant information. Notes will be taken and used to prepare any associated risk assessment prior to the offer of appointment (see section 2.2).

Failure to reveal information at application or interview, or providing deliberately misleading information, could lead to withdrawal of an offer of employment/voluntary work or dismissal if the engagement has already started. The school may also be obliged to refer the matter to the DBS or Police (see section 3).

2.2 Completing a Risk Assessment

Should the applicant disclose a conviction etc which can be taken into account or if the DBS Certificate reveals any relevant information, before making any decisions on appointment, the school will complete a risk assessment (see Appendix A) which takes into consideration: -

- Whether the conviction is relevant to the position being offered.
- The seriousness of the offence revealed.
- The circumstances surrounding the offence and the explanation offered by the applicant.
- The length of time since the offence took place.
- Whether the applicant has a pattern of offending behaviour.
- Opportunities within the role to reoffend.
- The location of the offence as some activities may be an offence in Scotland but not in England for example.
- Whether the offence has since been decriminalised by Parliament.
- The degree of remorse expressed by the applicant and their motivation to change.
- Whether the applicant's circumstances have changed since the offence took place.

3 Barred Individuals

It is an offence for an employer to knowingly allow a barred individual from engaging in regulated activity with children. It is also an offence for a barred individual to seek work with children if they have been barred from working with that group.

4 Disclosure of Convictions by Current Employees

4.1 Expectations on employees

The school seeks to create an ethos of a safe culture with ongoing vigilance which will be maintained throughout the employment relationship.

Existing employees are required to disclose any new convictions, cautions or reprimands (which wouldn't be filtered in line with current guidance) during the course of their employment. The expectation would be that the employee advises the school (i.e., advising the Headteacher) as early as possible, for example at the point of being interviewed by the police in connection with alleged criminal conduct or arrested. The Head of HR will be able to advise which allegations or convictions are not able to be dealt with any further by the school in line with current DBS filtering guidance i.e.

as an employer, the school is not legally authorised to ask any questions about convictions which have or would be filtered.

New employees will be advised of this requirement during the induction process and reminders will be issued to staff periodically.

4.2 Review of the situation

Where a new conviction is disclosed, a full appraisal of the situation will be carried out by the Headteacher with support from the Head of HR including whether the conviction is relevant to the post and an assessment of the risks involved. In order to carry out the appraisal, a version of the risk assessment as outlined at 2.2 will be used.

Depending on the nature of the new conviction, it may be appropriate to suspend the employee while the matter is investigated.

4.3 Outcomes

Where there is a deemed risk, the school may consider the introduction of safeguards, moving the employee to an alternative role or dismissal.

Disclosure of a matter which does not, in the reasonable opinion of the school, affect the employee's ability or suitability to carry out their role will not usually lead to any disciplinary or other action being taken.

Should a new conviction be disclosed by any member of staff (or the school is informed of a conviction) which meets the DBS' "harm" criteria, and that member of staff is suspended, dismissed, or moved out of regulated activity to a new role, the school is under a legal obligation to report the matter to the Disclosure and Barring Service. In addition, the school will discuss the matter with the LADO/local Safeguarding Board. In the case of teachers, the matter will also be reported to the Department of Education.

If it is believed that an employee deliberately withheld information about a new conviction or disqualification the school may consider investigating and dealing with the matter via the disciplinary procedures which could result in dismissal.

It may be the case that the local Safeguarding Board advise the school of a safeguarding issue relating to a member of staff. In such instances the school would work in conjunction with the local Safeguarding Board to address the situation in the appropriate manner.

5 Communicating the Policy to Staff and Job Applicants

The school will ensure that all staff involved in the recruitment process of staff and volunteers are aware of this Policy and have the relevant training and support.

A copy of the Recruitment of Ex-Offenders Policy is available to applicants via the school's website, the staff landing page.

6 Further Information

Further guidance on whether a conviction or caution should be disclosed can be found on the [Ministry of Justice website](#).

Information on offences that will never be filtered on a DBS Certificate is available from the [Disclosure and Barring Service](#) and [NACRO](#).

I. APPENDIX A – DISCLOSURE AND BARRING SERVICE DISCLOSURE ASSESSMENT FORM

(To be used in circumstances where information has been disclosed by the Disclosure and Barring Service and considered with reference

to the School's Recruitment, Recruitment of Ex-Offenders and Disclosure & Barring Policies)

NAME OF APPLICANT:	POSITION APPLIED FOR:
LINE MANAGER:	PROPOSED START DATE:

CONSIDERATION	ASSESSMENT
Is Applicant barred or disqualified from working with children?	<i>Note it is an offence for an applicant to apply for working with children if they are barred from working with children.</i>
Type of offence/sentence given:	<i>Nature of the offence</i> <i>Is the caution/conviction a "one off" or are there several? Are the cautions/convictions of a similar nature?</i> <i>Is the context behind the offence cause for concern (eg. was the conviction for an act of "self defence" or a premeditated act)?</i>
Date of offence:	<i>Was the Applicant a juvenile or adult at the time of the caution/conviction?</i> <i>How long ago was the caution/conviction awarded?</i>

Relevance to position applied for:	<p><i>Is the caution/conviction relevant to the role which will be undertaken?</i></p> <p><i>Does the position involve face to face contact or contact via ICT that may occur on more than one occasion?</i></p>
Level of accountability/responsibility:	<i>What level of supervision will the Applicant receive?</i>

	<i>Is the Applicant likely to be placed in circumstances similar to those in which he previously offended?</i>	
Applicant's attitude to the offence:	<p><i>Does the Applicant show remorse?</i></p> <p><i>Was the situation disclosed on the Self-Disclosure Form and/or discussed at interview?</i></p> <p><i>Does the Applicant take responsibility for the offence and recognise the harm that he/she caused?</i></p>	
Mitigating circumstances:	<i>Were there particular personal circumstances at that time which led to the offence (eg. financial hardship, dysfunctional family) which have now changed?</i>	
Risk before precautions/ controls High / medium / low (Please explain the reasons for your decision)	Minimise risk by (Describe precautions/controls):	Residual risk after controls are in place High / medium / low (Please explain the reasons for your decision)
Decision:		
The Applicant will not be appointed / The Applicant will be appointed subject to the following conditions <input type="checkbox"/> The Applicant will be appointed		
Conditions of appointment:		

Assessed by:	
Print Name.....	Signature.....
.....	
Job Title	Date
Assessed.....	

A DECISION TO APPOINT MUST BE AUTHORISED BY THE CEO/VCEO AND HEADTEACHER/PRINCIPAL

Authorised by:

Print Name.....

Signature.....

..... Job Title Date

Assessed..... Print

Name.....

Signature.....

.....

Job Title Date

Assessed.....