**RECRUITMENT OF EX-OFFENDERS**



**2024-2025**

















Version 1.2, September 2024









1. RECRUITMENT OF EX-OFFENDERS
	1. The School is required to meet a number of obligations which are outlined in the Code of Practice for Disclosure and Barring Service Registered Persons (2015).
	2. This procedure will be made available to those applying for any position the School has available.

**Scope**

* 1. The procedure covers all candidates including current employees who apply for a position within the School.

**General Data Protection Regulations (GDPR)**

* 1. Personal data, including that deemed to be sensitive personal data, provided for recruitment and selection purposes, including pre-appointment checks will be collected, used and stored in accordance with the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018.
	2. Copies of DBS certificates will not be kept on file.

**Definitions**

* 1. Regulated Disclosure and Barring Service (DBS).
	2. Enhanced DBS – Enhanced checks with children’s and/or adults’ barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

**The Rehabilitation of Offenders Act (ROA) 1974**

* 1. The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period' (see below).

**Posts Exempt from the Rehabilitation of Offenders Act**

* 1. Where the position is listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the School is entitled to seek information about all spent and unspent convictions that are not subject to the filtering rules and that any information disclosed will be verified by obtaining a standard or enhanced check by requesting a DBS check.
	2. The School’s Further Education provision is, exempt under the ROA 1974 (Exceptions) Order 1975, for which employers may ask about spent convictions. This is known as asking an exempted question. When answering, the applicant would have a legal obligation to reveal spent convictions.
	3. The code of practice states that information on a DBS certificate should only be used in the context of a policy on the recruitment of ex-offenders. This is designed to protect applicants from unfair discrimination on the basis of non-relevant past convictions.
	4. The procedure for the recruitment of ex-offenders is made available to all applicants at the outset of the recruitment process.
	5. The School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.
	6. The School selects all candidates for interview based on their skills, qualifications and experience.
	7. An Enhanced Disclosure (with barred list) is required for all roles within the Further Education (FE) provision of the School. The following statement is detailed on all FE job adverts, ‘Enhanced DBS (with barred list) check will be required’. This is in the event of the individual being offered the position. Further information is available in the School’s Disclosure and Barring Service Procedure which is available to candidates.
	8. Shortlisted candidates for posts in FE will be asked to declare if they have a criminal record or information that would make them unsuitable to work with children, by completing a Rehabilitation of Offenders Act 1974 – Disclosure Form. The candidate will be asked to hand the form to the interviewer at the interview.
	9. The purpose of the Disclosure Form is to enable the candidate to have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.
	10. Applicants will be asked to sign the Disclosure Form confirming the information they have provided is a true record. Where there is an electronic signature, the applicant should physically sign the hard copy of the form at the point of interview.
	11. The School will ensure that all interview panels have a member of HR who has been suitably trained to identify and assess the relevance and circumstances of offences. The School will also ensure 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 and are able to advise the panel on the same.
	12. At interview, or in a separate discussion, 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 that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.
	13. The School undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. A withdrawal of employment would be at the Principal’s discretion.
	14. The School undertakes that having a criminal record will not necessarily bar any person from working with the School but consideration will be given by the School to the nature of the position applied for and the circumstances and background of the offences. A risk assessment will be carried out by the Vice Principal/Principal responsible for the role to evaluate the offence and level of risk to the School.
	15. Anyone on the barred list, would be breaking the law if they applied for roles that included regulated activity with the group they are banned from working with. The School can, therefore, not employ someone who is barred from engaging in regulated activity.
	16. See the Disclosure and Barring Service Checks (DBS) Procedure for further details.