



Holy Trinity CE (VA) Primary School

Policy name: **Recruitment of Ex-offenders**

Policy

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Approved by: **Resources**

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Recruitment of Ex-Offenders Policy

Holy Trinity CE (VA) Primary School is committed to the fair treatment of its current employees and all job applicants regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background. Applications are welcomed from any person who is able to demonstrate the skills, experience and potential to undertake a role including those individuals who have a criminal record.

We will consider ex-offenders for employment on their individual merits. The organisation's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Jobs covered by the Rehabilitation of Offenders Act 1974

Holy Trinity School will not automatically refuse to employ a particular individual just because they have a previous criminal conviction. During job applications and interviews, we will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which they have applied, the organisation will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

If the job into which Holy Trinity School is seeking to recruit is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, then we will require the applicant to disclose all convictions, whether spent or unspent (other than where protected cautions and protected convictions do not need to be disclosed, depending on the job concerned).

Even in these circumstances, however, Holy Trinity School will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Before interviews take place, candidates will be required to complete the self-disclosure to declare any relevant convictions.

Any information declared by the candidate will at their interview be raised and discussed to allow an open and measured conversation on the subject of any offences or any other matter that might be relevant to the position. If following an interview the Headteacher intends to offer a position, they will undertake a risk assessment to determine the impact of the information disclosed on the candidate's suitability for the post.

Failure to reveal information that is directly relevant to the position being sought could lead to withdrawal of an offer of employment.

If the job is exempt, Holy Trinity School will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. Holy Trinity School will seek the applicant's agreement to make a joint application to the Disclosure and Barring Service (DBS) for an enhanced with DBS barred lists check.

All positions at Holy Trinity School are subject to DBS applications and stringent pre-employment checks.

We comply fully with the DBS Code of Practice with regard to processing applications for DBS certificates including the secure handling of all information provided to, and received from, the DBS.

All candidates will be treated fairly if a criminal record check discloses a conviction or any other information. Therefore any matter revealed on a DBS certificate will be discussed fully with the candidate and where appropriate, a (further) risk assessment will be carried out before a decision is made as to whether or not to confirm the appointment.

If the Headteacher is unsure of how to identify and assess the relevance and circumstances of offences, and any relevant legislation relating to the employment of ex-offenders, or they require support in the completion of a risk assessment they should contact HR for further advice.

Holy Trinity School processes information about an individual's criminal convictions in accordance with its policy on processing special categories of personal data. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.