



Employment of Ex-Offender Policy

Status	HR connect Policy
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Published	July 2024
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Review Cycle	Annual
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Next Review	July 2025
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Lead Staff	Mary Barber
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Chair of Governing Body	Alex Krutnik
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Headteacher	Jane Hatwell
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Vision and Values

Our school vision is to provide an *outstanding, nurturing, learning environment*, where all our pupils can achieve their full potential and progress to lead happy and fulfilling lives.

Our mission is to provide each and every pupil with the best possible education, delivered in an environment that is supportive, caring and safe.

“Getting it right for every pupil”

At Stone Bay we focus on *Evolving Excellence* in all that we do, working towards making our school the best it can be for pupils, staff and families. We are creating lasting *Trust* with all our stakeholders, *Empowering* each other to learn and grow. By adhering to policies and clear processes we ensure *Fairness* and transparency in our decision making and actions, whilst ensuring we are *Collaborating* with others and always looking for ways to help each other to deliver excellence for our pupils.

Rights Respecting Schools

The Unicef UK Rights Respecting School Award (RRSA) is based on principles of equality, dignity, respect, non-discrimination and participation. The RRSA seeks to put the UN Convention on the Rights of the Child at the heart of a school's ethos and culture to improve well-being and develop every child's talents and abilities to their full potential. A Rights Respecting School is a community where children's rights are learned, taught, practised, respected, protected and promoted.

Stone Bay has been awarded the Silver Award by UNICEF. This is awarded to UK schools that show good progress towards embedding children's rights in the school's policy, practice and ethos, as outlined in the RRSA Strands and Outcomes

Staff wellbeing

The Leadership Team and the Governing Board of Stone Bay School are committed to promoting positive mental, physical and emotional wellbeing and to providing suitable support for all staff. Taking action to prevent ill health and promote good health makes good educational and business sense, as sickness absence carries high costs both in

monetary terms and in terms of the impact upon performance, teaching and learning, morale and productivity, which may disrupt or compromise pupil progress.

All members of staff are entitled to be treated fairly and professionally at all times. The Governing Board of Stone Bay School takes very seriously its duty of care as an employer to all members of staff and a number of policies and procedures have been made in relation to this duty.

1. Introduction

Stone Bay School is committed to working in accordance with Keeping Children Safe in Education, and the DBS Code of Practice, which requires that the school makes available a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

This policy provides a framework within which the school will seek to ensure that all cases are assessed fairly, and on an individual basis. Stone Bay School will not discriminate because of a conviction or other information revealed

2. Scope

This policy applies to all Employees and Governors of Stone Bay School.

3. Adoption Arrangements and Date

This policy was adopted by the Governing Body of Stone Bay School on Sept 2024 and supersedes any previous Employment of Ex-Offenders Policy.

This policy will be reviewed by the School Business Manager every year or earlier if there is a need.

The effectiveness of this policy will be monitored, evaluated, and reviewed by the Headteacher and Governing Body.

4. Background

The [Rehabilitation of Offenders Act 1974](#) and the amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) allows most convictions and cautions to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence. This means that jobseekers with criminal

records have the right to legally withhold such information from a prospective employer when applying for most jobs.

All positions that involve working with children are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered “spent” except those received for an offence committed in the United Kingdom which have been filtered in accordance with the DBS filtering rules.

Candidates applying for a vacancy will be asked to complete a Self-Disclosure form only if they are successfully shortlisted. On this form they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or other matters which may affect an applicant’s suitability to work with children. Candidates should be signposted to the Ministry of Justice website to seek guidance and clarity on what offences and issues they are required to disclose.

<https://www.gov.uk/government/news/disclosure-and-barring-service-filtering>

Further information on the Self-Declaration process for job applicants is contained in the main body of the Recruitment Guidance Notes. Additional information can also be found at

<https://www.nacro.org.uk/nacro-services/advice/advice-for-employers/asking-about-criminal-records/>

5. Legal Requirements

Keeping Children Safe in Education

Keeping Children Safe in Education gives statutory guidance and states:

- Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.
- Schools and colleges should also provide a copy of the school’s or college’s child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

- Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on recruitment of ex-offenders.

DBS Code of Conduct

The DBS Code of Conduct, published under section 122 of the Police Act 1997, advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Registered Bodies, and those in receipt of the DBS Update Service information, must have a written policy on the suitability of ex-offenders for employment in relevant positions. This should be available upon request to potential applicants and, in the case of those carrying out an umbrella function, should be made available to their clients. Clients of Registered Bodies should make this policy available to their potential or existing employees.

6. Policy Statement

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Stone Bay School will comply fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.
- Stone Bay School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Stone Bay School will only ask an individual to provide details of convictions and cautions that Stone Bay School are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

- Stone Bay School can only ask an individual about convictions and cautions that are not protected.
- Stone Bay School is committed to the fair treatment of its staff, potential staff, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability, or offending background.
- Stone Bay School will make this written policy on the recruitment of ex-offenders available to all DBS applicants at the start of the recruitment process.
- Stone Bay 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.
- Stone Bay School selects all candidates for interview based on their skills, qualifications, and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts, and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- Stone Bay School ensures that all employees involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences using information available at www.nacro.org.uk
- Stone Bay School also ensures that employees 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.

- At interview, or in a separate discussion, Stone Bay 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 position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- Stone Bay School makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.
- Stone Bay School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Further advice may be sought from your HR Consultant/Line Manager.