



## EMPLOYMENT OF EX-OFFENDERS POLICY

### 1 Policy Statement

- 1.1 Cannock Chase High School is committed to attracting, selecting and retaining individuals who have the right motivation, skill and experience to make a positive contribution to the academy's success and the delivery of high-quality education.
- 1.2 The academy is committed to achieving this through:
  - systematic recruitment and selection processes that are applied consistently and fairly in accordance with good practice and equal opportunities;
  - attracting and drawing on applicants from a range of backgrounds reflecting the communities being served;
  - adhering to the legislation and guidance which governs recruitment and selection.
- 1.3 This procedure does not form part of the contract of employment and may be varied from time to time.

### 2 Scope

- 2.1 This policy applies to all school staff including volunteers, temporary and fixed term staff, casual staff and governors responsible for and involved in recruitment and selection. The Governing Body will liaise with the local authority where required.

### 3 Selection Process

- 3.1 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), the organisation complies fully with the code of practice and undertakes to treat all applicants for positions fairly. The organisation undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- 3.2 The organisation can only ask an individual to provide details of convictions and cautions that the organisation is 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), the organisation can only ask an individual about convictions and cautions that are not protected.

- 3.3 The organisation is committed to the fair treatment of its employees, potential employees, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- 3.4 The organisation's policy on the recruitment of ex-offenders is made available to all DBS applicants at the start of the recruitment process.
- 3.5 The organisation 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. The organisation selects all candidates for interview based on their skills, qualifications and experience.
- 3.6 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.
- 3.7 The organisation ensures that staff, governors and external consultants who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The organisation also ensures 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.
- 3.8 The relevance of convictions should be judged against the following criteria:
  - the seriousness of the offence and its relevance to other employees and children;
  - the length of time since the offence occurred;
  - whether the offence was a one-off or part of a history of offending;
  - circumstances which led to the committing of the offence;
  - whether the applicant's personal circumstances have since changed;
  - the country in which the offence occurred;
  - decriminalisation and remorse.
- 3.9 At interview, or in a separate discussion, the organisation 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.
- 3.10 The organisation 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.
- 3.11 The organisation undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

3.12 Not all criminal convictions will be a bar to employment. The results of a DBS check will be considered on an individual basis and the organisation will act in a proportionate manner when deciding whether or not to proceed with the appointment to the post in question. However, the protection and safeguarding of children/vulnerable adults is the organisation's primary concern.

## 4 Data Protection

4.1 The organisation processes information about an individual's criminal convictions in accordance with its Data Protection and Freedom of Information Policy. 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.

4.2 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

## 5 Review

5.1 This policy is subject to review and approval by the Governing Body at least every three years and is reviewed annually by the Executive Business Manager to incorporate any changes required by updates to Keeping Children Safe in Education and other legislative requirements. Any interim changes are approved by the Headteacher.

<b>Implementation date:</b>	March 2023
<b>Last review date:</b>	
<b>Next Review date:</b>	March 2024 (GB March 2026)
<b>Statutory Policy:</b>	No