



## Policy on the Recruitment of Ex- Offenders

<b>School update</b>	
Responsible for review of policy	HR
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<b>Governor Sub-Committee approval</b>	
Sub Committee to review and approve	HR
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<b>Approved by Sub Committee (Meeting date)</b>	TBC
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Related policies	Recruitment Policy, Safeguarding Policy, Recruitment of Volunteers
Uploaded to Staff Shared	XXX 2022
Uploaded to Website	NA

# **The Royal Masonic School for Girls**

## **Policy on the Recruitment of Ex-Offenders**

### **1.0 Introduction**

The Rehabilitation of Offenders Act 1974 (ROA) 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 if it has been filtered in accordance with the DBS filtering rules.

This policy provides a framework within which the School will operate. The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. The 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 dependants, age, physical/mental disability or offending background. RMS undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. If an individual has a criminal record this will not automatically bar them from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

### **2.0 Scope of this Policy**

The Policy on the Recruitment of Ex-Offenders refers and applies to candidates applying to work at the School in all roles. Candidates are defined as:

*Any person applying to work at the School whether under a contract of employment, under a contract for services or otherwise than under a contract. This includes as employees, contractors, supply staff or as a volunteer.*

This also includes certain types of voluntary or seasonal work, student placements, school Governors, preferred contractors and other regulated positions will also come under the provisions of the policy, particularly where they involve unsupervised contact with children or adults.

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

### **3.0 Objectives**

The aim of this policy is to ensure;

- the School is a fair employer, meeting all relevant legal requirements regarding the recruitment of all applicants
- all candidates are treated in a fair and consistent manner

### **4.0 Compliance**

All candidates should be aware that provision of false information is an offence and could result in the application being rejected, lead to withdrawal of an offer of employment should it have been made or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, including the Prohibition from Management Orders under s128, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)" whether by association, or otherwise.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

- the School receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children

RMS ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The School 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

### **5.0 Disclosure**

The School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed

The School can only ask an individual to provide details of convictions and cautions that the School are legally entitled to know about, specifically 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).

In addition, the School can only ask an individual about convictions and cautions that are not protected.

RMS undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## **6.0 Impact of criminal record**

RMS 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. Having a criminal record will not necessarily bar you from working with us. This will depend on the offence and the relevance of the offence in relation to the position applied for. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

## **7.0 Data Security**

The School is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 2018 and the DBS Code of Practice. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person. The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

## **8.0 General**

If an employee has any queries regarding their rights or obligations under this policy, they should raise them in the first instance with the HR Department.

## **9.0 Monitor and Review**

This policy can be reviewed at any time, but the School will monitor and review this policy on a biennial basis.

This procedure does not form part of the contract of employment and can be altered at any time as deemed necessary by the School.

**September 2022**