



**SOLIHULL**

# **Recruitment of Ex-Offenders Policy**

**Owner:** HR Manager

**Reviewer:** HR Manager & Assistant HR Manager

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**Version 4**

A M B I T I O N - O P P O R T U N I T Y - C O M M U N I T Y

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. 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.

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

Under the relevant legislation, 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".

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.

All positions within the School 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.

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.

We ensure that all those in Solihull School who are involved in the recruitment process have received guidance in identifying and assessing the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Failure to reveal non-protected cautions or convictions could lead to withdrawal of an offer of employment, or the termination of the employment if it has commenced.

The school does not receive a copy of an applicant's disclosure certificate, but can access the secure online system which will confirm whether the certificate contains information. If the certificate contains any information, the applicant must provide the school with a copy of the certificate in order for the school to be able to consider the information it contains and determine its relevance as detailed above. If the applicant is not willing to disclose the information contained on the certificate, the school would not be able to complete its pre-employment checks and therefore the conditional offer of employment would be withdrawn.

Personal data about criminal convictions or offences is processed in accordance with the relevant Data Protection law. Please refer to the School Privacy Notice and the Staff Privacy Notice for further details of the school's processing activities.

Any queries on this policy should be addressed to the HR Department.