SEGHILL FIRST SCHOOL
RECRUITING EX-OFFENDERS POLICY AND PROCEDURE

In keeping with Seghill First School's other policies and procedures, this document is issued for guidance and is not intended to have contractual effect. Seghill First School reserves the right to vary, amend or depart from the contents of this policy and procedure from time to time in appropriate circumstances.

1.0 Policy

This policy outlines Seghill First School's approach to the recruitment of ex-offenders.

Seghill First School is committed to equality of opportunity in employment and welcomes applications from a wide range of applicants.

Applicants will be assessed on their skills, experience and qualifications for the job role. The particular criteria for each employment position will be set out in the applicable person specification and job description for the role. Criminal convictions will not be relied on as immediate grounds for refusal of employment.

Seghill First School is strongly committed to safeguarding and promoting the welfare of all children and young people and expect all staff to share this commitment.

It is Seghill First School's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee, as it assumed that all staff could have the opportunity to be in regulated activity, regardless of their role.

2.0 Scope

Seghill First School's ex-offenders policy and procedure applies to all external and internal applicants for all vacancies, including voluntary positions.

3.0 Definitions

Applicant: Any individual who applies for a position within Seghill First School.

Employee: full time, part time, permanent and temporary teachers and support staff who undertake to do work under an employment contract for Seghill First School, personally. Employees are entitled to a wide range of employment rights.

Worker: full time, part time, permanent, temporary individuals who undertake to do, or perform personally, work or a service for Seghill First School whether under a contract of employment or any other contract for a reward. 'Worker' includes agency workers, casual workers, but normally excludes those who are self-employed and work that is part of a client or customer relationship. Workers are entitled to some employment rights, including holiday pay and protection against unlawful discrimination.

Volunteer: individuals who willingly, without being required to, carry out unpaid work for Seghill First School.

Staff: employees, workers and volunteers.

4.0 Principles

It is expected that this policy and procedure will assist with creating a safer recruitment process and will allow individuals to confidently apply for positions with the school.

Seghill First School will ensure that all those involved in the recruitment process will have necessary training, including at least one panel member undertaking Safer Recruitment Training.

Seghill First School will not unlawfully discriminate against any candidate where they are required to provide information about their criminal convictions.

Candidates for interview will be selected based on their skills, qualifications and experience.

Seghill First School will ensure that at least one member of the recruitment panel has received Safer Recruitment training and is able to identify and assess the relevance and circumstances of offences.

A recruitment manager will be appointed for each vacancy.

5.0 Responsibility

5.1 Governing Body

The Governing Body has responsibility for adopting, developing and reviewing this policy and procedure and ensuring that effective monitoring systems and procedures are in place.

The Governing Body has delegated authority to one or more governors acting together with the Headteacher, to make decisions in relation to applications from ex-offenders.

5.2 Headteacher

The Headteacher will:

- Ensure that the school operates safe and fair recruitment and selection procedures which are regularly reviewed and updated to reflect any changes to legislation and statutory guidance.
- Ensure that all appropriate checks have been carried out on successful applicants, including internal applicants in the school and be able to identify and assess the relevance and circumstances of offences.
- Monitor any contractor and agency compliance with this document.
- Promote the safety and well-being of children and young people at every stage of this process

5.3 Recruiting Manager

The Recruiting Manager will:

- Oversee the vacancy recruitment, ensuring that all procedures are followed and an open and fair process has been undertaken.
- Ensure that all appropriate checks have been carried out on applicants, including internal applicants in the school and be able to identify and assess the relevance and circumstances of offences.
- Liaise with relevant staff, including the recruitment panel to ensure correct information is provided which will then impact future decisions on individuals.

- Will follow this policy and ensure good data protection policies are followed.

5.4 Applicant/Volunteer

The applicant/volunteer will:

- Ensure that all the relevant convictions are disclosed prior to interview. Guidance on declaring convictions can be found at the Ministry of Justice website.
- Responsibility for this policy lies with the Headteacher who has responsibility for recruitment and safeguarding and should ensure that the process is managed effectively and that applications are considered objectively and fairly.

6.0 Background

The purpose of the Rehabilitation of Offenders Act (ROA) 1974 is to ensure that individuals who have been convicted of a criminal offence in the past are not discriminated against when seeking appropriate employment.

Keeping Children Safe in Education (2023) highlights the need for employers to have an ex-offenders' policy for recruitment purposes.

As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

If the nature of the disclosed offence is relevant to the role the applicant/volunteer is applying for, the suitability of the applicant will be considered. In these circumstances, Seghill First School reserves the right to refuse to offer employment to the applicant.

7.0 Procedure

The vacancy advert will include that any position within the school will require a DBS Certificate. If the position is un-supervised and is regulated activity the DBS Clearance will be enhanced and will include a Children Barred List check. If the position is supervised eg a volunteer, then an enhanced DBS Check will be completed but this will not include a Children Barred List Check, unless the volunteer carries out regulated activity.

Shortlisted external applicants who are successfully invited to interview, will be required to disclose any relevant convictions, adult cautions or other matters through a criminal record declaration form. This form must be returned to school prior to interview. The form will include the name of the designated person within Seghill First School to whom they should provide this information.

In order to assess whether a criminal record is relevant to the role, the convictions disclosed will be assessed by the recruitment panel, prior to/during interview in line with the duties of the role and how the work is carried out. Factors which will be taken into account will include, but are not limited to:

- whether the offence is relevant to the position in question;
- the nature and seriousness of any offence;
- whether it is a one-off offence, or history of offences;
- the type of offence or offences the applicant has committed;

- the circumstances and the explanation offered by the applicant;
- the length of time that has passed since the offence took place;
- whether the applicant's circumstances have changed since the offending took place; and
- decriminalisation and remorse.

Disclosed convictions, cautions or other matters will be discussed by the interview panel and questions will be put to the applicant if necessary, during the interview. N[HR]

The DBS certificate will be returned direct to the applicant by the DBS and the school/academy will receive notification that the certificate is on its way with a notification that either the 'certificate contains no information' or the 'certificate contains information'.

A failure by the applicant to produce information about convictions relevant to the role could lead to Seghill First School withdrawing an applicant from the recruitment process, or in the event of an appointment, make the applicant liable to summary dismissal and possible referral to the police. N[HR]

Where the certificate contains information, that was previously disclosed and discussed at the interview, the recruiting manager will confirm in writing on the certificate that is the same information that has been previously disclosed.

Where the certificate contains information, that was not previously disclosed or differs from the information previously provided, this should be discussed with the applicant. A meeting will take place to establish the facts, between the applicant and the Headteacher. A decision will be made following this meeting. N[HR]

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position, were it not for the disputed information, Seghill First School may, where practicable and at its discretion, defer a final decision about the appointment, until the applicant has had a reasonable opportunity to challenge the disclosure information.

8.0 Data Protection and Retention of Records

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act.

Records relating to the successful applicant will be retained on the employee's personnel file for the duration of their employment and in accordance with legislative requirements, once the employment has ended.

Unsuccessful applicants' documents will be destroyed six months after the recruitment process is concluded.

9.0 Complaints

Seghill First School is fully committed to safeguarding. If an individual feels that they have been mistreated in any way they should contact the Headteacher.

10.0 Further Information

Details on which offences should be disclosed can be found on the Ministry of Justice website. https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974

Applicants should seek legal advice before completing the Criminal Record Declaration if they are unsure which convictions/offences to disclose. Either at https://www.nacro.org.uk/criminal-record-support-service/ or at https://hub.unlock.org.uk/

11.0 Monitoring and Review

This policy and procedure will be monitored and reviewed every two years by the Headteacher. Where there are issues with the way the policy and/or procedure are working, these will be looked at closely with a view to identifying measures to improve their effectiveness.

Version	**Reason for Amendments/Update/Review**	**Date of Adoption by** Seghill First School	**Date of Next Review**
1.0	New policy and procedure provided by debbiejuddhr.		
1.1	Personalised by Seghill First School	October 2023	October 2025
1.2	Reviewed and no changes made	September 2025	September 2027

Key: N^{HR} It is recommended that HR advice is sought in relation to this.