



## Recruitment of Ex-Offenders Policy – whole Foundation

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ISI Reg for WBS element	18, NMS 19 & 2.7
Other related policies and documents:	Recruitment, Selection and Disclosure Policy

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# 1. Policy Statement

The Seckford Foundation will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed and makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar him/her from employment within the Foundation, Woodbridge School or Seckford Care (hereinafter called 'the Foundation'). Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

## 2. Policy

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 Foundation complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

In view of the fact that all positions within the Foundation will amount to "regulated positions" within the meaning of the relevant legislation, all applicants for employment will be subject to an enhanced check from the Disclosure and Barring Service (DBS).

The Foundation can only ask an individual to provide details of convictions and cautions that they are legally entitled to know about. The amendments to the Exceptions Order 1975 (2013) provide that certain 'spent' convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website. This information should be checked carefully by applicants. If your application is successful and you did not disclose any relevant convictions or other sanctions it could result in your application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct.

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 Foundation to employ anyone who is included on the 'barred lists' maintained by the Disclosure and Barring Service (DBS) of individuals who are considered unsuitable to work with children and adults. It is a criminal offence for any person who is disqualified from working with children or vulnerable adults to attempt to apply for a position within the Foundation.

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 Foundation to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009, whether by association, or otherwise.

If the Foundation receives an application from a disqualified person; or is provided with false information in, or in support of an applicant's application; or the Foundation has serious concerns about an applicant's suitability to work with children or vulnerable adults, it will report the matter to the Police and to the DBS and other relevant regulatory body.

## 2.1 Assessment Criteria

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 Foundation 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.
- In the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; 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 of 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.

## 2.2 Assessment Procedure

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 Foundation will carry out a risk assessment by reference to the criteria set out above.

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

## 3. Compliance and Monitoring Arrangements

This policy will be subject to a thorough review process including consideration at the Compliance and Risk Committee on an annual basis. This will ensure that practice across the whole Foundation is in line with this policy, the Complaints procedure and with current guidance and legislation.