


# Foreland Fields School

## Employment of Ex-Offenders Policy



### Governing Body Approval and Categories

Date of Last Review / Scrutiny	12 <sup>th</sup> November 2024
Date (Month / Year) of Next Review /Scrutiny	12 <sup>th</sup> November 2027
Date Policy was Ratified	20 <sup>th</sup> November 2024
Category of the Policy	Safeguarding
Named Lead for Writing the Policy	Headteacher / Personnel and Payroll Officer
Named Governor for Scrutiny	Governors Responsible for Safeguarding – Lucy Taylor and Amy Moat
Approval Body	Strategy Team
Display on Main Web Site	No
NOTE: IF THIS POLICY HAS BEEN SCRUTINISED BY A DIFFERENT LEAD GOVERNOR OR BEEN RATIFIED BY A DIFFERENT GOVERNING TEAM PLEASE STATE WHICH TEAM	
Signed – Chair of Governors 	Date 20-11-24

### United Nations Convention on the Rights of the Child

Foreland Fields School is a Rights Respecting School thereby this policy ensures that the following rights are acknowledged:



**Article 19** (protection from violence, abuse and neglect). Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

**Article 23** (children with a disability). A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

**Article 34** (sexual exploitation). Governments must protect children from all forms of sexual abuse and exploitation.

## 1. Introduction

Foreland Fields School is committed to working in accordance with Keeping Children Safe in Education, and the DBS Code of Practice, which require that the school makes available a copy of its Policy on the Recruitment of Ex-offenders to all job applicants.

This policy provides a framework within which the school will seek to ensure that all cases are assessed fairly, and on an individual basis. Foreland Fields School will not discriminate because of a conviction or other information revealed

## 2. Scope

This policy applies to all Employees and Governors of Foreland Fields School.

## 3. Adoption Arrangements and Date

This policy was adopted by the Governing Body of Foreland Fields School on 20<sup>th</sup> November 2024.

This policy will be reviewed by the Governing Body every 3 years or earlier if there is a need.

The effectiveness of this policy will be monitored, evaluated, and reviewed by the Headteacher and Governing Body.

## 4. Background

The [Rehabilitation of Offenders Act 1974](#) and the amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) 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 which have been filtered in accordance with the DBS filtering rules.

Candidates applying for a vacancy will be asked to complete a Self-Disclosure form only if they are successfully shortlisted. On this form they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or other matters which may affect an applicant’s suitability to work with children. Candidates should be signposted to the Ministry of Justice website to seek guidance and clarity on what offences and issues they are required to disclose:-

<https://www.gov.uk/government/news/disclosure-and-barring-service-filtering>

Additional information can also be found at <https://www.nacro.org.uk/nacro->

## 5. Legal Requirements

### **Keeping Children Safe in Education**

Keeping Children Safe in Education gives statutory guidance and states:

- Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.
- Schools and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.
- Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on recruitment of ex-offenders.

### **DBS Code of Conduct**

The DBS Code of Conduct, published under section 122 of the Police Act 1997, advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Registered Bodies, and those in receipt of the DBS Update Service information, must have a written policy on the suitability of ex-offenders for employment in relevant positions. This should be available upon request to potential applicants and, in the case of those carrying out an umbrella function, should be made available to their clients. Clients of Registered Bodies should make this policy available to their potential or existing employees.

## 6. Policy Statement

- 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), Foreland Fields School will comply fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.
- Foreland Fields School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Foreland Fields School will only ask an individual to provide details of convictions and cautions that Foreland Fields School are 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).

- Foreland Fields School can only ask an individual about convictions and cautions that are not protected.
- Foreland Fields 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.
- Foreland Fields School will make this written policy on the recruitment of ex-offenders available to all DBS applicants at the start of the recruitment process.
- Foreland Fields School actively promotes equality of opportunity for all with the right mix of talent, skills, and potential and welcome applications from a wide range of candidates, including those with criminal records.
- Foreland Fields School select all candidates for interview based on their skills, qualifications, and experience.
- 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.
- Foreland Fields School ensures that all employees involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences using information available at [www.nacro.org.uk](http://www.nacro.org.uk)
- Foreland Fields School also ensures that employees 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.
- At interview, or in a separate discussion, Foreland Fields School 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.
- Foreland Fields School 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.
- Foreland Fields School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Further advice may be sought from your HR Consultant/Line Manager.