



# Policy

## Policy on the Recruitment of Ex-Offenders

### The Requirement for Disclosure & Barring Service Checks by the School

Oakham School is registered with an Umbrella Body who is registered with the DBS for the purposes of obtaining access to criminal record checks for employment and voluntary appointments. It is of fundamental importance to Oakham School to ensure so far as possible that those who take up appointments do not pose a risk to the children in its care. It is therefore important for the School to apply for and review the past criminal records of any successful applicants for positions, before making a formal offer of appointment. The School considers it also essential that the confidential and personal Disclosure information from the DBS is used fairly and sensibly in order to avoid unfair discrimination of applicants for appointments at the School. Candidates are selected for interview based on their skills, qualifications and experience: Oakham School actively promotes equality of opportunity for all with the right mix of talent, skills and potential.

### Reason for Requiring Disclosure

A Disclosure will only be requested after a risk assessment has indicated that one is proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all recruitment details will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

### Type of Disclosure

*Enhanced Disclosure* for all posts within the School. The Enhanced Disclosure may also contain information that is held locally by the police.

### Application Procedure

All applicants who are offered employment will be subject to a criminal record check from the DBS before the appointment is confirmed. For posts not exempted under the Rehabilitation of Offenders Act 1974, details of 'spent' convictions are not required. However, some posts may be exempted under the ROA 1974 and in this case full criminal record details, including cautions, reprimands or final warnings, as well as convictions, must be given, unless 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)". Relevant information relating to police enquiries or pending prosecution must also be disclosed. All applicants called for interview will be asked to provide details of their criminal record at interview and to sign a Self-Declaration form. This information will only be seen by those who need to see it as part of the recruitment process and information relating to those candidates not appointed will be destroyed immediately.

Applicants will also be required to provide 3 items of proof of their identity at interview, including one item of photographic evidence (such as a passport), plus at least one item of address-related evidence (such as a utility bill). Where an applicant has changed his/her name by deed poll or for other reasons (eg marriage, adoption) the School will require evidence of this change of name.

Once an offer of appointment has been made the School will liaise with the applicant for the DBS Application Form to be completed and processed. This should be completed speedily and the School will arrange payment.

## **Rehabilitation of Offenders Act 1974**

Due to the nature of the environment, applicants are asked to declare all convictions, cautions, reprimands and final warnings (including those which would normally be considered 'spent' under the Rehabilitation of Offenders Act 1974, subject to DBS filtering rules which can be found at: <https://www.gov.uk/government/collections/dbs-filtering-guidance>).

An enhanced Disclosure will contain details of all convictions, cautions, reprimands or final warnings on record (including those regarded as 'spent') subject to DBS filtering rules. The Disclosure will also reveal whether the individual appears on lists held by the Department for Education (DfE). These lists hold the names of people who are deemed to be unsuitable to work with children. Please note it is a criminal offence for anyone that is barred from working with children to attempt to apply for a position at the School.

Oakham School uses the DBS Disclosure service to assess applicants' suitability for positions of trust. Oakham School complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly. The School undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or any other information revealed. The School considers it essential that the confidential and personal information contained in the Disclosure issued from the DBS is used fairly and sensibly in order to avoid unfair discrimination of applicants for appointments at the School. The DBS code of practice can be found at: [www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service).

Paper copies are available upon request to the HR Department. All positions at the School are exempt from the Rehabilitation of Offenders Act 1974, therefore ALL convictions, cautions, reprimands and final warnings (including those which would normally be considered 'spent' under the Act) MUST be declared, subject to the DBS filtering rules <https://www.gov.uk/government/collections/dbs-filtering-guidance>.

## **Consideration of Disclosure Information by the School**

On receipt of Disclosure from the DBS the School shall consider the following:

- i) Whether the conviction or other information is relevant to the position in question.
- ii) The seriousness of the offence or other matter revealed.
- iii) The length of time since the offence or other matter occurred.
- iv) Whether the applicant has a pattern of offending behaviour or other relevant matters.
- v) Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters.
- vi) The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

We ensure that all those in Oakham 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, eg the Rehabilitation of Offenders Act 1974.

## **Consequences of Failure to Reveal Information**

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment, or the termination of the employment if it has commenced.

### **Security of Disclosure Information**

Given the confidential nature of the Disclosure information, the School will ensure that it is stored securely. Documents will be locked away separately from personal files, with restricted access limited to senior members of staff involved in the recruitment. Once a recruitment decision has been made, the School will not retain the Disclosure information for any longer than necessary, keeping only the top section on file, as evidence that a Disclosure was obtained. All disclosure information will be destroyed by secure methods (such as shredding or burning). For further details, the School's Security Policy for handling Disclosure Information is available upon request.

**Human Resources**

**September 2022**

**Review Date**

**September 2025**