



St Swithun's
WINCHESTER

St Swithun's School Winchester
Incorporating St Swithun's School, St Swithun's Prep School
and the Early Years Foundation Stage
Recruitment of Ex-Offenders Policy

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Reviewed by:

HR Manager

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Date: September 2023

Designated safeguarding leads

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Date: October 2023

1 Policy statement

- 1.1 The aim of this policy is to ensure that candidates for employment are not unfairly treated on the basis of convictions or other offending details.
- 1.2 The school makes appointment decisions on the basis of merit and ability. Appointments will be made by comparing candidates to the knowledge, skills, qualifications, experience and personal qualities laid out on a published job description.
- 1.3 The school is committed to a culture of, diversity, equality and inclusion. Therefore, recruitment decisions will never be made on the basis of any protected characteristic.
- 1.4 If an individual has a criminal record, this will not automatically bar them from employment/engagement within the school. Each case will be decided on its merits in accordance with the process outlined in this policy.
- 1.5 Relationship with other policies:
 - 1.5.1 This policy should be read and considered alongside the school's [recruitment policy and procedure](#).
 - 1.5.2 To understand the school's policy regarding the processing of individual data, applicants and employees should consult the school's [Privacy Notice](#).
 - 1.5.3 All staff should ensure they are familiar with the school's [Staff Privacy Notice](#).

2 Who is covered by this policy?

- 2.1 This policy applies to any individual who is applying to enter into, or is entering into the school's workforce. This includes, but is not limited to:
 - 2.1.1 all members of staff including teaching and support staff;
 - 2.1.2 members of council (governors);
 - 2.1.3 volunteers;
 - 2.1.4 casual workers;
 - 2.1.5 temporary and supply staff, either from agencies or engaged directly; and
 - 2.1.6 student placements, including those undertaking initial teacher training and apprentices.

2.2 It also applies to anyone applying for the above positions or other positions in the school.

3 Relevant legislation

3.1 It is against the law for the school to allow anyone who is on the children's barred list (as maintained by the Disclosures and Barring Service) to engage in 'regulated activity'

3.2 Regulated activity is a term which refers to work where someone:

3.2.1 Will be responsible, on a regular basis in a school or college for teaching, training, instructing, caring for or supervising children;

3.2.2 Will be working on a regular basis in a specified establishment, such as a school, for in connection with the purposes of the establishment, where the work gives opportunity for contact with children; or

3.2.3 Will be engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

3.3 Most roles at St Swithun's therefore meet the criteria of regulated activity. If you are unsure as to whether a particular role would be considered 'regulated activity' please contact the [recruitment team](#) in the first instance who will liaise with the designated safeguarding lead if necessary.

3.4 It is against the law for the school to employ anyone into a role where they are providing or involved in the day-to-day management of childcare for children up to the age of 8 who has been disqualified from providing childcare under the *Disqualification under the Childcare Act 2006 (as updated 2018)*

3.5 Individuals may also be subject to prohibition order on the basis they are unsuitable to work with children. It would also be against the law for the school to appoint someone into a relevant position who was subject to a prohibition order.

3.6 Although the school uses an external body to process DBS applications it is still an organisation to whom the DBS code of practice applies.

4 Declarations

4.1 All published job descriptions will contain a statement explaining there will be need for a disclosures and barring service check to be conducted for the successful applicant (as well as a full suite of other safeguarding checks).

4.2 This policy will be made available to all applicants at the point of application (it is on the vacancies page of the school website).

- 4.3 Applicants will be asked to make a declaration when they complete a school application form by answering yes or no to the following statements:
- 4.3.1 I confirm that the information I have given on this application form is true and correct to the best of my knowledge
 - 4.3.2 I confirm that I am not on the children’s barring list, disqualified from work with children or subject to sanctions imposed by a regulatory body
 - 4.3.3 I understand that providing false information is an offence which could result in my application being rejected or (if the false information comes to light after my appointment) summary dismissal and may amount to a criminal offence
- 4.4 Applicants will also be asked:
- 4.4.1 Do you have any convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act (Exceptions) Order 1975 (as amended in 2020)
 - 4.4.2 If they answer that they do, they will be asked to provide details
 - 4.4.3 Applicants, at the stage they are asked this question, are provided with the link to further guidance about the exceptions order.
- 4.5 Applicants will be asked at interview whether or not anything will be revealed by the school conducting a criminal record check.

5 Risk assessment process

- 5.1 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant or discovered by the school during the recruitment process, the school will consider the following factors before making a recruitment decision:
- 5.1.1 Whether the conviction or other matter is relevant to the position in question (for example a driving offence would be relevant to a driving position, but not necessarily to an office-based role).
 - 5.1.2 Whether the conviction or caution is ‘protected’ (as defined by the [Rehabilitation of Offenders Act](#)). If it is protected, then it will not influence the recruitment decision. If it is a specified offence then this will need to be considered.
 - 5.1.3 The seriousness of any offence or other matter revealed.

- 5.1.4 The length of time since the offence or other matter occurred.
 - 5.1.5 Whether the applicant/employee has a pattern of offending behaviour or other relevant matters.
 - 5.1.6 Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters.
 - 5.1.7 The circumstances surrounding the offence and the explanation(s) offered by the applicant/employee.
 - 5.1.8 In the case of a disqualification from childcare, whether the applicant/employee is able to obtain an Ofsted waiver from disqualification.
- 5.2 If information is discovered by the school in a manner other than it being volunteered by the applicant, then the school will endeavour to understand by speaking with the applicant why this was not volunteered directly.
- 5.3 Assessments and conversations will be conducted by the HR department in the first instance, but they will liaise with the designated safeguarding lead for input or advice where necessary.

6 Possible outcomes

- 6.1 Having a criminal record will not necessarily bar a candidate from working at the school. As outlined above, the HR department will discuss the circumstances with the candidate before any decision is made, liaising with the DSL as necessary.
- 6.2 All candidates and employees should be aware that provision of false information is an offence and could result in their application being rejected or summary dismissal if they have been appointed.
- 6.3 The provision of false information may also result in a referral to the police and/or the DBS.
- 6.4 If the school receives an application from a disqualified person they will inform the Police and / or the DBS.
- 6.5 The school will report the matter to the Police and / or the DBS if they have serious concerns about an applicant's suitability to work with children.

7 Data protection

- 7.1 The School is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is

used fairly and stored and handled appropriately and in accordance with the provisions of the [Data Protection Act 2018](#).

- 7.2 Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.
- 7.3 The only individuals in the school who should or may have access to this information are:
 - 7.3.1 Members of the recruitment team
 - 7.3.2 The relevant recruiting manager for the position
 - 7.3.3 The designated safeguarding lead (or in their absence a deputy designated safeguarding lead)
 - 7.3.4 A member of the senior management team (in the senior school) or senior leadership team (in the prep school).