



Holmer Green Senior School

Policy for the Recruitment of
Ex-Offenders

December 2022

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All positions within Holmer Green Senior School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. The amendments to the Rehabilitation of Offenders Act 1974 [exceptions] Order 1975 [2013 and 2020] provides that when applying for certain jobs and activities certain convictions and cautions are considered "protected". This means that they do not need to be disclosed to employers and, if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website and on the websites of charities [NACRO](#) and [UNLOCK](#)

Holmer Green Senior School applies for an enhanced disclosure from the Disclosure and Barring Service (**DBS**) in respect of all prospective staff members, governors and all volunteers.

As an organisation using the DBS to assess applicants' suitability for positions working with children, Holmer Green Senior School complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

This written policy on the recruitment of ex-offenders is available to all applicants at the outset of the recruitment process.

The school promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.

The school undertakes not to discriminate unfairly against any subject of a DBS disclosure on the basis of conviction or other information revealed. Prior to 29 May 2013 an enhanced DBS disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

As of 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all DBS disclosures. The Filtering Rules work as follows:

For those aged 18 or over at the time of an offence a conviction will be removed from a DBS disclosure if:

- ✓ 11 years have elapsed since the date of conviction;
- ✓ it is the person's only offence, and
- ✓ it did not result in a custodial sentence.
- ✓

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence a conviction will be removed from a DBS disclosure if:

- ✓ five and a half years have elapsed since the date of conviction; and
- ✓ it is the person's only offence, and

✓ it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed.

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

A DBS disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. However, a DBS disclosure is required for all positions at the school. All application forms and recruitment briefs will contain a statement that a DBS disclosure will be requested in the event of the individual being offered the position.

Questions are asked at the shortlisting stage about criminal records to identify information relevant to the role. Recruiting managers consider both the rights of the applicant and the protection of individuals prior to making the selection decision.

Discrimination either in favour of or against any persons currently in employment who have disclosed their criminal record is not permissible (unless the offence debars them from continued employment) and such information is strictly confidential.

Managers who are involved in the recruitment process have been provided with training to identify and assess the relevance and circumstances of offences with the guidance of HR advisers.

At interview, or in a separate discussion, an open and measured discussion takes place on the subject of any offences or other matters 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 or voluntary work. A failure to disclose which is discovered after employment has started may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

The school undertakes to discuss any matter revealed in a DBS disclosure with the person seeking the position before withdrawing a conditional offer of employment or voluntary work.

Holmer Green Senior School is committed to the fair treatment of its employees, volunteers, potential employees, potential volunteers or users of its services, regardless of race, gender, religion, sexual orientation, ethnic origin, economic class, language, nationality education, family/marital status, social background, those with HIV positive status, age, physical and mental ability.

Having a criminal record will not necessarily bar you from working with us.

Reviewed: December 2022

Next Review: December 2024