



CHATHAM & CLARENDON GRAMMAR SCHOOL

Ex-Offenders Policy

EMPLOYMENT OF EX-OFFENDERS Agreed by Governors: May 2019

1. Principles

This School supports and seeks to promote the rehabilitation of offenders and to treat ex-offenders fairly in accordance with its Equality Policy. The School recognises that many people with past criminal records do not present a risk in employment but work as responsible and productive members of the workforce.

The School also has a duty of care to protect from criminal activity and abuse those who use its services, the public and public funds, and a duty to comply with relevant legislation, codes of practice and national standards.

An applicant for employment or voluntary work with criminal convictions will be assessed on their relevant skills, qualifications and experience and will only be prevented from taking a job with the School where any past offences are directly relevant to the job concerned and where it is judged that the applicant, if appointed, would pose a significant risk to the public, students, staff, property or public funds.

The School undertakes to operate effective and appropriate systems to comply with and fulfil these principles and requirements.

2. Definition of “Conviction”

In this policy the term “conviction” relates to a finding of guilt following a hearing in a court of law, including Courts Martial. Prospective employees for jobs exempt from the Rehabilitation of Offenders Act 1974 working with children or vulnerable adults will also be asked to declare official warnings, reprimands, registration as a sex offender, cautions, bind-overs and other relevant matters. These will be taken into consideration. Where “soft information” is made available by the Disclosure and Barring Service, the police or other relevant organisations this will also be taken into consideration.

3. Employees, Volunteers and Contractors

Existing employees of the School may be re-checked during their employment.

All applicants for employment and voluntary work, including agency staff and interims, will be asked to declare any un-spent convictions, cautions, warnings, reprimands, bind-overs and any cases pending, in Great Britain or elsewhere, when applying to the School.

Further particulars supplied to applicants for all jobs will indicate where the job is exempt from the Rehabilitation of Offenders Act 1974 and where appointment will be subject to a satisfactory DBS check.

Where the School enters into contracts with external organisations which employ staff for the provision of services on the School's behalf, it will ensure that the contractor's employment systems comply with this policy.

4. Spent Convictions

Managers will not ask about or take into consideration an applicant's spent convictions unless the application relates to a job which is exempt from the provisions of the Rehabilitation of Offenders Act or is covered by the legislation relating to the protection of children and vulnerable adults and their records.

Convictions become "spent" after a "rehabilitation period" has passed. The length of the rehabilitation period depends on the sentence given – not the offence committed or, in the case of a custodial sentence, the sentence served. **N.B. In the case of work with children, young people and vulnerable adults or their records, or for custodial sentences of more than 2.5 years, convictions can never become spent.**

Convictions which are not spent – Risk Assessment

All convictions which are not spent must be declared by applicants for work or volunteering. In all cases, where an applicant with un-spent convictions fulfils the requirements for a job sufficient to be short-listed, or is seriously considered for voluntary work, the appointing manager will, before deciding whether to shortlist the applicant, undertake and record a risk assessment, taking into consideration the nature, severity, frequency and timing of the convictions and the nature and requirements of the work.

Applicants for work and voluntary service with the School who have declared un-spent convictions will only be short-listed or appointed where the risk assessment carried out by the appointing manager indicates that the risks are judged to be low or where adequate supervision and management arrangements can be put in place to bring the risks down to an acceptable level. In all cases where appointments are made subject to conditions the appointing manager will obtain **prior** written agreement from the Headteacher.

The School recognizes the importance of appropriate and consistent managerial decision making. If in any doubt the appointing manager must seek advice prior to the invitation for interview from the Headteacher/Business Manager. Where appropriate the manager will discuss the convictions with the applicant to determine background information.

The line manager of the employee or supervisor of the volunteer will monitor conditional arrangements and review them during the probationary period and afterwards, at least annually. The appointing manager will, in the case of employees, inform the Business Manager, who will ensure a note is placed on the personal file. In the case of volunteers, he/she will keep a record of the conditions on another appropriate file. In each case a copy should be sent to the Business Manager.

5. Criminal Cases Pending

Where an applicant has criminal proceedings pending at the time an application for a job is made, full consideration will be given to the individual case before deciding on any offer of employment.

Special Checking Requirements for Employment and Voluntary Work with Children, Young People and Vulnerable Adults

All applicants, including casual, agency and interim workers, and volunteers who are selected to undertake work concerning children, young people and vulnerable adults or their records will be required to undergo a fresh check by the Disclosure and Barring Service (DBS) in accordance with the Disclosure Code of Practice and in addition to declaring any spent and un-spent convictions. Where an applicant has been living abroad checks will be carried out with the relevant countries. The types of work where applicants must be subjected to a DBS check are listed in the Criminal Justice Act 2003.

Appointees to employment or voluntary work with children, young people and vulnerable adults or with their records will not normally start work until a fresh satisfactory disclosure has been received from DBS.

Where it is necessary to allow service provision to continue, an appointee to work or volunteer with children and young people or their records may be permitted to start work prior to receipt of the fresh disclosure ONLY where a previous satisfactory DBS disclosure is available and where a risk assessment has been undertaken by the appointing manager and the appropriate senior line manager for the job.

The risks must be judged to be low with adequate supervision, management and monitoring arrangements in place to minimise the risks. This will include checking List 99 for all persons working in and with schools.

Employees working with children are likely to be re-checked during their employment, depending on their length of service.

In all cases where an appointee has started work subject to special conditions or has been re-checked, as soon as the DBS disclosure is obtained the appointing manager will assess the appointee's suitability to continue in the appointment in accordance with this policy. Where the employee's suitability is confirmed the appointing manager will notify the employee and the Business Manager who will record this decision. In cases where information is disclosed by DBS which the appointing manager judges renders the appointee unsuitable for work with vulnerable groups, or a re-check discloses information which the manager judges renders the employee unsuitable for work with vulnerable groups, he/she will immediately discuss the disclosure with the appointee/employee and take into consideration what he/she has to say on the matter. The manager will, in discussion with the Headteacher/Business Manager, as appropriate, re-deploy or suspend the appointee/employee from this type of work. Where the appointing manager judges, after proper consideration – including taking into account the employee's comments and representations - that the DBS disclosure renders him/her unsuitable to work with vulnerable groups he/she will agree with the Headteacher/Business Manager, as appropriate, an appropriate course of action which may lead to dismissal or redeployment of the employee concerned. Where employment is not ruled out by the DBS disclosure a risk assessment will be undertaken by the manager to assess the suitability of the employee for continued employment.

In cases where the DBS advise that a crime is currently under investigation, or if 'soft' information is disclosed which cannot be shared with the employee, special arrangements will be discussed and agreed with senior management, the police, other external adviser and the Headteacher/Business Manager, as appropriate.

The School is responsible for ensuring that their employees, governors, volunteers, visitors, contractors, and others who have access to children are adequately checked in line with current recommendations and for maintaining appropriate records.

6. Dishonesty in Making a Declaration

Where a prospective employee is not able to verify that his/her declaration of convictions is exhaustive he/she must obtain a schedule of these from DBS and submit this before appointment can take place.

Where a DBS check discloses convictions which have not been declared by an appointee the appointing manager will consider whether it is necessary to redeploy or suspend the employee from working and act accordingly. He/she will discuss the disclosures with the appointee and take into consideration what he/she has to say on the matter. Where the appointing manager judges, after proper consideration, that the appointee has acted dishonestly in not making a full declaration he/she will agree with the Headteacher/Business Manager, as applicable, an appropriate course of action which may lead to the dismissal of the appointee.

Where it becomes known that an employee may have a criminal record which he/she did not declare when asked, the line manager will consider whether to redeploy or suspend the employee and will act accordingly. Where it becomes known that an employee who works with children, young people or vulnerable adults has failed to disclose offences with respect to these vulnerable groups, this will normally lead to summary dismissal. The manager will agree with the Headteacher/Business Manager, as appropriate, to take appropriate action to check the validity of this information and, where appropriate, take action under either the Probationary Procedures or Disciplinary procedures.

Where the line manager judges that service users, the public, School funds or property may have been subject to significant risk of criminal action or abuse by an employee or volunteer an appropriate investigation must be undertaken. The line manager must bear in mind that secrecy from the individual may be important in investigating or detecting a crime and must straight away seek advice from the Headteacher, Child Protection, Business Manager, and other external adviser, as appropriate.

7. Records

The School will keep all records confidential and disclose them only on a need to know basis to appropriate persons in accordance with the School's Policy on Secure Storage, Handling, Use, retention and Disposal of Disclosures and Disclosure Information.

The School will comply with the Data Protection Act in respect of all records of criminal convictions. Where there is a conflict between disclosing information in possible contravention of the Data Protection Act and the safety of vulnerable groups a course of action will be agreed.

8. Review of Policy

This policy will be reviewed in May 2023.