



Policy Statement on the Recruitment of Ex-offenders

As a School using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Royal School for the Deaf Derby is fully compliant with the [DBS Code of Practice](#) and undertakes to treat all applicants for all positions fairly.

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar them from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

- the School receives an application from a disqualified person
- is provided with false information in, or in support of an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children

If the failure to disclose is discovered after employment has started, it may lead to summary dismissal on the grounds of gross misconduct.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a DBS check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;

- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the role involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the role involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud. Should the role involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

Recruitment Process

All positions within the School involve a degree of responsibility for the safeguarding and welfare of children. Therefore, all positions are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except those that are classed as protected offences. [Information on the DBS filtering rules can be found here.](#)

It is a condition of employment that the employee should not have been convicted of a criminal offence against children, nor have been dismissed from or resigned from a previous employer for misconduct of a similar nature.

The opportunity to make Royal School for the Deaf Derby aware of any criminal records is made on the self-declaration for shortlisted candidates and DBS application process. We encourage all applicants to provide details of their criminal record at an early stage in the application process. Any information provided should only be given to the Headteacher and will only be seen by those who need to see it as part of the recruitment process.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

DBS DISCLOSURE AND CRIMINAL INFORMATION

Where you have disclosed to us that you have committed a criminal offence, or where a DBS disclosure has revealed any criminal information, we will discuss any matter revealed in a disclosure with the person seeking the position and conduct an objective risk assessment to discuss the conviction(s) and circumstances. The outcome of the impact that this should have on employment will be communicated with the person concerned before withdrawing a conditional offer of employment.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS directly.