



## SELF-DECLARATION | SUITABILITY TO WORK WITH CHILDREN AND YOUNG PEOPLE

### SHORTLISTED CANDIDATES

The job you are applying for involves working with vulnerable children and young people. All shortlisted candidates must complete a self-declaration of their criminal record together with other information that may make them unsuitable to work with children in line with Keeping Children Safe in Education (as amended)

The vacancy for which you are applying requires you to undertake regulated activity where you are working with vulnerable adults or children, and is exempt from the Rehabilitation of Offenders Act 1974. Therefore, you are required to complete a Declaration of Offences on page 3. You must declare any convictions, cautions, reprimands and final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) or any proceedings pending against you.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

You do not need to disclose a conviction:

- If it is more than 11 years old (or more than 5.5 years old if you were under 18 at the time of the offence) AND
- It was your only offence AND
- It did not result in a custodial sentence.

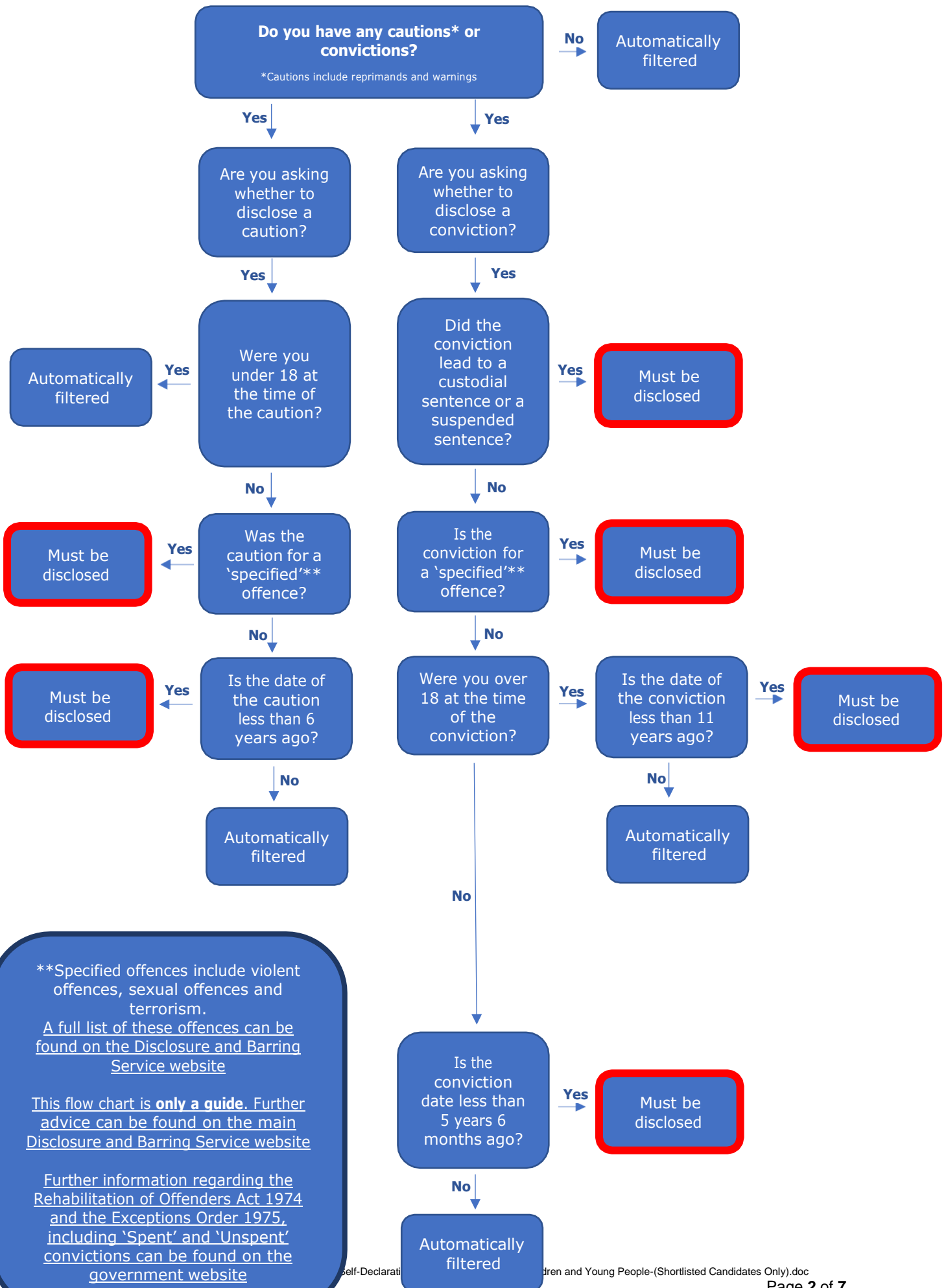
You do not need to disclose a caution:

- If it more than more than 6 years old (or more than 2 years old if you were under 18 at the time of the offence)

However, there are certain offences which are relevant to safeguarding that you will still need to disclose regardless of how long ago they were committed - a list of these 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>

Please also refer to the flow chart on **page 2**. All information you disclose is treated in the strictest of confidence and will only be considered if you are successfully appointed to the role for which you have applied.

# DBS Filtering Rules Flowchart – What should be disclosed?



\*\*Specified offences include violent offences, sexual offences and terrorism.

A full list of these offences can be found on the [Disclosure and Barring Service website](#)

This flow chart is **only a guide**. Further advice can be found on the main [Disclosure and Barring Service website](#)

Further information regarding the [Rehabilitation of Offenders Act 1974](#) and the [Exceptions Order 1975](#), including 'Spent' and 'Unspent' convictions can be found on the [government website](#)

## SELF-DECLARATION OF SUITABILITY TO WORK WITH CHILDREN AND YOUNG PEOPLE

<b>Have you ever been convicted of a criminal offence?</b>	Yes/No (please delete as appropriate).
If 'YES' please give details and dates	
<b>Are you included on the children's barred list?</b>	Yes/No (please delete as appropriate).
If 'YES' please give details and dates	
<b>Are you prohibited from teaching?</b>	Yes/No (please delete as appropriate).
If 'YES' please give details and dates	
<b>Are you known to the police and children's local authority social care?</b>	Yes/No (please delete as appropriate).
If 'YES' please give details and dates	
<b>Is there any relevant overseas information that may make you unsuitable to work with children and young people?</b>	Yes/No (please delete as appropriate).
For example: information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted	
If 'YES' please give details and dates	

<b>Print name</b>			
<b>Signed</b>		<b>Date</b>	

Please note, if you complete this form electronically you will be asked to sign a hard copy before employment is confirmed

## SELF-DECLARATION | DISQUALIFICATION UNDER THE CHILDCARE ACT 2006

### Who should sign this declaration?

You must declare any disqualifications under the Childcare Act 2006 if you have applied for a role which involves providing early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday, that is up to and including reception year) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary RSD Derby settings, or if they are directly concerned with the management of such childcare. Applicants for roles in RSD Derby Secondary Department only come in to scope if they provide childcare, or manage the childcare provision for those children covered by these arrangements. For example, if they host after-school childcare for children under 8.

This includes early years provision i.e. candidates applying for roles which provide any care for a child up to and including reception age. This includes education in nursery and reception classes or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by RSD Derby) both during the normal school day and outside of school hours for children in the early years age range.

Staff who apply for roles directly concerned in the management of early or later years provision are covered by the legislation. Typically these will be applicants for senior leadership roles and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

A list of relevant offences applicants must declare is at, <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006#relevant-offences> or click [here](#)

If you have a relevant offence you may wish to apply to Ofsted for a waiver. Information about how to do this is at, <https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers> or click [here](#)

Are you disqualified under the Childcare Act 2006?	Yes/No (please delete as appropriate).
If 'YES' please give details and dates	

<b>Print name</b>			
<b>Signed</b>		<b>Date</b>	

Please note, if you complete this form electronically you will be asked to sign a hard copy before employment is confirmed

## **Policy Statement on the Use of Criminal Record (DBS) DBS**

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Royal School for the Deaf Derby complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Royal School for the Deaf Derby is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates. We select all candidates for interview based on their skills, qualifications and experience. A DBS check is only requested after a thorough assessment of the role has taken place and has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.

## **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 positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

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 him/her 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 post 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 post 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.

If the post 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. We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

## **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.