



Wessex Gardens Primary and Nursery School

Recruitment of Ex-Offenders Statement

We believe that every child has the right to feel safe and to be protected from any situation or practice that could result in them being harmed. Each child's welfare is of paramount importance, and we are committed to safeguarding and promoting the welfare of all children in our care and we expect all staff, governors, placements and volunteers to share this firm commitment

We are committed to selection being an objective and informed process. We also have an obligation to take all necessary and available steps to ensure that staff employed or retained do not possess a criminal record which renders them unsuitable for employment with children. To meet our safeguarding obligations, an Enhanced Disclosure and Barring Service check (which may include a check of the barred list), including any relevant overseas checks, is undertaken as part of the recruitment process for all new staff.

Subject to the overriding consideration of protecting all children and others who access our site, Wessex Gardens Primary and Nursery School will make every effort to prevent unfair discrimination against those with criminal records in line with its equality policies and employment practices. This applies to all applicants applying for either paid employment or volunteering at the school, and is made available to all applicants at the outset of the recruitment process

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended 2013 and 2020) was introduced to ensure ex-offenders who have not re-offended for a period of time following the date of their conviction are not discriminated against when applying for employment. Under the provisions of this Act, applicants do not generally have to declare a previous conviction after a 'rehabilitation' period has passed. As Wessex Gardens Primary and Nursery School is an educational provider, it is permitted to ask whether an applicant has any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance, as defined by The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). It is a criminal offence for an individual who is barred from working with children to apply for a role which is classed as regulated activity (i.e. involves working with children)

Wessex Gardens Primary and Nursery School will not discriminate unfairly against applicants who have a criminal record. Only convictions, cautions, reprimands or final warnings which have not been filtered out in line with current statutory guidance and legislation will be taken into account when assessing an applicant's suitability for a position. Suitable applicants will not be refused positions because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying. All cases will be examined on an individual basis and will take the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- Age at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) provided.

- Whether the applicants' circumstances have changed since the offending behaviour.
- Whether or not the individual declared the conviction on their application

However, unspent convictions of violence, assault or damage to property, or an offence against a minor, are likely to be incompatible with working at Wessex Gardens Primary and Nursery School.

The 'Disclosure' system, provided by the DBS, will only be sought after a candidate has been provided with a conditional offer of employment. Staff dealing with and handling 'Disclosure' information have been trained and abide by the DBS's Code of Conduct and the requirements of the Data Protection Act. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020).

At interview, or in a separate discussion, the school will ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. The school also undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before considering the withdrawal of a conditional offer of employment. Failure to reveal information that is directly relevant to the position sought could also lead to withdrawal of an offer of employment. Any information which is provided to Wessex Gardens Primary and Nursery School as a result of a DBS check or disclosed by an individual regarding their criminal record, will be kept confidential.

Should a member of staff receive a conviction, caution, reprimand or final warning following the commencement of their employment, they are contractually obliged to submit details of the offence to the headteacher immediately.

If shortlisted for the position you will be asked to complete the school's Criminal Record Self-Declaration for Shortlisted Candidates form because the role you have applied for is exempt from The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). The information disclosed on this form will not be kept with your application form during the application process. Applicants are required to declare:

- All unspent convictions and conditional cautions
- All spent convictions and adult cautions that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

If you are unsure about whether you should disclose criminal information, you should seek legal advice. There are also organisations who are able to offer free impartial advice, including Nacro (<https://www.nacro.org.uk/>) and Unlock (<http://hub.unlock.org.uk/contact/>). You can also read the Department for Education's guidance on filtering via this link: <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>.

It is important that applicants understand that deliberate attempts to conceal the information requested in this form could result in disciplinary proceedings or dismissal.