



QUORN HALL
SCHOOL

Recruitment of Ex-Offenders Policy

Person Responsible: Headteacher

Last reviewed on: 1st May 2023

Next review due by: 1st May 2024

Created: Cavendish Centralised Policy

Revisions: 1st September 2022

Quorn Hall School is part of Newcome Education, which is owned and operated by Cavendish Education.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its pupils and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values:

- **'Levelling up'** – We want our children to be able to meet appropriate milestones and age related expectations, socially, emotionally and academically.
- **Thrive not survive** – We want our children to thrive in school and society, not just survive their adverse childhood experiences.
- **Confidence** – Develop confidence in their abilities and self image/esteem as learners and members of society.
- **Creativity** – Foster individuality and celebrate differences and create a compassionate and accepting environment. Provide tools that give pupils options, voice, and choice in order to enable them to be creative.
- **Competence** – In their ability to self-regulate and interact with different types of people and overcome the challenges and traumas from the past.
- **Character** – Develop resilience so they see failures or negative situations as a learning opportunity by implementing a growth mindset approach.
- **Compassion** – For pupils and the challenging circumstances they have encountered in both their personal and educational lives.
- **Care** – To overtly demonstrate to pupils that adults do care about them and their futures – every day is a fresh start.

While this current policy document may be referred to elsewhere in Quorn Hall School documentation, including particulars of employment, it is non-contractual.

In the school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the [Education Act 1996](#), which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance [Understanding and dealing with issues relating to parental responsibility \(Sept 2018\)](#) considers a 'parent' to include:

- all biological parents, whether they are married or not

- any person who, although not a biological parent, has parental responsibility for a child or young person – this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school employs the services of the following consulting companies to ensure regulatory compliance and the implementation of best practice:

- Peninsula BrightHR
- Peninsula BusinessSafe (Health and Safety)
- Atlantic Data/Due Diligence Checking Ltd (DBS)
- Educare / National College (online CPD)
- SchoolPro (data protection)
- Marsh Commercial (insurance)
- Neotas (Online searches / Social Media checks)

Quorn Hall School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Quorn Hall School.

The policy documents of Quorn Hall School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

1. General points

- 1.1.** Quorn Hall School will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. The school makes appointment decisions based on merit and ability. If an applicant has a criminal record, this will not automatically bar them from employment with the school. Each case will be decided on its merits, using the Risk Assessment template below, in accordance with the objective assessment criteria.
- 1.2.** All positions within the school are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.
- 1.3.** A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose 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.
- 1.4.** It is unlawful for the school to employ anyone who is barred from working with children.
- 1.5.** It is a criminal offence for any person who is barred from working with children to apply for a position at the school.
- 1.6.** All applicants for all jobs are required to complete an ex-offenders declaration form.
- 1.7.** All appointed staff are made aware during the Induction Process of their obligation to inform the school of any cautions or convictions that arise subsequent to any checks.
- 1.8.** Quorn Hall School will make a report to the Police and / or the DBS / and or other relevant agency if:
 - 1.8.1.** it receives an application from a barred person
 - 1.8.2.** it is provided with false information in, or in support of an applicant's application
or
 - 1.8.3.** it has serious concerns about an applicant's suitability to work with children

2. Assessment criteria

- 2.1.** 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 disclosure check, the school will consider the following factors before reaching a recruitment decision:
 - 2.1.1.** the extent to which the conviction or other matter revealed is relevant to the position in question
 - 2.1.2.** the seriousness of any offence or other matter revealed
 - 2.1.3.** the length of time since the offence or other matter occurred
 - 2.1.4.** whether the applicant has a pattern of offending behaviour and / or other relevant matters
 - 2.1.5.** whether, if relevant, the applicant's circumstances have changed since the offending behaviour
 - 2.1.6.** the circumstances surrounding the offence and the explanation(s) offered by the applicant.
and
 - 2.1.7.** other relevant matters
- 2.2.** If the post involves regular or irregular contact with or access to 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; or serious class A drug related offences, robbery, burglary, theft, deception or fraud.
- 2.3.** 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.
- 2.4.** If the post involves 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 or other equivalent driving offence within the last ten years.

3. Assessment procedure

- 3.1.** Where an applicant discloses conviction(s) before interview, interviewers must seek to establish the facts during the interview and, if necessary or appropriate, arrange to investigate the matter further.

- 3.2. Where conviction(s) are not disclosed prior to interview, the candidate will either be i) discounted or ii) called to a further interview at which all relevant facts will be established. Subsequent to this, all of the risk factors must be formally evaluated before a decision is made to offer or confirm a position.
- 3.3. If (during or subsequent to the appointment process) a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the Headteacher, Compliance Lead and/or HR Lead to discuss the conviction(s) and circumstances. Following this meeting a risk assessment will be carried out and a decision made and communicated to the person concerned. For safer recruitment purposes, until this decision has been made the applicant will not commence employment. The risk assessment may indicate that the school should not proceed or continue with the employment of the individual.
- 3.4. If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the school may, where practicable and wholly at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information with the DBS.
- 3.5. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or is obtained through a disclosure check, the school will carry out a risk assessment (see below) by reference to the criteria set out above. The risk assessment form must be signed off by the Headteacher before a position is offered or confirmed. The risk assessment form is to be permanently retained on the relevant staff file.

Risk Assessment for Recruitment of Ex-Offenders

Use this Risk Assessment template:

- if an applicant volunteers information on a former offence,
- if you become aware of a former offence by another route
- or if you have another comparable concern.

Name of applicant:

Name of person responsible for processing this Risk Assessment:

Date of Risk Assessment:

Whenever you have occasion to complete a copy of this Risk Assessment, you must share it with the [People Director](#) before finalising your decision.

| | Event | Action | Profile |
|---|--|--|---------|
| 1 | An applicant volunteers information on a former offence | Confirm this information via relevant check(s). Log the details in the "Profile" cell (right). As appropriate: consider line 2, or go to the EV (evaluation) lines below. | |
| 2 | Ignoring the issue of the previous offence [ref Line 1 above], the candidate would be seriously considered | Cross-check the volunteered information against the DBS report, and detail the correspondence (or otherwise) of the accounts in | |

| | | | |
|---|---|---|--|
| | for appointment | the “Profile” cell (right). Go to line 3. | |
| 3 | An applicant’s name appears on a barred list. OR An applicant’s DBS shows up a previous offence which had not been declared by them, and they admit trying to conceal the offence. OR The school has serious concerns about an applicant’s suitability to work with children. | If any of this line applies, the application is discarded. In reaching this decision, complete the EV lines below. Consider referring the case to the police / DBS; record these deliberations and their outcome. Referral is the usual outcome in these cases. Log the details in the “Profile” cell (right). If none of this line applies, go to line 4. | |
| 4 | An applicant’s DBS shows up a previous offence which had not been declared by them, but there is a fully justified and evidenced explanation of the non-declaration. | Log the details in the “Profile” cell (right). Go to the EV lines below. If there is a dispute between the applicant and the DBS, go to line 5. | |
| 5 | An applicant’s DBS shows up a previous offence which had not been declared by them, they dispute the DBS record and are to | EITHER discard the application and then record the decision and its rationale in the “Profile” cell (right). OR, as a matter of absolute discretion, defer a final | |

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| | dispute it with DBS. | <p>decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information with the DBS and then, if appropriate, go to Line 4. Log the details in the “Profile” cell (right). In reaching either decision above (discard or defer), go to the EV lines below.</p> | |
| 6 | Complete, review and annotate the EV “Profile” cells below. | | |
| 7 | <p>Assess the risk posed by the applicant, as follows:</p> <ul style="list-style-type: none"> • against each criterion, use the following evaluation categories: <ul style="list-style-type: none"> ○ High: there is an expectation that the offence concerned may be repeated OR the nature of the offence concerned poses an unacceptable risk within the school ○ Medium: while there is not a specific expectation that the offence concerned may be repeated, there is a concern that the school should not engage in the potential risk presented ○ Low: the risk with the applicant involved is not substantively different from the risk from other (non-involved) applicants • Where a “High” or “Medium” risk is identified in any area of the assessment, then the application must be discarded and due (and recorded) consideration must be given to referral(s). • Where all areas of the assessment identify a “Low” risk as defined, the application should be processed in the usual way, which may or may not result in appointment. • If an assessed “Low” risk applicant is appointed, the risk must be formally reviewed (and the review recorded on file) annually for the first five years after appointment. | | |

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| E V | Evaluation process (complete each relevant “Profile” cell) | Profile (in the cells below, include your commentary <i>and</i> your assessment of High / Medium / Low Risk) |
| E V A | Is the conviction or other matter revealed relevant to the position in question? Complete the “Profile” cell right. | High / Medium / Low |
| E V B | What is the seriousness of any offence or other matter revealed? Complete the “Profile” cell right. | High / Medium / Low |
| E V C | What is the length of time since the offence or other matter occurred, and what is the implication of that length of time? Complete the “Profile” cell right. | High / Medium / Low |
| E V D | Is there any indication that the applicant has a pattern of offending behaviour or other relevant matters? Complete the “Profile” cell right. | High / Medium / Low |
| E V E | Have the applicant's circumstances changed since the offending behaviour or other relevant matters in a way that impacts on the recruitment deliberation? Complete the “Profile” cell right. | High / Medium / Low |
| E V F | What were the circumstances surrounding the offence or incident, and what explanation(s) has the applicant offered? Complete the “Profile” cell right. | High / Medium / Low |

| | | |
|-------------|---|---------------------|
| E V G | <p>Does the post involve regular access to and/or contact with children where there is a relevant offence? Complete the "Profile" cell right.</p> | High / Medium / Low |
| E V H | <p>Does the post involve access to money or budget responsibility where there is a relevant offence? Complete the "Profile" cell right.</p> | High / Medium / Low |
| E VI | <p>Does the post involve driving responsibilities where there is a relevant offence? Complete the "Profile" cell right.</p> | High / Medium / Low |

Record your decision and its rationale in this Box, and date and sign it.