



# Policy on the Employment of Ex-Offenders

*A Whole-School policy including EYFS*

<b>Owned by:</b>	HR
<b>Approved by:</b>	Fergus Llewellyn, Headmaster
<b>Published Date:</b>	February 2024
<b>Next review:</b>	February 2025
<b>Any changes made to this policy are highlighted in Yellow. Previous policies are in the archives folder.</b>	
Reviewed annually or with government change.	

**Document Status:**

**Type of Document:** Policy and Procedure

**Owner:** Human Resources

**Published Date:** September 2023

**Author:** Head of Human Resources

1.1 Cumnor House School, Sussex, (hereafter referred to as “Cumnor”) will not unfairly discriminate against any candidate for employment on the basis of a conviction or other details revealed. Cumnor 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 Cumnor. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below;

1.2 An Enhanced DBS certificate will always include:

- Convictions that resulted in a custodial sentence
- “specified offences” where they resulted in a conviction, or
- An adult caution regardless of when they were received.

A full list of “specified offences” can be found on the DBS website.

1.3 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.

1.4 As a result of the amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now ‘protected’ or ‘filtered’ convictions or cautions and should not be disclosed or included on a DBS Disclosure Certificate. Information volunteered by an applicant related to ‘protected’ convictions and cautions will be disregarded.

1.5 Furthermore, there may be occasions where the police choose to disclose information relating to a protected caution or conviction along with the Enhanced Disclosure where it is considered relevant to the role that the individual has applied for. This information will be taken into account as part of the vetting process.

1.6 Under the relevant legislation, it is unlawful for Cumnor 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 Cumnor to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

- 1.7 It is also unlawful for Cumnor to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018).
- 1.8 Failure to disclose a previous conviction may lead to an application being rejected or an offer of employment withdrawn. Where it is discovered, after employment has started that an individual did not disclose a criminal record, this may lead to disciplinary action being taken. A failure to disclose a previous conviction may also amount to a criminal offence.
- 1.9 It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within Cumnor. Cumnor will report the matter to the Police and/or DBS if:
- Cumnor receives an application from a disqualified person;
  - Is provided with false information in, or in support of, an applicant's application; or
  - Cumnor has serious concerns about an applicant's suitability to work with children
- 1.10 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, Cumnor 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
  - Was the offence committed when the person was a juvenile or an adult?
  - Does the post involve any direct responsibilities for property, finance or items of value?
- 1.11 If the post involves access to money or budget responsibility, it is Cumnor's normal policy to consider it is a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

- 1.12 If the post involves some driving responsibilities, it is Cumnor's normal policy to consider it a high risk to employ anyone who has been convicted of drunk driving.