

## Recruitment of ex-offenders

- Keswick School is committed to equality of opportunity for all job applications and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and where appropriate, qualifications and training.
- However, Keswick School is an exempt employer as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, the school is a regulated activity provider and for most posts, we have a statutory duty to check that the individual is not barred from regulated work with children and / or adults.
- **Note: It is an offence to apply for a post/role if the applicant is barred from engaging in regulated activity relevant to children or vulnerable adults.**
- The safeguarding of children and vulnerable adults is of paramount importance to us and the scrutiny of any unspent cautions or convictions and those which would not be protected under the Ministry of Justice filtering rules is an essential and non-negotiable part of the pre-employment check process.
- Keswick School will consider ex-offenders for employment on their individual merits.
- Keswick School will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.
- During the recruitment process, we will ask shortlisted job applicants to disclose any unspent cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions. The successful applicant will be asked to apply for an enhanced DBS certificate.
- As a regulated activity provider (RAP) almost all paid employees and volunteers at Keswick School are in regulated activity and therefore subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s).
- If an applicant has a caution or conviction that is unspent and if the nature of the offence is relevant to their suitability for the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.
- Keswick 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;

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- 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 or offending behaviour or other relevant matters;
- Whether the applicant’s circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- If the post involves regular contact with children, it is normal to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences:
  - Murder, manslaughter, rape, other serious sexual offences, actual/grievous bodily harm or other serious acts of violence; or serious drug related offences, robbery, burglary, theft, deception or fraud.
- Keswick School will ensure that an open and measured discussion takes place on the subject of any offences or related concerns that might be relevant to the position. Failure to reveal information that would not be filtered could lead to withdrawal of an offer of employment.
- If the DBS check reveals any matching information against the DBS barred list(s) or any criminal conviction which precludes them from working with children the applicant is deemed non-appointable. In this circumstance, we would notify the Local Authority Designated Officer in line with the local multi-agency procedures.
- As a result of amendments to the Rehabilitation of Offenders Act in 2013 and 2020, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be taken into account by potential employers. We encourage all applicants to use the flowchart included as part of the recruitment pack (provided by Nacro) and to seek legal or impartial advice before completing their self-disclosure. We will not take into account any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.
- Keswick School is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the General Data Protection Regulations and the Data Protection Act 2018. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment and/or safeguarding purposes and will not be disclosed to any unauthorised person.

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