

AIRE VIEW INFANT SCHOOL
THE RECRUITMENT OF EX-OFFENDERS
POLICY STATEMENT – July 2017

This is to be included in the Safer Recruitment Policy when next reviewed.

Introduction

Aire View Infant School recognises the importance of ensuring equality of opportunity in its employment practices and is committed to eliminating unfair discrimination when employing people with criminal records. The school's Equality Policy supports this commitment.

The Rehabilitation of Offenders Act 1974

The Act provides that anyone who has been convicted of a criminal offence and who is not convicted of a further offence during the specified period becomes a 'rehabilitation person' and his/her conviction becomes spent.

This means that the conviction does not have to be declared when applying for a job. The rehabilitation period depends on the sentence and runs from the date of conviction. A conviction resulting in a prison sentence of more than 30 months can never become spent.

Under the Act, a spent conviction, or failure to disclose a spent conviction or any circumstances connected with it, is not a proper ground for dismissing or excluding a person from employment.

The Rehabilitation of Offenders (Exceptions) Order 1975

There are some exceptions to the Act detailed in the Exceptions Order of 1975, which, broadly relate to work with children, sick, elderly or disabled people and the administration of the law. Where an exception applies an individual must, if asked, disclose all convictions, including spent ones.

Disclosure

Part V of the Police Act 1997 enables employers to access relevant conviction information for applicants successful at interview. This process is called Disclosure. For posts covered by the Exceptions Order, Aire View Infant School will be able to access information regarding both spent and not spent information regarding the applicant's suitability for work with children, vulnerable people and in excepted professions.

Appointment Process

Aire View Infant School is committed to the principle of making appointments on merit and will focus on a person's abilities, skills, experience and qualifications. When considering an applicant with a criminal record the school will consider the relevance of the convictions to the job for which the person is applying. In considering this relevance the school will explore:

- The circumstances leading up to the offence
- Whether the individual has committed repeat offences

- The nature and seriousness of the offence
- The length of time since the offence took place
- The nature of work the individual will be involved, including their exposure to money, property and vulnerable people
- The extent to which the person will be supervised
- The individual's attempts not to re-offend
- The potential risks associated with employing the person in the post

The School does not necessarily see a criminal record as a bar to employment. This will depend on the nature of the position and the circumstances and background of the offence.

Ensuring the Appropriate Use of Disclosure

The School will make it clear on the Application for Employment where a post is subject to the provisions of the Exceptions Order and where there is a requirement to declare spent convictions and a standard or enhanced disclosure will be sought. In no other circumstances will questions relating to spent convictions be asked.

The School will only request a Disclosure where it is considered both proportionate and relevant to the position concerned.

Failure to disclose a criminal record

Failure to disclose unspent and/or spent convictions when required on the Application for Employment will be considered a serious matter and may lead to an offer of employment being withdrawn, disciplinary action or even dismissal. However, the matter will be discussed with the applicant/employee prior to any decisions being made.

Confidentiality

Any information requested and provided regarding criminal records will be treated confidentially and with discretion. Access to criminal record information will be treated confidentially and with discretion. Access to criminal record information will be on a need-to-know basis and information will be stored confidentially and in accordance with the Data Protection Act.

Communication of this Policy

The School will undertake to ensure that key employees receive appropriate training about their personal roles and responsibilities in this area. In addition, specific training will be provided on assessing risks associated with employing those with criminal records, identifying safeguards and making balanced objective judgements.