

POLICY ON THE RECRUITMENT OF EX- OFFENDERS & SECURITY OF DISCLOSED INFORMATION

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| <p>Policy Owner</p> <p>Human Resource Manager</p> | <p>Applies to</p> <p>Prior Park Schools (Trust Wide)</p> | <p>Superseded documents</p> <p>Policy 2016</p> |
| <p>Associated documents</p> <p>Safer Recruitment Policy Equal Opportunities Policy Data Retention and Destruction Policy</p> | <p>Review frequency</p> <p>Every two years (unless the legislation/regulations update before this time)</p> <p>Implementation date</p> <p>1 November 2020</p> | <p>Legal Framework</p> <p>Rehabilitation of Offenders Act 1974, Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023), Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) and guidelines set out by the GDPR (2018).</p> |

1. Introduction

Prior Park Schools (PPS) comprises three schools. Two of those schools, Prior Park College (PPC) and The Paragon School (TP) are incorporated in England as Prior Park Educational Trust Ltd. The third school, Prior Park School Gibraltar (PPSG), is incorporated in Gibraltar as Prior Park School Ltd. Both are companies limited by guarantee and registered charities.

2. Scope

It is vital that people who take up appointments with Prior Park Schools (PPS) do not pose a risk to the children in their care. There is therefore a need for PPS to apply for and review any criminal records of successful applicants for positions, and to carry out other checks, before making a formal appointment. PPS are registered with the Disclosure and Barring Service (DBS) for the purposes of making these checks on potential occupants of all paid and voluntary posts.

3. Policy

PPS fully complies with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The confidential and personal information, known as Disclosure from the DBS, must be protected and must not lead to discrimination against any subject of a criminal record check on the basis of a conviction or other information revealed.

PPS is committed to the equal opportunity and fair treatment of their staff, potential staff, parents and students, regardless (and as appropriate) of sex, marital status, gender, gender reassignment, sexual orientation, race, religion or belief, age, disability, pregnancy and maternity, responsibilities for dependents or offences in their background.

Leading statutory authorities relating to this policy are Rehabilitation of Offenders Act 1974, Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023), Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) and guidelines set out by the GDPR (2018).

a. Disclosure

There are two grades of Disclosure, Standard and Enhanced. As working in a School means that any member of staff could potentially have a high degree of contact with children, it is therefore considered essential for all members of staff to have an Enhanced DBS check. PPS will seek the applicant's agreement to make a joint online application to the DBS. The cost of the Enhanced Disclosure will be borne by PPS.

The Rehabilitation of Offenders Act 1974 does not apply to any appointments at PPS. Therefore applicants must declare all of their criminal record including cautions, convictions, police reprimands or final warnings even if they are "spent" under that Act, other than protected cautions or protected convictions, as outlined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198). The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Further information on protected disclosures can be found on <https://www.gov.uk/government/collections/dbs-filtering-guidance>

The minimum age for applying for a DBS certificate is 16.

When submitting an application form, applicants are requested to provide details of their criminal convictions, cautions reprimands and final warnings, spent and unspent. Applicants should please note that the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website. www.gov.uk/dbs

This information should be sent under separate, confidential cover to the Designated Safeguarding Lead. Once seen, the information will be disposed of in a secure, confidential manner. Access to this information will only be granted for those who need to see it as part of the recruitment process.

Upfront disclosure of a criminal record may not debar applicants from appointment, as we will consider the nature of the offence, how long ago and at what age it was committed along with any other relevant factors.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify you for appointment or result in summary dismissal if the discrepancy comes to light subsequently. Failure to declare material facts may also lead to possible referral to the police and/or DBS and other relevant authorities.

In all circumstances, it will also be a condition of employment that successful applicants are checked on the Prohibition Register on the Teaching Regulation Agency website. This provides details of those who are recorded as being prohibited from teaching or working in schools. Failure to have made a disclosure of an offence which subsequently comes to light through the checking of this prohibition website, will lead to withdrawal of an offer of employment, immediate dismissal and / or referral to the police or other relevant authorities.

A copy of this policy is sent to all applicants. The DBS Code of Practice is available on request and more information can be obtained from <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

b. Response to a disclosure

The DBS may reveal a conviction or other information. In that case, PPS's policy is to consider the following factors:

- Whether the conviction or other information disclosed is relevant to the position in question.
- The circumstances, nature and seriousness of the offence or other matter revealed.
- The length of time since the offence or other matter occurred.
- In the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification.
- 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 the other relevant matters.
- The circumstances surrounding the offence or incident and the explanation(s) offered.
- Country of conviction
- Decriminalisation

Any matters revealed in Disclosure information will be discussed with the person seeking the position before any withdrawal of an offer of employment.

c. Storage and Access

As an organisation using the DBS Disclosure service to help assess the suitability of applicants for positions of trust, PPS comply fully with the DBS Code of Practice for the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. PPS also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Disclosure information is never kept on an applicant's personnel file; rather it is always kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

d. Handling information

In accordance with current legislation, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. On occasions it may be necessary to inform the Head, Director of Operations and Finance and / or the Designated Safeguarding Lead of some of the contents of a Disclosure for an applicant in their departments.

e. Usage

Disclosure information is only used for the specific purpose for which it was requested (i.e. the safe recruitment of staff, contractors, volunteers working in PPS) and for which the applicant's full consent has been given.

f. Retention and Disposal

The unique certificate number, along with the issue date shown on each Disclosure certificate is recorded on the information sheet at the front of individual staff files and on the schools' Central Registers. Once a recruitment (or other relevant) decision has been made, PPS does not keep certificate information for unsuccessful candidates any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, the applicant will be informed and PPS will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Once the retention period has elapsed, PPS will ensure that any DBS certificate information is immediately destroyed by secure means. PPS will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, PPS may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique certificate number of the certificates and the details of the recruitment decision taken.