POLICY ON RECRUITMENT OF EX-OFFENDERS & DISCLOSURES OF CONVICTIONS BY CURRENT EMPLOYEES

(This policy applies to the whole College including EYFS)

Policy owner:	Head of HR
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Section 1 Recruitment of Ex-Offenders

Under the Rehabilitation of Offenders Act 1974 all positions within St Columba's College and Preparatory School (The College) are exempt. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply. 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after employment has started, may lead to summary dismissal on the grounds of gross misconduct or the job offer being withdrawn. A failure to disclose a previous conviction may also amount to a criminal offence. It is unlawful for the College to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the College. The College will make a report to the Police and/or the LADO, in the first instance, if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

A subsequent referral to the DBS and/or the Teaching Regulation Agency (TRA) may also become necessary.

The College is entitled to carry out Enhanced Disclosure checks for all staff and volunteers once an offer is made. St Columba's College will make this clear on the application form, job advert and any other information provided about the post. On application, all candidates will be clearly asked to declare any previous convictions and cautions not filtered in line with current guidance whether current or spent.

St Columba's College undertakes to treat all job applicants and volunteers for positions within the organisation fairly and not to discriminate unfairly against the subject of disclosure based on conviction or other information revealed. The College makes appointment decisions based on merit and ability.

Shortlisted applicants with previous unfiltered convictions will be requested to provide the details on a Criminal Records Self-Declaration form provided to the Head of HR. The information will only be accessed at interview stage, and the candidate will be given the opportunity to present their view of the situation surrounding the conviction. At interview the College will ensure that open and measured discussions can take place regarding any offences. Notes will be taken and used to prepare any associated risk assessment prior to the offer of appointment. Failure to reveal information at application and interview could lead to withdrawal of an offer of employment or the offer of voluntary work.

Section 2 Risk Assessments for New Employees and Volunteers

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 Headmaster, Head of Prep or Bursar (for support staff) will consider the following factors before reaching a recruitment decision:

a. Whether the conviction is relevant to the position being offered;
b. 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);
c. The seriousness of the offence or other matter revealed;
d. The length of time since the offence or other matter took place;
e. Whether the applicant has a pattern of offending behaviour or other relevant matters;
f. Opportunities within the role to re-offend;
g. The location of the offence as some activities may be an offence in Scotland but not in England for example;
h. Whether the offence has since been decriminalised by Parliament;
i. The degree of remorse expressed by the applicant and their motivation to change;
j. Whether the applicant's circumstances have changed since the offending matters or other relevant matters took place.

The majority of the College's posts involve regular contact with children. Therefore, it is normally the College's policy to consider it a high risk to employ anyone who has been convicted at any time for any of the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- Class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is normally the College's policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is normally the College's policy to consider it a high risk to employ anyone who has been convicted of a serious driving offence within the last five years, including careless driving, being under the influence of alcohol or drugs while driving, major speeding offences.

The College will ensure that all staff involved in the recruitment process of staff and volunteers are aware of this Policy and have the relevant training and support. The College will undertake to make a copy of this Policy available to any applicant or volunteer who enquires about a post within the College.

Section 3 Disclosure of Convictions by Current Employees

Existing employees are required to disclose any new convictions during the course of their employment. New employees will be advised of this expectation during the induction process and reminders will be issued to staff annually. The College seeks to create an ethos of a safe culture with ongoing vigilance which will be maintained throughout the employment relationship.

Section 4 Employee and Volunteer Obligations

Employees and regular volunteers are expected to advise the Headmaster, Head of Prep or Bursar (for support staff) and the Chair of Governors in respect of the Headmaster, of any new convictions, cautions or reprimands issued during their employment (which wouldn't be filtered in line with current guidance), regardless of how minor they are considered to be. The expectation would be that the employee advises the College as early as possible for example at the point of being interviewed by the police in connection with alleged criminal conduct or arrested. The Head of HR is able to advise which allegations or convictions are not able to be dealt with any further by the College in line with current DBS filtering guidance for example as an employer St Columba's College is not legally authorised to ask any questions about convictions which have or would be filtered.

Likewise, should a relevant employee become disqualified through the disqualification regulations they must advise the College as early as possible which is to say before any audit process.

Section 5 Considerations

Where a new conviction is disclosed, a full appraisal of the situation will be carried out by the Headmaster, Head of Prep or Bursar (for support staff) including whether the conviction is relevant to the post and an assessment of the risks involved. Where there is a significant risk the College may consider the introduction of safeguards, moving the employee to an alternative role or dismissal. Depending on the nature of the new conviction, it may be appropriate to suspend the employee while the matter is investigated. In the case of a disclosure in line with Childcare Disqualification Regulations the employee will need to be suspended immediately in line with KCSIE guidance. St Columba's College may subsequently seek a waiver through Ofsted.

Disclosure of a matter which does not, in the reasonable opinion of the College, affect the employee's ability or suitability to carry out their role will not usually lead to any disciplinary or other action being taken.

Should a new conviction be disclosed by any member of staff, the College is under a legal obligation to report the matter to the Disclosure and Barring Service and, in the case of teachers, to the Department of Education.

It may be the case that the local Safeguarding Board advise the College of a safeguarding issue relating to a member of staff. In such instances the College would immediately investigate the matter with the employee concerned in line with the above.

Section 6 Withholding Information

If it is believed that an employee deliberately held information about a new conviction or disqualification the Headmaster, Head of Prep or Bursar (for support staff) may consider investigating and dealing with the matter via the disciplinary procedures which could result in dismissal.

Section 7 Data Protection

The College is legally required to carry out the pre-appointment checks outlined in this procedure. Staff and prospective staff and volunteers will be required to provide certain information to the College to enable it to carry out the checks that are applicable to their role. The College will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency (TRA). Failure to provide requested information may result in the College not being able to meet its employment, safeguarding or legal obligations. The College will ensure that personal sensitive data will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act (2018). Please refer to the College's Data Protection Privacy Notice (Recruitment) and Privacy Notice (Staff) for further details.

Section 8 Clarification

If any part of this Policy is unclear, please get in touch with the Head of HR.

The Policy will be updated in line with any changes made to KCSIE, Safer Recruitment in Education regulations or ISI guidelines. Any updates will be communicated as appropriate with relevant checks (on both new staff and retrospectively)