



Recruitment of Ex-Offenders Policy

September 2023

1.0 INTRODUCTION

- 1.1 Rugby School Group will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. Rugby School Group makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment within the Group. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph below.

2.0 SCOPE

- 2.1 All positions within Rugby School Group are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those, which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.
- 2.2 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. A failure to disclose a previous conviction may also amount to a criminal offence.

3.0 PURPOSE

- 3.1 It is unlawful for Rugby School Group 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 apply for a position with Rugby School Group. The Group will make a report to the Police and / or the DBS 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.

4.0 ASSESSMENT CRITERIA

- 4.1 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, Rugby School Group will consider the following factors before reaching a recruitment decision:
- whether the conviction or other matter revealed is relevant to the position in question;
 - 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; and

- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

4.2 If the post involves regular contact with children, it is Rugby School Groups normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

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

4.3 If the post involves access to money or budget responsibility, it is Rugby School Groups normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the robbery, burglary, theft, deception or fraud.

4.4 If the post involves some driving responsibilities, it is Rugby School Groups normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

5.0 ASSESSMENT PROCEDURE

5.1 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, Rugby School Group will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Chief Operating Officer (COO) and/or the Head Master/Deputy Head of Rugby School/ Bilton Grange before a position is offered or confirmed.

5.2 If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, Rugby School Group may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

6.0 RETENTION AND SECURITY OF DISCLOSURE INFORMATION

6.1 Rugby School Group's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information in particular, the Group will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. Rugby School Group will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and

- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

7.0 RETENTION OF RECORDS

- 7.1 Rugby School Group is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Group will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to remain in the UK, medical fitness and qualifications. Medical information may be used to help Rugby School Group to discharge its obligations as an employer e.g. so that the Group may consider reasonable adjustments if a staff member suffers from a disability or to assist with any other workplace issue.
- 7.2 This documentation will be retained by Rugby School Group for the duration of the successful applicant's employment with the Group.
- 7.3 If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.
- 7.4 The same policy applies to any suitability information obtained about volunteers involved with Rugby School Group activities.

8.0 REFERRALS TO THE DBS AND TEACHING REGULATION AGENCY (TRA)

- 8.1 This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks Rugby School Group also has a legal duty to make, a referral to the DBS in circumstances where an individual:
- has applied for a position within the Group despite being barred from working with children; or
 - has been removed by the Group from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, Rugby School Group may also decide to make a referral to the TRA (previously known as National College for Teaching and Leadership).

9.0 BREACHES

- 9.1 Breaches of this policy by any staff member will be dealt with in accordance with the Discipline Policy and Procedure.

10.0 STATUS

- 10.1 This policy is intended only as a statement of Rugby School Group policy. It does not form part of the contract of employment and has no contractual effect.

11.0 RELATED POLICIES

Equality, diversity and inclusion policy
Pre-employment and Vetting Policy
Safer Recruitment and Selection Policy

12.0 FURTHER INFORMATION

Further information and guidance regarding this policy or its application can be obtained from the HR Department; hr@rugbyschool.net