

Royal Alexandra & Albert School



Policy on the Recruitment of Ex-offenders and Handling of Disclosure Information

This policy has been reviewed by Peter Dawson, Bursar
Approved by the Staff Matters Committee on 12 March 2019
It is next due for re-approval during the Spring Term 2022

Policy Statement on the Recruitment of Ex-Offenders

General Principles

As an organisation using the Disclosure & Barring (formerly CRB) checking service (“DBS”) to assess applicants' suitability for positions of trust, the School complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any individual on the basis of a conviction or other information revealed.

This policy on the recruitment of ex-offenders should be made available to all DBS applications at the outset of the recruitment process as well as to individuals who, either at the start of their employment or during its course, give consent for online Status Checks to be undertaken on their DBS Certificate via the Update Service.

Equalities

The School is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and will consider applications from a wide range of candidates, including those with criminal records. All candidates should be selected for interview based on their skills, qualifications and experience.

Undertaking DBS checks

A DBS check (whether new or via the Update Service) is only requested after it has been clearly identified that one is both proportionate and relevant to the position concerned. For those positions where a check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested as part of the recruitment process.

Where a DBS check is to form part of the recruitment process, we require all applicants to provide details of any unspent convictions, cautions, warnings or reprimands at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person with the School and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

In undertaking enhanced or standard DBS checks the School are allowed to ask questions about an individual's entire criminal record, including asking about 'spent' convictions as defined in the Rehabilitation of Offenders Act 1974.

The school ensures that all who are involved in the DBS process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. However, where an individual fails to reveal previous convictions, include 'spent' convictions, or any other relevant information this could lead to withdrawal of an offer of employment or termination of their employment, regardless of the relevance of the conviction to the nature of their employment.

A DBS check will be required for the adult family members (i.e. those aged 16 or over) of members of staff who will be resident on site. Members of staff resident on site are required to advise the Headmaster, if they are aware, that a member of their household has committed a criminal offence. Members of staff resident on site are required to advise the Bursar when a member of their household reaches the age of 16.

The DBS have a Code of Practice for registered bodies and other recipients of DBS check information and this is available on request.

Dealing with criminal record declarations and positive DBS checks

Having a criminal record will not necessarily bar an individual working in the role they have applied for. This will depend on the nature of the position and the circumstances and background of their offences. Where convictions or other relevant information is revealed a full risk assessment will be undertaken which will take into account a range of factors including the following:

- Whether the offence is related to children or adults
- The nature and seriousness of the offence
- The relevance of the offence to the individual's duties
- Whether the offence is spent under the Rehabilitation of Offenders Act
- Whether the offence is a 'one-off' or is part of a history of offending
- The length of time since the offence(s) took place
- The individual's age at the time of the offence(s)

Before any decision is taken as to whether or not any matter revealed in a DBS check would lead to withdrawing a conditional offer of employment or, if an individual has already commenced work, the contract of employment is to be terminated, the risk assessment will be discussed with the individual concerned.

Handling of Disclosure Information

Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information

General principles

As an organisation using the Disclosure & Barring (formerly CRB) checking service (“DBS”) to help assess the suitability of applicants for positions of trust, the School complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. It also complies fully with its obligations under the General Data Protection Regulation, Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information.

Storage and access

Paper disclosure information should be kept securely, in lockable, nonportable, storage containers. Electronic disclosure information is held within secure password protected systems. Access to all disclosure information is strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom DBS information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, disclosure information is not kept for any longer than is necessary. This includes copies of any documents that have been used to verify an individual's ID. 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 disclosure information for longer than six months, we will consult the DBS about this and 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.

The only exception to the above is where a document has also been used to verify an individual's right to work in the UK, e.g. passport. A copy of such documentation must be kept on the employee's personal file.

Disposal

Once the retention period has lapsed, we will ensure that any DBS information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, DBS information will be kept in a secure receptacle (e.g. confidential waste sack). We will not keep any photocopy or other image, including electronically, of the DBS certificate or any copy or representation of the contents. However, notwithstanding the above, we may keep a record of the date of issue of a DBS certificate, the name of the subject, the type of check requested, the position for which the check was requested, the unique reference number of the check and the details of the recruitment decision taken.