



beatrice tate school

Policy status	Statutory
Adopted	15th May 2023
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Safeguarding Statement

At Beatrice Tate School we respect and value all children and young people and are committed to providing a caring, friendly and safe environment for all our students so they can learn, in a relaxed and secure atmosphere. We believe every student should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Beatrice Tate School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our learners by protecting them from physical, sexual and emotional abuse, neglect and bullying.

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1. Introduction

The [code of practice](#) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

2. Further information about cautions and convictions

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

- in addition, employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions
- all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded
- applicants are directed to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](#) which are now 'protected' so not subject to disclosure to employers

3. Recruitment of ex-offenders

- 3.1. Beatrice Tate School is committed to the fair treatment of its staff and potential staff. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions in the School, Central

- 3.2. Beatrice Tate School complies fully with the DBS Code of Practice and undertakes to treat all applicants for posts fairly.
- 3.3. Beatrice Tate School undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed. In view of the fact that all positions within the school will amount to "regulated positions", all applicants for employment must declare all previous convictions, cautions, reprimands or warnings (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013). A failure to disclose a previous conviction, caution, reprimand or warning may lead to an application being rejected or, if the failure 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.
- 3.4. All applicants called for interview are asked to complete a Disclosure and Barring Service declaration form in order to provide their criminal record at an early stage in the process. This information should be sent under a separate, confidential, cover to the Headteacher, who guarantees that this information is only seen by those who need to see it as part of the recruitment process.
- 3.5. We ensure that those in the school who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. All school recruitment panels will include at least one "safer recruitment" trained member. 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.
- 3.6. At interview, or in a separate discussion, opportunities will be pursued to ensure that all necessary evidence is collected upon which selection decisions can be fairly based. This will include the relevance and circumstances of offences.
- 3.7. Failure to reveal information required can lead to a subsequent withdrawal of any offer of employment.
- 3.8. Beatrice Tate School makes every subject of the DBS aware of the existence of the DBS Code of Practice and will make a copy available on request.
- 3.9. Beatrice Tate School will undertake to discuss any matter revealed in a Disclosure with the person seeking the post before any decision is made to withdraw a conditional offer of employment on the basis of the Disclosure.
- 3.10. Under the relevant legislation, it is unlawful for the school to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.
- 3.11. It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the school. If the school receives an application from a disqualified person; or is provided with false information in, or in support of an applicant's application, these serious concerns about an applicant's suitability to work with children will be reported to the Police, DBS and/or the DfE.

4. Assessment Criteria

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 School 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 convicted person.

If the post involves regular contact with children, it is the school's normal policy to consider it high risk to employ anyone who has been convicted at any time of any the following offences:

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

If the post involves access to money or budget responsibility, it is the school's normal 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 the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

5. Assessment Procedure

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 school will document this information on a Positive DBS – Record on a Recruitment Decision form which must be signed by the Headteacher once the individual has started their employment at the school.

If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the school will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

6. Monitoring & Review

This policy will be reviewed by the Headteacher every 3 years. At every review, the policy will be approved by the Governing Body.

7. Links to other policies/guidance

This policy is linked to the:

- Recruitment and Selection Policy and Procedures
- Equality Statement
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.
- Equality Act 2010