



BIRKENHEAD SCHOOL

Recruitment of Ex-Offenders Statement

Birkenhead School wants to get the best people for all our School roles. We are committed to selection being an objective and informed process. We also have an obligation to take all necessary and available steps to ensure that staff employed or retained do not possess a criminal record which renders them unsuitable for employment with children. To meet our safeguarding obligations, an Enhanced Disclosure and Barring Service check (which may include a check of the barred list), including any relevant overseas checks, is undertaken as part of the recruitment process for all new staff.

Subject to the overriding consideration of protecting all students and others who access our site, Birkenhead School will make every effort to prevent unfair discrimination against those with criminal records in line with its equality policies and employment practices. This applies to all applicants applying for either paid employment or volunteering at the School, and is made available to all applicants at the outset of the recruitment process

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended 2013 and 2020) was introduced to ensure ex-offenders who have not re-offended for a period of time following the date of their conviction are not discriminated against when applying for employment. Under the provisions of this Act, applicants do not generally have to declare a previous conviction after a 'rehabilitation' period has passed. As Birkenhead School is an educational provider, it is permitted to ask whether an applicant has any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance, as defined by The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). It is a criminal offence for an individual who is barred from working with children to apply for a role which is classed as regulated activity (i.e. involves working with children)

Birkenhead School will not discriminate unfairly against applicants who have a criminal record. Only convictions, cautions, reprimands or final warnings which have not been filtered out in line with current statutory guidance and legislation will be taken into account when assessing an applicant's suitability for a post. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying. All cases will be examined on an individual basis and will take the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- Age at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) provided.
- Whether the applicants' circumstances have changed since the offending behaviour.
- Whether or not the individual declared the conviction on their application

However, unspent convictions of violence, assault or damage to property, or an offence against a minor, are likely to be incompatible with working at Birkenhead School.

The 'Disclosure' system, provided by the DBS, will only be sought after a candidate has been provided with a conditional offer of employment. Staff dealing with and handling 'Disclosure' information have been trained and abide by the DBS's Code of Conduct and the requirements of the Data Protection Act. 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, the School will ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. The School also undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before considering the withdrawal of a conditional offer of employment. Failure to reveal information that is directly relevant to the position sought could also lead to withdrawal of an offer of employment. Any information which is provided to Birkenhead School as a result of a DBS check or disclosed by an individual regarding their criminal record, will be kept confidential.

Should a member of staff receive a conviction, caution, reprimand or final warning following the commencement of their employment, they are contractually obliged to submit details of the offence to the Personnel and Compliance Manager immediately.

Because the post you have applied for involves working with children, you have been asked to complete this form because the role you have applied for is exempt from the Rehabilitation of Offenders Act 1974. The information disclosed on this form will not be kept with your application form during the application process. Applicants are required to declare:

- All unspent convictions and conditional cautions
- All spent convictions and adult cautions that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

For further information on filtering please refer to the [guidance published by the Ministry of Justice \(see, in particular, the section titled 'Exceptions Order'\)](#) or [Nacro guidance](#)

It is important that applicants understand that deliberate attempts to conceal the information requested in this form could result in disciplinary proceedings or dismissal.



Criminal Record Declaration Form

The amendments to the Exceptions Order 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 on the Disclosure and Barring Service [website](#). Further information can also be found on the Nacro [website](#).

Surname:		First names:	
Position Applied For:			
<p>Do you have any unspent convictions or conditional cautions?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Do you have any spent adult cautions (simple or conditional) or convictions that are not ‘protected’ as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended 2013 and 2020)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you have answered ‘Yes’ to either question, please provide details in the space below:</p>			
<p>DECLARATION</p> <p>I declare that the information provided on this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role at Birkenhead School.</p> <p>Signed: Date:</p>			

Please return this form to: Cheryl Wallace – Personnel and Compliance Manager
Via: chw@birkenheadschoo.co.uk or post to:

Cheryl Wallace - The Lodge, 58 Beresford Road, Oxton, Wirral CH43 2JD