



**WALTHAMSTOW HALL**  
SEVENOAKS

## **RECRUITMENT OF EX-OFFENDERS POLICY** **Including the Early Years Foundation Stage**

**This policy should be read in conjunction with the Staff Recruitment Policy**

This policy is available to applicants at the outset of the recruitment process via the School website. A copy is available on request.

- As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust. Walthamstow Hall complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- Walthamstow Hall 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 have a written policy on the recruitment of ex-offenders, which is available to all DBS applicants at the outset of the recruitment process.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applicants from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Walthamstow Hall and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Walthamstow Hall to ask questions about a candidate's entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

- An Order amending the Rehabilitation of Offenders Act was published on 28 May 2019. A table of rehabilitation periods for the most common sentences and disposals, and example scenarios can be found in Appendix I.
- We ensure that all those in Walthamstow Hall who are involved in the recruitment 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. Failure to reveal information that is directly relevant to the position sought could lead to a withdrawal of an offer of employment.
- We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

This policy has regard to the guidance issued by the Secretary of State.

***Walthamstow Hall policies are approved, ratified and reviewed regularly by the Governing Body in the light of statutory requirements.***

Reviewed September 2019  
Next review date September 2020

Signed: ..... Date: .....

Mrs J Adams  
Chair of Governors

## Appendix I

Under the Rehabilitation of Offenders Act 1974 (ROA), eligible convictions or cautions become 'spent' after a specified period of time, known as the 'rehabilitation period'.

The rehabilitation periods depend on:

- the sentence given or disposal administered as a result of a conviction
- the age of the individual on the date they are convicted

The table below shows the rehabilitation periods for the most common sentences and disposals.

### Rehabilitation Periods table

Sentence or disposal	Rehabilitation period if aged 18 or over when convicted or disposal administered	Rehabilitation period if aged under 18 when convicted or disposal administered
<ul style="list-style-type: none"><li>• Sentence of imprisonment for life</li><li>• Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years</li><li>• Sentence of preventive detention</li><li>• Sentence of detention at Her Majesty's Pleasure</li><li>• Sentence of custody for life</li><li>• Public protection sentences* (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders)</li></ul>	These sentences are excluded from rehabilitation and so will always be disclosed	These sentences are excluded from rehabilitation and so will always be disclosed
*A public protection sentence (the provisions for which are set		

out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces Act 2006 means a sentence of imprisonment or detention, as detailed above, imposed for specified sexual and violent offences.

A custodial sentence of over 2 years 6 months but not exceeding 4 years	7 years from the date on which the sentence (including any licence period) is completed	3 years 6 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 2 years 6 months*	4 years from the date on which the sentence (including any licence period) is completed	2 years from the date on which the sentence (including any licence period) is completed
A custodial sentence of up to 6 months*	2 years from the date on which the sentence (including any licence period) is completed	1 year 6 months from the date on which the sentence (including any licence period) is completed
A sentence of service detention	1 year from the date on which the sentence was completed	6 months from the date on which the sentence was completed
Dismissal from Her Majesty's Service	1 year from the date of conviction	6 months from the date of conviction
Fine	1 year from the date of the conviction in respect of which the fine was imposed	6 months from the date of the conviction in respect of which the fine was imposed
Community order or youth rehabilitation order	1 year from the last day on which the order has effect	6 months from the last day on which the order has effect
Driving endorsements	5 years from the date of conviction	2 years 6 months from the date of conviction
Driving disqualification	When the period of the disqualification has passed	When the period of the disqualification has passed
Simple caution, youth caution	Spent immediately	Spent immediately

Conditional caution, youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Compensation order	On discharge of the order (i.e. when it is paid in full). Proof of payment will be required	On discharge of the order (i.e. when it is paid in full). Proof of payment will be required
Absolute discharge	Spent immediately	Spent immediately
Relevant orders** (orders that impose a disqualification, disability, prohibition or other penalty)	The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent	The end date given by the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent

\*Suspended custodial sentences are treated the same as custodial sentences for this purpose. It will be the length of the sentence imposed by the court, not the period it is suspended for that dictates when it will become spent.

\*\*Relevant orders include conditional discharge orders, restraining orders, hospital orders, bind overs, referral orders, care orders and any order imposing a disqualification, disability, prohibition or other penalty not mentioned in the table.

## Example scenarios

### What if multiple sentences were given simultaneously?

If there is more than one sentence or disposal given for an offence, or multiple offences within the same proceedings, the rehabilitation period applied to the conviction(s) will be the one with the latest date.

#### Example

Anthony was convicted of burglary on 1 February 2018. He received a 6 month custodial sentence and was also ordered to pay a fine of £300. Anthony was over 18 at the time of his conviction.

The rehabilitation period for the 6 month custodial sentence would end 2 years from the completion of his sentence on 1 August 2020. The rehabilitation period for the fine would end 1 year from the date of his conviction on 1 February 2019.

However, because they were both given for the same conviction, the whole conviction would not become spent until the later date of 1 August 2020.

### **What if there is more than one conviction?**

If there is more than one conviction but the rehabilitation periods do not overlap, there is no change.

If an individual is convicted again within the rehabilitation period of another conviction, in most instances this will affect when the convictions become spent i.e. neither conviction will become spent until the rehabilitation period with the latest date has ended.

#### **Example 1**

Sandra, age 19, was convicted of theft on 20 May 2015 and received a 4 month custodial sentence. This conviction would become spent on 20 September 2017.

On 1 February 2017, she is convicted of battery and receives a 3 month suspended custodial sentence. This conviction would become spent on 1 May 2019.

Both offences will remain unspent until the later date of 1 May 2019, because she was convicted of a further offence while within the rehabilitation period of the first offence.

In this case, both convictions would be disclosed on a basic DBS certificate issued before 1 May 2019.

#### **Example 2**

Ranjit, age 32, was convicted of fraud on 20 May 2015 and received a 3 month custodial sentence. This conviction would become spent on 20 August 2017.

On 1 February 2018 he was convicted of a further offence for which he was given a fine of £200. This conviction would become spent on 1 February 2019.

Although he has been convicted of a further offence, the first conviction had reached the end of the rehabilitation period before he received the second conviction.

In this case, only the later conviction would be disclosed on a basic DBS certificate issued between 21 August 2017 and 1 February 2019.

### **Exceptions**

When considering the impact of an offence on the rehabilitation periods of other offences, relevant orders\* won't be taken into account. They could however still be extended with reference to any other sentence that may have been passed at the same time that the order was imposed.