



Policy for the recruitment of ex-offenders

Review Date: September 2026

Next review Date: September 2027

Review

This policy will be reviewed at least annually and sooner where there are significant changes to legislation, statutory guidance or safeguarding requirements.

VERIFICATION CERTIFICATE

Document Title:	Policy for the recruitment of ex-offenders
Issue:	1
Reviewer:	Ceri Baggus
Position:	Designated Safeguarding Lead
Signature:	
Date:	15.9.26
Approver: (on behalf of the Governing Body)	
Position:	
Signature:	
Date:	

DOCUMENT ISSUE/AMENDMENT HISTORY

(previous versions not numbered nor amendments noted)

Issue	Date	Amendment
1		

1. INTRODUCTION

1.1

Cirencester Primary School is committed to safeguarding and promoting the welfare of children and young people. The school also recognises the importance of fair and proportionate recruitment practices and will not automatically refuse employment to an applicant because they have a criminal record.

1.2

The purpose of this policy is to ensure that applicants who have criminal records are treated fairly, consistently and lawfully, while ensuring that the safeguarding of children remains the school's paramount consideration.

1.3

The school will consider criminal record information on an individual, case-by-case basis and will assess whether any information disclosed is relevant to the particular role.

1.4

This policy should be read alongside the school's:

- Safer Recruitment Policy;
 - Child Protection and Safeguarding Policy;
 - Equality and Diversity Policy;
 - Data Protection Policy;
 - Disciplinary Policy;
 - relevant statutory guidance issued by the Department for Education, Ministry of Justice and Disclosure and Barring Service.
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2. LEGAL AND STATUTORY FRAMEWORK

2.1

The school will comply with the:

- Rehabilitation of Offenders Act 1974;
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended;
- Police Act 1997 and associated regulations;
- Safeguarding Vulnerable Groups Act 2006, as amended;
- Data Protection Act 2018;
- UK GDPR and other applicable data protection legislation;
- Equality Act 2010;
- current Disclosure and Barring Service guidance; and
- *Keeping Children Safe in Education 2026*.

2.2

The school will ensure that it only requests the level of DBS check for which a role is legally eligible. It is unlawful to request a higher-level DBS check than the legislation permits.

2.3

The school will keep this policy under review because the law and DBS filtering arrangements may change.

3. PRINCIPLES

The school will apply the following principles when recruiting an individual who has a criminal record:

3.1

Having a criminal record will not automatically prevent an individual from being appointed.

3.2

No applicant will be treated less favourably because of a protected conviction or caution which the school is not legally entitled to ask about or take into account.

3.3

Where criminal record information is lawfully available to the school, it will be considered in the context of the particular role.

3.4

The school will make an objective and proportionate assessment of any disclosed information.

3.5

Safeguarding considerations will always be given appropriate weight, particularly where the proposed role involves regulated activity with children.

3.6

The existence of a conviction, caution or other criminal record information will not, in itself, be treated as evidence that an individual is unsuitable to work with children.

3.7

All recruitment decisions will be based on the information that the school is legally entitled to consider.

4. REHABILITATION OF OFFENDERS ACT 1974

4.1

The Rehabilitation of Offenders Act 1974 (ROA) provides that, after the applicable rehabilitation period, most convictions become spent.

4.2

Once a conviction is spent, an individual does not generally have to disclose it when applying for employment, unless the role falls within an exception to the ROA.

4.3

Certain roles involving work with children and other vulnerable groups are included within the exceptions to the ROA. For such roles, the employer may be entitled to ask about certain spent convictions and cautions, subject to the DBS filtering rules.

4.4

The school will establish whether the particular post is exempt from the ROA before asking an applicant to disclose criminal record information.

4.5

Where a role is exempt from the ROA, the school will make clear in the recruitment documentation that the appropriate DBS check may be required.

4.6

The school will not reproduce detailed rehabilitation-period tables in this policy because rehabilitation periods are prescribed by legislation and may change. Current Ministry of Justice guidance will be used when determining whether a caution or conviction is spent.

5. PROTECTED CONVICTIONS AND CAUTIONS

5.1

Some cautions and convictions are protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended.

5.2

Protected cautions and convictions are not required to be disclosed for most roles, including roles where a Standard or Enhanced DBS check is permitted, unless the role falls within the very limited category of roles for which full disclosure is required.

5.3

The school will not ask an applicant to disclose protected convictions or cautions where it is not legally entitled to do so.

5.4

If protected information is voluntarily disclosed, the school will not take that information into account where the law prohibits it from doing so.

5.5

The school will ensure that recruitment panel members understand that not all information appearing on an individual's criminal record is information that the school is legally entitled to request or consider.

6. DBS FILTERING

6.1

The school will comply with current DBS filtering rules when determining what criminal record information may be requested, disclosed or considered.

6.2

For Standard and Enhanced DBS checks, certain old or minor convictions and cautions are filtered and will not automatically appear on the certificate.

6.3

Specified offences and convictions resulting in a custodial sentence are subject to different disclosure rules and may continue to appear regardless of how much time has passed.

6.4

The current DBS filtering guidance will be used when considering whether information is protected or must be disclosed.

6.5

The school will not make assumptions about what an applicant is legally required to disclose. Where there is uncertainty, advice will be obtained from an appropriate HR, DBS or legal source.

7. APPLICATION AND SELF-DECLARATION

7.1

The school will not normally ask applicants to disclose criminal record information at the initial application stage for the purpose of deciding who should be shortlisted.

7.2

Shortlisted candidates will be asked to complete a self-declaration concerning criminal record information and any other information which may make them unsuitable to work with children.

7.3

The self-declaration may include information relating to:

- criminal history which the applicant is legally required to disclose;
- whether the applicant is barred from working with children;
- whether the applicant is prohibited from teaching;
- whether the applicant is subject to a Section 128 direction, where applicable;
- relevant overseas criminal record information;
- relevant information known to the police or children's social care;
- childcare disqualification, where applicable; and
- any other information relevant to the individual's suitability to work with children.

7.4

Applicants will be asked to confirm that their declaration is complete and accurate.

7.5

The purpose of the self-declaration is to allow relevant matters to be explored at interview and considered before the DBS certificate is received.

7.6

A discrepancy between a candidate's self-declaration and the subsequent DBS certificate will be explored with the candidate. A discrepancy will not automatically result in rejection.

8. DBS CHECKS

8.1

The school will undertake the appropriate DBS check for the role in accordance with current legislation and the school's Safer Recruitment Policy.

8.2

Where the role involves regulated activity with children, an Enhanced DBS check including Children's Barred List information will normally be required.

8.3

Where an Enhanced DBS check is appropriate but the role does not involve regulated activity, the school will not request Children's Barred List information.

8.4

Where a Standard or Enhanced DBS certificate contains criminal record information, the school will consider that information in accordance with this policy.

8.5

The school will compare information contained on the DBS certificate with information provided during recruitment.

8.6

The school will not treat a DBS disclosure as an automatic bar to employment unless the individual is legally prohibited or barred from undertaking the relevant work.

8.7

Where an applicant is barred from regulated activity with children, the school will not permit the individual to undertake regulated activity with children.

9. CONSIDERING CRIMINAL RECORD INFORMATION

9.1

Where criminal record information is disclosed, the school will undertake a fair and proportionate assessment of the information.

9.2

The assessment will consider, where relevant:

- the nature of the offence;
- the seriousness of the offence;
- the age of the individual at the time of the offence;
- how long ago the offence occurred;
- the sentence or disposal imposed;
- whether the offence is spent or unspent;
- whether the offence is specified or otherwise subject to mandatory disclosure;
- whether the offence is relevant to the duties of the post;
- the circumstances surrounding the offence;
- whether it was an isolated incident or part of a pattern of offending;
- whether there has been subsequent offending;
- the individual's conduct since the offence;
- evidence of rehabilitation;
- the individual's employment and/or volunteering history since the offence;
- any explanation provided by the applicant;
- any relevant information contained in references;
- any relevant information disclosed by the police or other agencies through the lawful recruitment process;
- the level of contact with children involved in the role;
- whether the role involves regulated activity;
- the level of responsibility and trust associated with the post;
- the level of supervision involved;
- whether safeguards or adjustments could reasonably reduce any identified risk; and
- any other information relevant to the individual's suitability.

9.3

The school will consider each case on its individual facts. No particular type of offence will automatically result in rejection unless the individual is legally barred or prohibited from undertaking the role.

9.4

The school will consider both the potential risk to children and the evidence that the individual has changed or rehabilitated since the offence.

9.5

The school will not assume that the circumstances of an offence are known solely from the offence title or conviction description. Where necessary and lawful, further information will be sought from the applicant.

10. INTERVIEW AND DISCUSSION

10.1

Where a candidate has disclosed relevant criminal record information, the recruiting panel may discuss the information with the candidate.

10.2

The discussion will be open, objective and proportionate.

10.3

The candidate will be given an opportunity to explain:

- the circumstances of the offence;
- the context in which it occurred;
- their actions and responsibility;
- what has changed since the offence;
- any rehabilitation undertaken;
- their employment or volunteering history since the offence; and
- any other relevant mitigating or contextual information.

10.4

The panel will avoid making assumptions about an individual based solely on the existence of a criminal record.

10.5

Questions will relate to the candidate's suitability for the role and will not seek information which the school is legally prohibited from requesting.

10.6

Where appropriate, the panel may adjourn the recruitment decision to allow further information or advice to be obtained.

11. RISK ASSESSMENT

11.1

Where criminal record information may affect an appointment decision, the school will undertake a documented risk assessment.

11.2

The risk assessment will consider the relationship between the criminal record information and the actual duties of the post.

11.3

The risk assessment will consider:

The offence

- What happened?
- How serious was the offence?
- Was violence, abuse, dishonesty or exploitation involved?
- Was the offence sexual in nature?
- Did the offence involve children or vulnerable people?

The circumstances

- What were the circumstances at the time?
- What was the individual's age and level of maturity?
- Was the offence isolated?
- Were there particular circumstances which contributed to the offence?

Time and rehabilitation

- How long ago did the offence occur?
- Has the individual offended again?
- What evidence is there of rehabilitation?
- What has the individual's conduct been like since the offence?

Relevance to the role

- Does the offence relate directly to the duties of the post?
- Does the role involve working with children?
- Does it involve regulated activity?
- Does it involve unsupervised contact with children?
- Does it involve positions of trust, responsibility or authority?
- Are there particular safeguarding risks associated with the role?

Risk management

- What level of supervision will be available?
- Can duties reasonably be adjusted?
- Are there additional safeguards that can be put in place?
- Is further training or support appropriate?
- Can the identified risk be managed safely and proportionately?

11.4

The risk assessment will not be used to justify taking account of information which the school is legally prohibited from considering.

11.5

The completed risk assessment and recruitment decision will be recorded securely.

12. DECISION-MAKING**12.1**

The decision whether to appoint an applicant with a criminal record will be made by appropriately authorised members of the recruitment panel/management team.

12.2

The decision will be based on the evidence available and will be consistent with this policy and the school's Safer Recruitment Policy.

12.3

Where the school decides not to appoint an applicant because of criminal record information, the reasons for the decision will be clearly recorded.

12.4

The reasons will demonstrate:

- what information was considered;
- why it was relevant to the post;
- what risk was identified;
- what information was provided by the applicant;
- what mitigation was considered; and
- why the school concluded that the risk could or could not be managed.

12.5

The school will not reject an applicant solely because they have a criminal record where the information is not relevant to the post or where the school is legally prohibited from taking the information into account.

13. FAILURE TO DISCLOSE RELEVANT INFORMATION**13.1**

Where an applicant deliberately fails to disclose criminal record information which they were legally required to disclose, the school will consider the circumstances.

13.2

A failure to disclose will not automatically result in rejection. The school will consider:

- whether the applicant was legally required to disclose the information;
- whether the applicant reasonably understood the disclosure requirements;
- whether the information was protected or filtered;
- whether the omission was deliberate;
- the nature of the information omitted; and
- the relevance of the information to the role.

13.3

Where a deliberate failure to disclose relevant information calls into question the applicant's honesty, integrity or suitability to work with children, this may be taken into account in the recruitment decision.

14. REFERENCES

14.1

References will be considered alongside criminal record information and other recruitment evidence.

14.2

Where appropriate, referees may be asked about the applicant's suitability to work with children and about relevant disciplinary or safeguarding matters.

14.3

The school will not seek information which a referee is not legally entitled to disclose.

14.4

Where information provided in a reference conflicts with the applicant's declaration or other recruitment information, the discrepancy will be investigated.

15. OVERSEAS CRIMINAL RECORD INFORMATION

15.1

Where an applicant has lived or worked outside the UK, the school will undertake appropriate additional checks in accordance with its Safer Recruitment Policy.

15.2

The school recognises that overseas criminal record systems differ significantly and that not all countries provide equivalent information.

15.3

Where overseas information is available, it will be considered alongside UK DBS information and other recruitment evidence.

15.4

The school will consider overseas offences according to the law applicable in England and Wales when determining the relevance of the information to the recruitment decision.

15.5

Where reliable overseas information cannot be obtained, the school will consider what alternative evidence is available and undertake an appropriate risk assessment.

16. CONFIDENTIALITY AND DATA PROTECTION

16.1

Information about an individual's criminal record will be treated as confidential and sensitive personal information.

16.2

Information will only be shared with individuals who have a legitimate need to know it for recruitment, safeguarding, employment or legal purposes.

16.3

Recruitment panel members will be reminded that criminal record information must not be discussed outside the recruitment process.

16.4

The school will comply with the Data Protection Act 2018, UK GDPR, the DBS Code of Practice and its own Data Protection and Privacy Policy.

16.5

DBS certificate information will only be retained for as long as necessary and in accordance with the school's DBS and data retention arrangements.

17. RECRUITMENT PANEL TRAINING

17.1

Those involved in assessing criminal record information will receive appropriate guidance or training.

17.2

Recruitment panel members will be made aware of:

- the Rehabilitation of Offenders Act 1974;
- DBS filtering rules;
- protected cautions and convictions;
- the importance of individual assessment;
- confidentiality requirements; and
- the school's safer recruitment procedures.

17.3

Where panel members are uncertain about the legal status of information, they will seek advice before making a recruitment decision.

18. APPLICANTS WHO ARE BARRED OR PROHIBITED

18.1

The school will not knowingly appoint or permit an individual to undertake regulated activity with children where that individual is barred from such activity.

18.2

Where a candidate is prohibited from teaching, the school will not appoint the individual to undertake teaching work in circumstances where the prohibition applies.

18.3

Where a Section 128 direction or other legal restriction prevents an individual from undertaking the proposed role, the school will not make the appointment unless and until the restriction no longer applies.

18.4

Any concern that an individual may be barred, prohibited or otherwise legally restricted from undertaking the role will be referred to the appropriate senior leader/HR lead immediately.

19. EXISTING EMPLOYEES

19.1

This policy also applies when considering criminal record information relating to an existing employee where the school is legally entitled to obtain or consider such information.

19.2

If an employee's circumstances change, including where a new criminal conviction or relevant safeguarding information becomes known, the school will follow its relevant employment, disciplinary and safeguarding procedures.

19.3

Any concern that an existing employee may no longer be suitable to undertake regulated activity will be dealt with in accordance with the school's Child Protection and Safeguarding Policy and relevant employment procedures.

19.4

Where the statutory criteria are met, the school will make any required referral to the Disclosure and Barring Service.

20. VOLUNTEERS AND OTHER UNPAID WORKERS

20.1

Where a volunteer or other unpaid worker is subject to a DBS check, the same principles of fairness and proportionality in this policy will apply.

20.2

The school will only request the level of DBS check for which the volunteer is legally eligible.

20.3

Where criminal record information is disclosed, the school will assess the information in relation to the specific volunteer role.

20.4

Where the volunteer is engaging in regulated activity with children, the school's current safer recruitment and DBS requirements will apply.

20.5

A volunteer who is barred from regulated activity with children must not undertake regulated activity.

21. APPEALS AND REVIEW OF RECRUITMENT DECISIONS

21.1

Unsuccessful applicants will not normally have a right of appeal against a recruitment decision unless the school's recruitment procedure provides otherwise.

21.2

Where an applicant believes that criminal record information has been considered unlawfully, they may raise the matter with the Headteacher, governing body, Trust HR function or other appropriate person in accordance with the school's complaints procedure.

21.3

Where an applicant disputes the accuracy of a DBS certificate, the school will consider the matter in accordance with DBS procedures and will not make assumptions about disputed information without appropriate consideration.

22. REVIEW OF THIS POLICY

22.1

This policy will be reviewed at least annually and sooner if there are changes to:

- the Rehabilitation of Offenders Act 1974;
- the Exceptions Order;
- DBS filtering arrangements;
- DBS eligibility requirements;
- safeguarding legislation;
- *Keeping Children Safe in Education*; or
- other relevant statutory guidance.

22.2

The school will ensure that any changes to the law or statutory guidance are reflected in its recruitment documentation, application forms and safer recruitment procedures.