

Pipworth Community Primary School



Employment of Ex-Offenders Policy

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Reviewed by:	M Jackson-Brown
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1. Introduction

Our School is committed to working in accordance with Keeping Children Safe in Education, and the DBS Code of Practice, which require that the school makes available a copy of its Employment of Ex-Offenders Policy to all job applicants.

This policy provides a framework within which the school will seek to ensure that all cases are assessed fairly, and on an individual basis. The School will not discriminate because of a conviction or other information revealed.

2. Scope

This policy applies to all Employees, volunteers and Governors of Pipworth Community Primary School and Nursery.

3. Adoption Arrangements and Date

This policy was adopted by the Governing Body of Pipworth Community Primary School and Nursery 10th October 2023 and supersedes any previous Employment of Ex-Offenders Policy.

This policy will be reviewed by the Governing Body every 3 years or earlier if there is a need.

The effectiveness of this policy will be monitored, evaluated and reviewed by the Headteacher and Governing Body.

4. Background

The Rehabilitation of Offenders Act 1974 allows most convictions and cautions to be considered spent after a specified period of time. Once a caution or conviction is spent the person is considered rehabilitated and the ROA treats the person as if they had never committed an offence. This means that jobseekers with criminal records have the right to legally withhold such information from a prospective employer when applying for most jobs.

All positions that involve working with children are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

Candidates shortlisted for interview will be asked to complete a Criminal Record Self-Disclosure form on which they will be asked to disclose any relevant convictions, court orders, reprimands, warnings, or other matters which may affect an applicant's suitability to work with children. This must be brought to the interview with the candidate in a sealed envelope.

5. Legal Requirements

Keeping Children Safe in Education

Keeping Children Safe in Education gives statutory guidance and states

- Where a role involves engaging in regulated activity relevant to children, schools should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.
- Schools should also provide a copy of the school's safeguarding & child protection policy and practices and the employment of ex-offenders policy in the application pack or refer to a link on its website.
- Schools should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on recruitment of ex-offenders.

DBS Code of Conduct

The DBS Code of Conduct, 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.

Registered Bodies, and those in receipt of the DBS Update Service information, must have a written policy on the suitability of ex-offenders for employment in relevant positions. This should be available upon request to potential applicants.

6. Policy Statement

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the School will comply fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.
- The School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- All shortlisted applicants will be asked to complete a self-declaration form before the interview stage. Applicants must declare information that would make them unsuitable to work with children. Failure to reveal any relevant information could lead to the withdrawal of an offer of employment.
- All job applications will include information about this requirement.

Applicants will not be asked for information about previous convictions or cautions before this stage, and any such information that is disclosed before shortlisting stage won't be taken into account in the shortlisting process.

We will store all sensitive personal data securely, only share it with relevant staff members, and destroy it securely when we no longer need it.

- The School will only ask an individual to provide details of convictions and cautions that the School are legally entitled to know about where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

The School can only ask an individual about convictions and cautions that are not protected. '**Protected offences**' are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is 'protected' can be found in:

- The Ministry of Justice's [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- The government's tool to [check whether to disclose cautions or convictions](#)

Applicants **should not** list any 'protected' offences on their self-declaration form, and we will not take them into account if we are made aware of them.

All job application forms will include information about this requirement.

Self-declaration forms will be reviewed by a staff member who is not involved in making recruitment decisions, and any irrelevant information will be deleted; for example, 'protected' convictions that legally can't be taken into account.

Further disclosure discussions may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions don't make applicants unsuitable for the role.

- 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.
- The School will make this written policy on the recruitment of ex-offenders available to all applicants at the start of the recruitment process.
- The School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.
- The School selects all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- The School ensures that all employees involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

- The School also ensures that employees 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 ensures 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 withdrawal of an offer of employment.
- The School makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.
- The School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

7. Protections and exemptions

'Specified offences' will always be disclosed on a DBS certificate, and should always be included in self-declarations – see the government's list for further details.

It is a criminal offence for any person who is barred from working with children to apply for a position in our school. Pipworth CPS will make a report to the DBS and/or the police as appropriate, if it receives an application from a barred person.

'Protected offences' are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is 'protected' can be found in:

- The Ministry of Justice's [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- The government's tool to [check whether to disclose cautions or convictions](#)

Applicants **should not** list any 'protected' offences on their self-declaration form, and we will not take them into account if we are made aware of them.

8. Responsibilities

The headteacher

- Uphold Pipworth CPS commitment to the fair treatment of all job applicants
- Make sure all job application forms contain clear and relevant information about what cautions or convictions applicants are expected to disclose, and what safeguarding checks our School will carry out, and at what stage in the application process
- Make sure staff involved in the recruitment process have received appropriate guidance and training about their legal duties in employing ex-offenders, and assessing the relevance and circumstances of offences

Staff involved in the recruitment process

- Treat applicants fairly, including in relation to any history of offending
- Maintain privacy for applicants, making sure that information about applicants' criminal records won't be seen by anyone outside of the recruitment process
- Make sure that all shortlisted applicants complete a self-declaration form before the interview stage, and that all job offers are conditional, subject to appropriate safeguarding checks
- Hold discussions with applicants about their disclosures, where relevant, and make decisions about suitability based on the circumstances and background of offences
- Seek specialist legal/HR advice where relevant

All job applicants

- Familiarise themselves with the requirements for self-disclosure, and whether they have any previous convictions or cautions that must be disclosed
- Complete self-declaration forms honestly and completely, disclosing all required spent and unspent convictions and cautions (excluding 'protected' offences)
- Participate in disclosure discussions following either or both of their self-declaration and DBS check

9. The process for disclosing and assessing previous convictions

DBS checks

Successful candidates are subject to DBS and other safeguarding checks, as set out in statutory guidance, Keeping Children Safe in Education. Staff should consider whether:

- The checks reveal any new information that might prohibit or otherwise make a candidate unsuitable for the role
- The checks match any information disclosed in an applicant's self-declaration

Further disclosure discussions (see sub-section 4.3) may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions don't make applicants unsuitable for the role.

Disclosure discussions

Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further, and they will be informed that they legally cannot be considered for the job.

In all other cases, previous convictions will not necessarily prevent applicants from being employed by Pipworth CPS. Staff will determine, with support from HR specialists, whether disclosures warrant a discussion between our School and the candidate.

Where relevant, disclosure discussions will happen as part of the interview process and take the applicant's explanation into consideration. For example, we will consider:

- The seriousness of any offence and relevance to the post applied for
- How long ago the offence occurred
- Whether it was a one-off incident or a history of incidents
- The circumstances around the incident
- Whether the applicant accepted responsibility for their actions

Staff will then assess whether applicants' previous convictions or cautions make them unsuitable for the role.

We will not ask applicants about protected convictions and cautions.

10. Related Policies

Child protection policy

Data protection policy

Equal opportunities policy

Safer recruitment policy

