

Stocks Green Primary School

Learning to Live, Living to Learn



Employment of Ex-Offender Policy

Last reviewed	January 2026
Date for Review	January 2029
School staff responsible for policy	Peter Hipkiss
Designated Governors/committee	P&P committee

1. Introduction

Stocks Green Primary School is committed to working in accordance with Keeping Children Safe in Education 2025 (or any subsequent version) , and the DBS Code of Practice, which require that the school makes available a copy of its Policy on the Recruitment of Ex-offenders 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. Stocks Green Primary School will not discriminate because of a conviction or other information revealed.

2. Scope

This policy applies to all Employees and Governors of Stocks Green Primary School.

3. Adoption Arrangements and Date

This policy was adopted by the Governing Body of Stocks Green Primary School on 27th January and supersedes the previous Employment of Ex-Offenders Policy dated 30th January 2024.

This policy will be reviewed by the Pay and Performance Committee of the Governing Body every 2 years or earlier if there is a need, including following any updates to Keeping Children Safe in Education or the DBS Code of Practice.

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

4. Background

The Rehabilitation of Offenders Act (ROA) 1974 and the amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) 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 which have been filtered in accordance with the DBS filtering rules.

Candidates applying for a vacancy will be asked to complete a Self-Disclosure form only if they are successfully shortlisted. On this form 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. Candidates should be signposted to the Ministry of Justice website to seek guidance and clarity on what offences and issues they are required to disclose.

<https://www.gov.uk/government/news/disclosure-and-barring-service-filtering>

Further information on the Self-Declaration process for job applicants is contained in the main body of the Recruitment Guidance Notes. Additional information can also be found at <https://www.nacro.org.uk/criminal-record-support-service/support-for-employers/asking-about-criminal-records/?nowprocket=1>

DBS Update Service

Stocks Green Primary School encourages all staff to join the DBS Update Service at the point their DBS application is made. This allows for portability of DBS checks and enables the school to carry out free online status checks to confirm whether any new information has been added since the certificate was issued.

Before using the Update Service, the school will:

- Obtain consent from the individual to carry out an online status check
- Confirm the DBS certificate matches the individual's identity
- Examine the original certificate to ensure it is valid for employment with the children's workforce
- Ensure the level of check is appropriate for the role

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 and colleges 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 and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.
- Schools and colleges 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 and, in the case of those carrying out an umbrella function, should be made available to their clients. Clients of Registered Bodies should make this policy available to their potential or existing employees.

6. Assessing Disclosure Information

When any information is disclosed on a DBS certificate, Stocks Green Primary School will assess each case fairly and on an individual basis. We will take into consideration the explanation from the applicant, including:

- **The seriousness of any offence** and its 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 individual accepted responsibility** for their actions

For teaching posts, the school will also consider the incident in the context of the **Teachers' Standards** and the DfE's **Teacher Misconduct guidance**.

A decision not to appoint somebody because of their conviction(s) will be clearly documented, so if challenged the school can defend its decision, in line with this policy.

Any discussions regarding disclosure information will be conducted sensitively and confidentially, with only those who need to be involved included in the process.

7. Starting Work in Regulated Activity Before DBS Certificate is Available

In exceptional circumstances, where an individual is permitted to start work in regulated activity relating to children before their DBS certificate is available, Stocks Green Primary School will ensure that:

- A **separate children's barred list check** has been completed and shows the individual is not barred from working with children
- **All other pre-employment checks** (as set out in the latest Keeping Children Safe in Education) have been completed satisfactorily
- The individual is **appropriately supervised** at all times until the DBS certificate is received and checked
- A **risk assessment** is completed to ensure the safety of pupils

The school will obtain the DBS certificate as soon as practicable after the person's appointment.

8. 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), Stocks Green Primary School will comply fully with the DBS [code of practice](#) and undertakes to treat all applicants for positions fairly.

- Stocks Green Primary School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- Stocks Green Primary School will only ask an individual to provide details of convictions and cautions that Stocks Green Primary 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).
- Stocks Green Primary School can only ask an individual about convictions and cautions that are not protected.
- Stocks Green Primary 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.
- Stocks Green Primary School will make this written policy on the recruitment of ex-offenders available to all DBS applicants at the start of the recruitment process.
- Stocks Green Primary School will assess all disclosure information fairly and on an individual basis, taking into account the seriousness and relevance of any offence, how long ago it occurred, whether it was a one-off incident, the circumstances, and whether the individual accepted responsibility.
- For teaching posts, Stocks Green Primary School will consider any disclosure information in the context of the Teachers' Standards and the DfE's Teacher Misconduct guidance.
- Where an individual is permitted to start work in regulated activity before their DBS certificate is available, Stocks Green Primary School will ensure a separate barred list check is completed and the individual is appropriately supervised.

- Stocks Green Primary 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.
- Stocks Green Primary School select 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.
- Stocks Green Primary School ensures that all employees involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences using information available at www.nacro.org.uk
- Stocks Green Primary 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, Stocks Green Primary 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.
- Stocks Green Primary 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.
- Stocks Green Primary School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Further advice may be sought from your HR Consultant/Line Manager.