



SAFE START SCHOOL

WILLPOWER-INITIATIVE-SUCCESS-EMPATHY-RESPECT

Recruitment of Ex Offenders Policy

Reviewed on: October 2026

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Checked by: Rachel Pilling

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Purpose and scope

Safe Start School is committed to fair recruitment and safeguarding its pupils. A criminal record does not automatically prevent appointment. Each applicant will be assessed against the requirements of the role, relevant legal restrictions and any evidenced safeguarding risk. This policy applies to recruitment of employees and volunteers and informs arrangements for agency staff and contractors. It should be read alongside the school's safer recruitment, safeguarding, equality and data protection policies. It supplements the full pre-appointment checks required by Keeping children safe in education 2026 and the Independent School Standards.

Fair treatment and information for applicants

We welcome applications from people with the skills, qualifications and potential to fulfil the role, including people with criminal records. Shortlisting will be based on the person

specification. We will not discriminate unfairly because of a conviction, caution or other information disclosed, and will comply with the Equality Act 2010.

This policy will be made available at the start of recruitment. For regulated activity roles, application information will state that it is an offence for a barred person to apply. Recruitment documentation will explain the safeguarding checks required and that any offer is conditional on satisfactory checks. Applicants will be informed of the DBS Code of Practice and given access to it on request. Those involved in recruitment will receive suitable training on safer recruitment, assessing relevant offending information and the Rehabilitation of Offenders Act 1974.

Lawful criminal record checks

HR will establish and record the role's eligibility and the appropriate level of DBS check before an application is submitted. A role-specific assessment will ensure that the check is lawful, relevant and proportionate; it cannot remove a statutory checking requirement. Enhanced checks will be obtained where required for school roles. A children's barred-list check will only be requested where the role is legally eligible, including regulated activity with children.

A person barred from regulated activity with children must not be appointed to, or permitted to undertake, that activity. A risk assessment or supervision arrangement cannot override a legal bar. Other applicable restrictions, including teaching prohibition and section 128 directions for relevant management positions in an independent school, will be checked through the school's safer recruitment process.

Disclosure and protected information

For roles legally eligible for a standard or enhanced DBS check, applicants will only be asked about convictions and cautions that are not protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended. This may include spent and unspent records that are not protected. For roles outside the Exceptions Order, questions will be limited to information that may lawfully be requested, normally unspent convictions and conditional cautions.

Protected convictions and cautions do not need to be disclosed. Applicants will not be penalised for withholding them, and we will not take them into account if disclosed inadvertently. Recruitment forms will explain the filtering rules and direct applicants to the current DBS filtering guide. We will seek specialist advice where disclosure eligibility is unclear, including for overseas records; we will not assume that every old conviction is protected.

A spent conviction is not necessarily protected. Protection depends on the offence, the sentence, the individual's age when convicted and the time elapsed. Applicants should consult the current DBS filtering guidance.

This information will not be requested on the initial application form or used to decide who is shortlisted. Shortlisted applicants will be asked to complete a confidential declaration of

criminal history and other suitability information required by current safeguarding guidance, before interview. Questions will clearly distinguish criminal record disclosure from other relevant safeguarding information. Applicants will be asked to sign a declaration confirming accuracy; electronic declarations will be confirmed by signing a hard copy at interview. The process provides an opportunity to discuss relevant information before the DBS certificate is received and does not replace the required checks.

Discussion and assessment

Relevant information will be discussed privately and fairly with the applicant at interview or in a separate discussion. Before withdrawing a conditional offer because of information on a DBS certificate, we will discuss that information with the applicant and allow them to explain the circumstances or raise an accuracy dispute. A disputed certificate will be referred to the DBS dispute process as appropriate; appointment will not proceed while a material safeguarding concern remains unresolved.

The Headteacher, with HR and safeguarding advice as appropriate, will complete a written, individual assessment. The proprietor will decide cases involving the Headteacher. The assessment will consider:

- The nature and seriousness of the information and its relevance to the duties, access to pupils, trust and responsibilities of the role.
- The age of the applicant at the time, time elapsed, circumstances, any pattern of offending and evidence of rehabilitation or changed circumstances.
- The applicant's explanation, relevant references and other reliable evidence, including any restrictions or outstanding safeguarding concerns.
- Any lawful, practical safeguards, their effectiveness and whether remaining risk is acceptable for the particular post.

The decision, reasons, decision-maker and any conditions will be recorded securely. A record will not lead to automatic rejection unless a legal restriction prevents appointment. Deliberate failure to disclose information that was clearly and lawfully requested may lead to withdrawal of an offer or action under the disciplinary procedure. Any discrepancy will first be explored; failure to disclose protected information is not dishonesty.

Appointment and continuing responsibilities

No appointment will be confirmed until the required checks and suitability decisions are complete. Any exceptional start before receipt of a DBS certificate must meet current statutory and safeguarding requirements, including all other required checks, a separate barred-list check where applicable, documented risk assessment, appropriate supervision and authorisation. This policy does not itself authorise an early start.

For people who have lived or worked outside the UK, the school will undertake additional checks required by current safeguarding guidance. A DBS certificate alone does not provide a complete overseas criminal history. Agency and contractor checks will be verified through the school's safer recruitment arrangements, with identity checked on arrival as required.

Staff must promptly tell the Headteacher about any new criminal charge, conviction, caution, restriction or other matter relevant to their suitability to work with children, subject to the legal protections described in this policy. Concerns involving the Headteacher must be reported to

the proprietor. An allegation or arrest is not proof of guilt; concerns will be assessed fairly under the relevant safeguarding and employment procedures. The school will make referrals to the local authority designated officer, DBS or Teaching Regulation Agency where the applicable criteria require them.

Confidentiality and retention

Criminal record information will be handled under the DBS Code of Practice, UK GDPR and the Data Protection Act 2018, as amended. The school will identify and document the lawful basis and condition for processing criminal offence data, with an appropriate policy document where required. Access will be restricted to authorised people who need it for recruitment or safeguarding decisions.

DBS certificates and disclosure information will be stored securely and separately from general personnel records. They will normally be retained for no longer than six months after the recruitment decision, to allow consideration of disputes or complaints, and then securely destroyed. Any longer retention must be justified, documented and consistent with DBS requirements and data protection law. Full certificate copies or offence details will not be placed on the single central record.

The school may retain a minimal record of the check date, certificate number, check level, person checked and recruitment decision, and the checking information required for the single central record. Any retained suitability assessment will contain only necessary information, be access-restricted and have a documented retention period under the school's retention schedule.

Oversight and review

HR will check that recruitment forms, declarations and adverts reflect current disclosure and filtering rules. The proprietor oversees implementation. Applicants may raise concerns with HR or the Headteacher, or with the proprietor where the concern involves the Headteacher. This policy will be reviewed annually and sooner following relevant changes in law, DBS guidance or safeguarding requirements.

Key references

Keeping children safe in education 2026, Part three; Education (Independent School Standards) Regulations 2014.

Rehabilitation of Offenders Act 1974 and Exceptions Order 1975, as amended; Police Act 1997; Safeguarding Vulnerable Groups Act 2006.

DBS recruitment of ex-offenders guidance; DBS filtering guide; DBS Code of Practice; DBS handling of certificate information guidance (GOV.UK).

Equality Act 2010; UK GDPR; Data Protection Act 2018, as amended.