

**Naunton Park Primary School**

# **Recruitment of Ex-Offenders Policy Statement**

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## 1.0 Exemption from the Rehabilitation of Offenders Act 1974

Ex-offenders have to disclose information about spent, as well as unspent convictions if the job for which they are applying is exempt from the Rehabilitation of Offenders Act 1974.

All school-based jobs are exempt from the Rehabilitation of Offenders Act as the work brings employees into contact with children who are regarded by the Act as a vulnerable group. **Applicants for school-based jobs must, therefore, disclose all spent and unspent convictions.**

## 2.0 Checks

All applicants who are offered employment in the school will be subject to a criminal record check from the Disclosure and Barring Service before an appointment is confirmed. This will include details of cautions, reprimands and warnings as well as spent and unspent convictions. An enhanced DBS (check) may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

All shortlisted candidates complete a self-declaration (also known as a self-disclosure form) before any interviews are held. This form is only viewed by those who need to see it as part of the recruitment process.

Having a criminal record will not necessarily bar someone from working in the school. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant.

Any DBS that contains information (caution, reprimand, conviction, soft information) will be referred to Gloucestershire County Council DBS Panel for consideration.

Naunton Park Primary School undertakes not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.

## 3.0 Recruitment

When reaching a recruitment decision, GCC DBS Panel will take the following factors into account:

- Whether the conviction or other matter revealed is relevant to the position in question
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter occurred
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the individual accepted responsibility for their actions
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters, and
- The circumstances surrounding the offence and the explanation(s) offered of the offending person.

There are, however, offences that would automatically prevent an offer of employment in the school being confirmed. These include:

- Rape
- Incest
- Unlawful sexual intercourse
- Indecent assault
- Gross indecency
- Taking, distributing or being in possession of indecent photographs or videos

Other offences which make it unlikely (although not automatic) for an offer of employment in a school to be confirmed include the following:

- Violent behaviour towards children or young people
- A sexual, or otherwise inappropriate relationship with a pupil (regardless of whether the pupil is over the legal age of consent)
- A sexual offence against someone over the age of 16
- Any offence involving serious violence
- Drug trafficking and other drug related offences
- Stealing school property or monies
- Deception in relation to employment as a teacher or at a school, for example false claims about qualifications, or failure to disclose past convictions
- Any conviction which results in a sentence of more than 12 months imprisonment
- Repeated misconduct or multiple convictions unless of a very minor nature.

During the interview process, applicants are asked to share whether any prior convictions are expected to be raised through a DBS application.

The school will not recruit anyone (or hold a disclosure discussion or conduct a risk assessment) who:

- Would be working in a regulated activity and feature on the barred list
- Would be working with children under 8 and has committed offences that disqualify them from doing so (see [Disqualification under the Childcare Act 2006 - GOV.UK \(www.gov.uk\)](http://www.gov.uk))
- Is applying for a governor role and is subject to a section 128 direction

A criminal record does not automatically bar someone from working in school. The following types of offences that are usually considered minor include (but are not limited to):

- Motoring offences (excluding drink driving)
- Offences related to drunken behaviour (excluding drink driving)
- Offences related to the use of insulting or offensive language (except where the language relates to protected characteristics).

## 4.0 Existing employees

It may be necessary at times to update the records of existing employees. Existing employees who are found to have criminal records will not be dismissed as a matter of course. Each case will be considered on its merits, and an assessment of risk and relevance will be involved.

All employees complete a Self-Declaration of Criminal Record form annually. This form is only viewed by the Headteacher and/or DSL.

## 5.0 Linked policies

This policy statement should be read in conjunction with:

- Keeping Children Safe in Education (DFE)
- Safer Working Practice Guidance (DFE)
- Safer Recruitment Policy (Naunton Park)
- Safeguarding and Child Protection Policy (Naunton Park)
- Staff Conduct Policy (Naunton Park)