

Recruitment of Ex Offenders Policy

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Policy history:

Approved by:	Resources & Personnel Committee		Date: January 2025
Last reviewed on:	New	Next review due:	Lent 2026
Version	1 – based on Judicium Jan 2025		

Linked policies and procedures:

Policy Name	
Child protection and safeguarding policy	Criminal records self-declaration form
Data protection policy	Employee criminal records self-declaration risk assessment
Equalities and Cohesion policy	
Safer recruitment policy	

1. Context

All policies should be read within the context of our mission statement: Ministerium Tuum Imple (2 Tim 4:5) – Love, Serve, Do the Best that is Possible.

2. Aims and purpose

We aim to:

Safeguard and promote the welfare of children and young people.

3. Introduction

St Paul's Catholic School meets the requirements for exemption from the Rehabilitation of Offenders Act 1974.

This means that, where a role involves regulated activity, applicants are required to disclose **relevant** convictions and cautions (excluding exemptions – see section 2) if **shortlisted** for employment in our schools.

Roles involving regulated activity will also be subject to an enhanced Disclosure and Barring Service (DBS) check with barred list check.

Having a criminal record will not necessarily bar you from working at our school. The success of your application will depend on your suitability for the job, the nature of the role, and the circumstances and background of any offences.

We are committed to:

- Our duty to safeguard children under:
- Keeping Children Safe in Education
- The DBS code of practice
- The fair treatment of all applicants and equality of opportunity

4. 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 a school. St. Paul's 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.

5. Responsibilities

5.1 The Headteacher

- Upholds St. Paul's 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 St. Paul's 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

5.2 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

5.3 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

6. The process for disclosing and assessing previous convictions

There are several occasions during a recruitment process in which a candidate is requested and required to disclose if they have convictions (excluding convictions or cautions which are protected as per section 4 above). These include the application form, during the DBS process and following a conditional offer of employment via the criminal records self-declaration form (Appendix 1).

In the event of a disclosure the Recruitment Manager refers the disclosure to the Headteacher who conducts a Employee Criminal Records Self-declaration Risk Assessment (Appendix 2). The Headteacher will take into account information such as, the type of offence, the amount of time elapsed since the offence was committed, whether the offence is relevant to the role, etc....

If the offence is not a safeguarding issue, then the Headteacher will make the decision to continue the conditional offer of employment.

6.1 Self-declaration

All shortlisted applicants will be asked to complete a self-declaration before the interview stage, via the recruitment application form. Applicants must complete this form accurately, and reveal all relevant convictions, as well as any other information that would make them unsuitable to work with children. Failure to reveal any relevant information could lead to the withdrawal of a conditional offer of employment.

Applicants will not be asked for information about previous convictions or cautions before this stage, and any such information that is disclosed before shortlisting will not 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.

Following a conditional offer of employment candidates will be required to complete and submit a criminal records self-declaration form. In the event that a conviction is declared this will be managed as per section 6 above.

6.2 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 6.3) 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.

6.3 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 our school. The Headteacher will complete an Employee criminal record self-declaration risk assessment in discussion with the applicant.

We will not ask applicants about protected convictions and cautions.

Review: 2025 / 2026 by Leadership Team for presentation to the Resources and Personnel Committee of the Governing Board.

Appendix 1

Criminal records self- declaration form

As part of our duty to safeguard pupils, we need to check whether you are barred from working with children, or whether you have convictions that would make you unsuitable to work with children or in the role you've applied for.

Please complete the following form as accurately as possible.

Note: you are not required to disclose convictions or cautions that are 'protected', as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). If you're not sure whether one of your convictions is 'protected', guidance can be found on the Ministry of Justice website.

If you accidentally provide information about 'protected' convictions or cautions, we will not take this into account.

How we'll use this information

We'll use the information in this form to:

- Identify whether you may be ineligible for a role based on barring or childcare disqualification requirements
- Inform our conversations with you about any relevant details during the conditional offer process or DBS renewal process for existing staff

If we offer you a position, we'll compare the information you've provided in this self-declaration with the information in your formal DBS check so that we only make decisions based on the most accurate information possible.

Personal Details		
Name:	Position Applied / Held:	Are you a new or current employee?

Self-declaration

Disclosure of Criminal Convictions	Yes / No
<p>The post for which you have applied / hold is considered exempt by the virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) order 1975. You are therefore required to disclose any convictions, cautions, warnings and reprimands including motor vehicle related offences, including convictions that would otherwise be considered 'spent'. A conviction will not necessarily bar you from obtaining / continuing employment. Failure to disclose any criminal convictions, in the event of your employment, may result in disciplinary action or dismissal.</p> <p>Do you have any criminal convictions?</p>	
<p>Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?</p>	
Rehabilitation of Ex-Offenders	Yes / No
<p>Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?</p>	
Child Protection Matters and Barring Checks	Yes / No
<p>The role you've applied for / are employed in is 'regulated activity', so is eligible for a barred list check.</p>	

Are you barred from working in regulated activity with children (i.e., are you included on the Disclosure and Barring Service Children's Barred List)?	
<p>Have any orders relating to the care of children, as set out in schedule 1 of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, been made in respect of you?</p> <p>This includes, but is not limited to:</p> <ul style="list-style-type: none"> • Orders disqualifying you from caring for children • Orders disqualifying you from private fostering • Any refusal of an application for you to be registered in relation to a children's home • Care/child protection orders issued in respect of a child in your care 	
<p>Have you been convicted of committing, or been given a caution, reprimand or warning since 6 April 2007 for, any offences set out in regulation 4 and schedules 2 and 3 of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018?</p> <p>This includes, but is not limited to:</p> <ul style="list-style-type: none"> • Any offence against or involving a child • Any sexual offence • Any violent offence, i.e. murder, manslaughter, kidnapping, false imprisonment, actual bodily harm (ABH), or grievous bodily harm (GBH) 	
Do the police or children's social care have your name and / or information on file for any reason?	
Overseas Criminal Convictions Disclosure	Yes / No
Have you committed an offence overseas which would have resulted in disqualification if it had occurred in the UK?	

If you answered 'yes' to any of the questions above, please provide further information

I confirm that the information above is accurate to the best of my knowledge, and that I will make the school aware of any changes in my circumstances that may affect the answers I've provided above, or my suitability for the post throughout my employment at St. Paul's Catholic School.

Signed:

Date:

Appendix 2

Employee Criminal Records Self-Declaration Risk Assessment

As part of our duty to safeguard pupils we need to check whether you are barred from working with children or whether you have convictions which would make you unsuitable to work with children or in the role you have applied for / are employed for.

The school will refer to the Safer Recruitment Policy and Recruitment of ex-offenders when undertaking this assessment.

This risk assessment is designed to enable the School to review the self-declaration of convictions and cautions (save those which are 'protected') and assess:

- whether a conditional offer of employment can continue
- if a current employment contract would need to be terminated or re-deployed

Risk Assessment Must be JHY / KWN / PKT	Date of Completion:
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Name of Employee:		Details of Caution / Conviction Allegation / Concern:
Date of Caution / Conviction:		
Is the conviction 'protected' as defined by the rehabilitation of offenders act 1974	Yes / No	
Notes taken from discussion:		

Risk Assessment	
Consideration	Notes
The seriousness of any offence and relevance to the post applied / held.	
How old was the person at the time of the offence?	
What were the circumstances of the offence?	
How long ago was the offence?	

(review the Ministry of Justice offences document for guidance on 'spent' convictions, saved on X drive)	
Was there any physical harm involved in the offence? GBH, ABH, assault, etc...	
How many offences are there?	
If more than one offence over what period of time was this?	
If more than one offence are they reoccurring? Does it appear that they have 'learnt' their lessons.	
Was the offence a targeted / premeditated situation?	
How old is the DBS?	
Does the applicant accept responsibility for their actions?	
Other consideration:	
Other consideration:	
Other consideration:	

From what has been ascertained through conversation will:

- the conditional offer of employment be able to continue Yes / No
- HR proceeding required to explore re-deployment, disciplinary, etc... Yes / No

Signed:

Date: