

NORMAN STREET PRIMARY SCHOOL

"Kind. Brave. Fair. That's the Normie Way."

RECRUITMENT OF EX-OFFENDERS POLICY & PROCEDURES

Approved by	
Name	Rev Keith Teasdale
Position	Chair of Governors
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Review date	September 2027

Review sheet

The table below details earlier versions of this document, with a brief description of each review.

Version	Description	Date
6	Reviewed (no changes)	Sept 2025
7	Updated to reflect the removal of the supervision exemption from the definition of regulated activity with children (Crime and Policing Act 2026), in force from 1 September 2026; updated references to Keeping Children Safe in Education 2026; clarified the Childcare (Disqualification) Regulations 2018 references; corrected local safeguarding partnership references to Cumberland Safeguarding Children Partnership (CSCP); minor date updates only – no change to the School's underlying risk-based approach to ex-offenders.	Sept 2026

1. Purpose and scope

The aim of this policy is to provide details of our approach towards employing people who have criminal convictions.

We are committed to equality of opportunity for all job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training – in keeping with the fairness at the heart of our Normie Way values.

However, Norman Street Primary School (hereinafter referred to as the 'school') is an exempt employer as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975, as amended) and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, the school is a regulated activity provider and for most posts, we have a statutory duty to check that the individual is not barred from regulated work with children and/or adults.

From 1 September 2026, the Crime and Policing Act 2026 removed the 'supervision exemption' from the statutory definition of regulated activity with children. This means that some volunteers who were previously excluded from regulated activity because they were supervised by another adult already in regulated activity may now themselves be in regulated activity, and therefore eligible for an Enhanced DBS certificate with a check of the Children's Barred List. The School will review all volunteer roles against this change and will not apply for a new DBS certificate for an existing volunteer without first carrying out this review.

We can only ask an individual to provide details of convictions and cautions that the School is 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.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School.

The School will make a report to the Police and/or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of, an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

The safeguarding of children and vulnerable adults is of paramount importance to us, and the scrutiny of any unspent cautions or convictions, and those which would not be protected under the Ministry of Justice filtering rules, is an essential and non-negotiable part of the pre-employment check process.

We will consider ex-offenders for employment on their individual merits.

1.1 Jobs covered by the Rehabilitation of Offenders Act 1974

We will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

During the recruitment process, we will ask shortlisted applicants to disclose any unspent cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions. The successful applicant will be asked to apply for a DBS certificate at the required standard.

If an applicant has a caution or conviction that is unspent and if the nature of the offence is relevant to their suitability for the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment. We will undertake a risk assessment and will document our decision to either employ or decline.

1.2 Roles/jobs that are exempt from the Rehabilitation of Offenders Act 1974

The vast majority of the roles we are seeking to recruit are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (roles in regulated activity positions). In these cases, we will require shortlisted applicants to disclose all unspent convictions or bind overs in addition to any criminal history that would not be filtered. Even in these circumstances, however, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

As a result of amendments to the Rehabilitation of Offenders Act in 2013, 2020 and 2023, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be considered by potential employers. We encourage all applicants to use the practical guidance provided by Unlock and to seek legal or impartial advice before completing their self-disclosure. We will not consider any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

We will, once we have selected the person to whom we wish to offer employment, make a joint application to the Disclosure and Barring Service (DBS) for an enhanced certificate (with the relevant DBS barred list(s) check where the post is in regulated activity). Where the individual is a member of the DBS Update Service in the relevant workforce and at the required level, we will, with the individual's permission, carry out a status check on any current certificate. In order to check the DBS Update Service we will require sight of the original DBS certificate.

We are committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the Data Protection Act 2018 and UK GDPR.

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted;

- not retain disclosure information or any associated correspondence unless we have a valid reason for doing so, and then only for a maximum of 6 months;
- keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique disclosure number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means, such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

1.3 Roles which are 'relevant' in relation to the Childcare (Disqualification) Regulations 2018

Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.

The Childcare (Disqualification) Regulations 2018 (which consolidated and amended the 2009 Regulations) place separate and additional requirements on schools. At the point that an individual is convicted of, or cautioned for, a criminal offence of a specified type or category, or where they meet other disqualification criteria set out in the Regulations, the Childcare Act 2006 and Regulations disqualify staff from:

- providing early years childcare (including reception classes) or later years childcare (wraparound care) to children who have not attained the age of eight; or
- being directly concerned in the management of that childcare.

To ensure that those relevant individuals working (paid or unpaid) in our School are not disqualified from teaching, training, supervising or otherwise caring for the 'relevant' pupil groups under the Childcare (Disqualification) Regulations 2018, the Governing Body requires that, prior to appointment or at the short-listing stage, an individual completes a criminal record and other sanctions self-declaration form.

In cases where we receive information and are satisfied that an individual working in a relevant setting falls within one of the disqualification criteria in the 2018 Regulations, we will inform the individual of this and explain the implications of disqualification to them, including whether they can apply to Ofsted for a waiver of disqualification (for example, Ofsted cannot grant a waiver to an individual who is on the Children's Barred List) and make clear what information the individual will need to share with Ofsted and why.

2. The process

As a Regulated Activity Provider (RAP), almost all paid employees at Norman Street Primary School are in regulated activity and are therefore subject to an enhanced DBS certificate with

check(s) of the relevant DBS barred list(s), with an additional requirement to ensure the suitability of those staff who work with relevant pupil groups under the Childcare Act 2006.

In relation to volunteers and contractors, we only request a DBS certificate after a thorough risk assessment has indicated that a check is relevant to the position concerned. Following the removal of the supervision exemption from 1 September 2026 (see section 1 above), this risk assessment will explicitly consider whether the volunteer's activity now falls within the statutory definition of regulated activity.

For those positions where an enhanced DBS check for regulated activity is required, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS certificate (with barred list check(s) where relevant) will be requested in the event of the individual being offered the position, and an explanation of when in the recruitment process criminal information will be requested and considered.

All shortlisted applicants are required to complete a criminal record self-disclosure to be returned no less than one day prior to the interview date. This information is to be sent to the Headteacher, Eleanor Dobson, or to the Deputy Headteacher and Deputy DSL, Karen Hodges, in the Headteacher's absence, dependent on the role applied for. Failure to return the self-disclosure will result in the offer of interview being withdrawn. We guarantee that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process.

The criminal history self-disclosure will include information for shortlisted applicants on the importance of seeking legal advice and the contact details of organisations that can provide impartial advice.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- 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 applicant's circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences: murder, manslaughter, rape, other serious sexual offences, actual/grievous bodily harm or other serious acts of violence; or serious drug-related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving (within the last ten years).

If a DBS certificate reveals any convictions, the person concerned will be invited to attend an interview with the Headteacher or another appointed senior leader to discuss the conviction(s) and circumstances. Following this meeting, a 'Cause for Concern' risk assessment will be carried out and a decision made and communicated back to the person concerned. For safer recruitment purposes, until this decision has been made, the applicant should not commence employment.

We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences, in line with Keeping Children Safe in Education 2026. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975, as amended 2013, 2020 and 2023), and know how to access advice and support, e.g. from our HR suppliers and relevant registered bodies.

At interview, or in a separate discussion, the recruitment selection panel will ensure that an open and measured discussion takes place on the subject of any offences or related concerns that might be relevant to the position. Failure to reveal information that would not be filtered could lead to withdrawal of an offer of employment or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

All potential employees are guided to the Disclosure and Barring Service Code of Practice, and a copy is made available on request.

We undertake to discuss any relevant matter revealed on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by the Headteacher or by another appointed person.

If the DBS check reveals any matching information against the DBS barred list(s), or any criminal conviction which precludes the applicant from working with children and/or adults, the applicant is deemed non-appointable. In this circumstance, we would notify the Local Authority Designated Officer (LADO) in line with local multi-agency procedures, as set out in Working Together to Safeguard Children 2026.

3. References and useful links

Disclosure & Barring Service

- www.gov.uk/government/organisations/disclosure-and-barring-service

- Detailed information, fact sheets and FAQs
- Filtering guidance (as amended)

Ministry of Justice

- Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (and self-disclosure)

National Association for the Care and Resettlement of Offenders (Nacro)

- Criminal record support service – advice for applicants and employers
- Practical guidance on DBS filtering

Unlock – organisation providing advice for those with criminal records

- Help or advice with a criminal record
- Which cautions and convictions will be removed from a standard or enhanced DBS disclosure? Filtered and protected convictions

Cumberland Safeguarding Children Partnership (CSCP)

- LADO: lado@cumberland.gov.uk | 0300 303 3892