

Moss Park Primary School



Recruitment of Ex-Offenders Policy

Author	Trafford Council
Reviewed	September 2026
Responsible Committee	Resources and Premises
Date Approved	October 2026
Next Review Date	September 2029 or pending new legislation/Guidance from Trafford

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INTRODUCTION

The school is committed to safeguarding and promoting the welfare of children and young people. Safe recruitment practices are essential to this commitment.

The school is also committed to equality of opportunity and welcomes applications for paid and voluntary roles from a wide range of individuals, including those with criminal records. Applicants will be assessed for interview on their skills, qualifications and experience against the requirements of the role. A criminal record will not necessarily prevent an individual from working at the school; each case will be considered on its merits.

The school recognises that appropriate employment opportunities can support rehabilitation and reduce re-offending. However, safeguarding children remains the paramount consideration in all recruitment decisions.

This policy sets out the school's approach to recruiting individuals with a criminal history and forms part of the schools safeguarding and safer recruitment framework.

SCOPE

This policy applies to:

- all applicants for paid and voluntary roles
- all roles within the school, including leadership, teaching, support staff and governors
- all employees involved in recruitment and selection

RELATED POLICIES

- Recruitment and Selection Policy
- Disclosure and Barring Service (DBS) Policy including the Policy Statement on Secure Storage, Handling, Use, Retention and Disposal of DBS Checks and Certificate Information

LEGAL AND REGULATORY FRAMEWORK

This policy is underpinned by the following legislation and guidance:

- Rehabilitation of Offenders Act (ROA) 1974 (and Exceptions Order 1975 as amended in 2013, 2020 and 2023)
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Crime and Policing Act 2026
- DBS Code of Practice
- Keeping Children Safe in Education (KCSIE)
- Data Protection Act 2018 / UK GDPR

The school will assess whether a DBS check is legally eligible, relevant and necessary for each role. It will only ask applicants to provide information about convictions and cautions that it is legally entitled to know about, in accordance with the Rehabilitation of Offenders Act 1974, the Exceptions Order and DBS filtering rules.

The Rehabilitation of Offenders Act 1974 allows individuals, after a specified rehabilitation period, to treat many convictions as spent. For most roles, applicants do not have to disclose spent convictions. However, where a role on the school is exempt and eligible for the relevant level of DBS check, the school may ask about spent and unspent convictions and cautions, except where they are protected under DBS filtering rules.

DBS filtering rules

Under DBS filtering rules, certain old or minor cautions and convictions are protected and must not be disclosed by applicants. If protected information is disclosed in error, the school will not take it into account when making recruitment decisions.

Applicants are advised to read current government guidance on filtering, or seek independent advice, before completing a self-declaration form.

Schools should consult the guidance on DBS filtering published by the Ministry of Justice. See the reference and useful links section at the end of this document.

PRINCIPLES

The school is committed to the following principles:

- **Fair treatment:** all applicants will be treated fairly and consistently.
- **Merit-based selection:** candidates will be assessed on skills, qualifications and experience.
- **Non-discrimination:** candidates will not be unfairly discriminate against on the basis of a criminal record.
- **Safeguarding first:** the welfare of children is paramount in all recruitment decisions.
- **Transparency:** applicants will be informed where a DBS check and/or check of the Children's Barred list is required.

TRAINING AND RESPONSIBILITIES

Where possible, all those involved in the recruitment process will:

- have been trained to identify and assess the relevance and circumstances of offences
- have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders
- know how to access advice and support from the HR Service
- ensure that recruitment decisions are based on the candidate's suitability for the role and a documented assessment of risk, not on assumptions or blanket exclusions because a candidate has a criminal record

THE RECRUITMENT PROCESS

Where a Disclosure and Barring Service (DBS) check / check of the Children's Barred list is required it will be clearly stated on both the job description and the advert. Applicants will have access to both this policy and the schools Policy Statement on Secure Handling, Storage and Destruction of DBS Information.

Applicants will be shortlisted against the requirements of the role. In line with the Statutory Guidance on Keeping Children Safe in Education, shortlisted candidates will be asked to complete a self-declaration form before interview. The form will ask candidates to declare their criminal record and any other information that may make them unsuitable to work with children. The form will only ask for information the school is legally entitled to consider.

The self-declaration form must be returned to the Chair of the recruitment panel, marked private and confidential, at least one day before the interview date. It must be stored securely. Failure to return the self-declaration form before the interview date may result in the interview being delayed or withdrawn. Before withdrawing an interview, the Chair should consider whether there is a reasonable explanation for the delay and seek HR advice where appropriate.

The purpose of the self-declaration is to give shortlisted candidates an opportunity to share relevant information so that it can be considered and, where appropriate, discussed with the candidate before appointment is confirmed and before the DBS certificate is received. The self-declaration does not replace the requirement to complete the appropriate DBS check and, where required, a Children's Barred List check.

WHAT RECRUITMENT PANEL CHAIRS MUST DO

- confirm, before advertising, whether the role is eligible for a DBS check and whether a barred list check is required
- ensure the advert, job description and recruitment information state the level of DBS check required and explain that this policy is available to applicants
- shortlist candidates only against the person specification and role requirements
- ensure all shortlisted candidates are asked to complete a self-declaration form before interview, declaring their criminal record and any other information that may make them unsuitable to work with children
- ensure information disclosed on the self-declaration is handled confidentially as part of the safer recruitment process
- review the self-declaration form before interview and ensure any relevant information is discussed and considered with the candidate, in a measured and non-judgemental manner, at interview before the DBS certificate is received. Share the information only with those involved in the recruitment decision and handle it confidentially.
- complete the criminal record risk assessment before confirming appointment or withdrawing a conditional offer
- seek HR advice where there is uncertainty about DBS eligibility, protected information, relevance of an offence, safeguarding risk, or whether an offer should be made or withdrawn
- record the reasons for the decision clearly, including why the decision is proportionate and relevant to the role
- ensure all criminal record information is handled, stored, retained and destroyed in line with the school's DBS secure handling policy and data protection requirements

CONSIDERATION OF CRIMINAL HISTORY

A criminal record will not automatically exclude a candidate from employment. Decisions must be based on the relevance of the information to the role, the safeguarding implications, and a fair and proportionate assessment of risk. However, the school will not employ:

- individuals who are barred from working with children
- individuals whose criminal history presents an unacceptable safeguarding risk

Where relevant criminal history is disclosed through self-declaration or a DBS certificate, the following process must be followed before confirming appointment or withdrawing a conditional offer:

- the Chair of the recruitment panel will hold a confidential, open and measured discussion with the candidate
- the candidate will be given the opportunity to explain the circumstances

The Chair will complete a documented risk assessment, seeking HR advice where appropriate, considering:

- the nature and seriousness of the offence(s)
- its relevance to the role applied for
- the incident in the context of the Teachers' standards and Teacher misconduct guidance (for teaching roles only)
- the age of the offence and time elapsed
- patterns of offending
- evidence of rehabilitation

- the safeguarding implications for children and young people
- whether any conditions, safeguards or supervision arrangements could manage the risk appropriately

Where relevant criminal history has not been disclosed at the application stage, in addition to considering the factors above, the Chair must explore with the candidate the reasons for the non-disclosure and consider whether this affects the school's assessment of risk, trust and suitability for the role.

The Chair must discuss the completed risk assessment with the Head Teacher and, where appropriate, HR. The Head Teacher will make the final decision, ensuring it is lawful, proportionate, relevant to the role and clearly documented.

All decisions must be fair, proportionate, balanced and clearly documented. Where a decision is made not to offer a role, or to withdraw a conditional offer, because of relevant criminal history or barred list information, the reason must be clearly communicated to the candidate.

Where self-declaration or a DBS check reveals that an individual is barred from working with children or reveals information that may present an immediate safeguarding concern, the school must seek advice from HR and follow local safeguarding procedures, including referral to the Local Authority Designated Officer (LADO) where appropriate.

CONFIDENTIALITY AND DATA PROTECTION

The school is committed to ensuring that all information disclosed about an individual's criminal history is stored and handled appropriately in accordance with the Data Protection Act 2018, UK GDPR, the DBS Code of Practice and the school's Policy Statement on Secure Handling, Storage and Destruction of DBS Information. As such:

Access to information will be restricted to those who are involved in the recruitment process and who are responsible for determining whether an appointment can be made.

Information will be retained only for as long as necessary for recruitment, employment, safeguarding or legal purposes, and will not be disclosed to any unauthorised person.

REFERENCE AND USEFUL LINKS

[Disclosure and Barring Service - GOV.UK](#)

[About us - Disclosure and Barring Service - GOV.UK](#)

[DBS filtering guide - GOV.UK](#) published by the Ministry of Justice

[Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK](#)

[Criminal Record Support Service | Nacro](#)