



Policy on the Recruitment of Ex-Offenders

Document control

Item	Detail
Policy title	Policy on the Recruitment of Ex-Offenders
Category	Safer Recruitment / Human Resources
Statutory status	Required by the DBS Code of Practice (issued under section 122 of the Police Act 1997). Must be made available to all applicants at the outset of the recruitment process.
Policy owner	Head of HR
Senior leader responsible	Head
Effective date	1 September 2027
Review cycle	Annual
Next review date	September 2027
Publication	Vacancies section of the School website, and available to any applicant on request

Policy summary

We are committed to fair and safe recruitment. Having a criminal record does not automatically bar a person from working at Cokethorpe. This policy explains how we treat information about criminal records and cautions with fairness, consistency and confidentiality, what we ask for and when, how self-disclosure and the DBS process work, how filtering applies, and how a criminal record is assessed on its merits before any decision is taken. It applies to all applicants, staff, volunteers, Governors and, where relevant, contractors, and it sits alongside our safer recruitment arrangements.



Contents

1. Why this matters	Error! Bookmark not defined.
2. Purpose	Error! Bookmark not defined.
3. Scope.....	Error! Bookmark not defined.
4. Definitions	4
5. Roles and responsibilities	5
6. Our commitments to applicants	5
7. Self-declaration.....	6
8. Criminal record checks.....	7
9. Volunteers and regulated activity	7
10. Where an appointment cannot proceed	8
11. Assessing information that is disclosed	9
12. Roles carrying particular risk.....	10
13. Records, confidentiality and retention.....	10
14. The ongoing duty to disclose.....	11
15. Availability of this policy, training and review	11
16. Equality	11
17. Related School policies and procedures	12
18. Legislation, regulation and guidance.....	12
Version history	13
Appendix A – Criminal Record Risk Assessment.....	14
Nature of conviction(s) and other information.....	14
Assessment questions	14
Precautionary and mitigating measures	17
Decision and declaration	17
Reasons for the decision (to be completed in all cases):	17



1. Why this matters

Cokethorpe School is committed to safeguarding and promoting the welfare of children, and that commitment shapes every appointment we make. We are equally committed to recruiting fairly. Our values of respect and integrity apply as much to the people who apply to work and volunteer here as they do to our pupils.

The School will not unfairly discriminate against any candidate for employment on the basis of a conviction or other details revealed. We make appointment decisions on the basis of merit and ability, and we select candidates for interview on their skills, qualifications and experience. If an individual has a criminal record this will not automatically bar them from employment within the School. Each case is decided on its merits, in accordance with the assessment set out in this policy.

Where the law prevents an appointment — most importantly where a person is barred from working with children — that is an absolute limit and we apply it without exception. In every other case we make a considered, recorded judgement about the individual and the role.

2. Purpose

This policy is designed to:

- keep children safe by making sure that criminal record information is obtained lawfully, considered properly and acted on consistently;
- give applicants confidence that they will be treated fairly, and that disclosing a criminal record will lead to a conversation rather than an automatic rejection;
- give those involved in recruitment a clear framework for assessing what is disclosed and for recording the reasons for their decision; and
- meet the expectation of the Disclosure and Barring Service that organisations hold a written policy on the recruitment of ex-offenders and make it available to applicants on request.

3. Scope

This policy applies to all recruitment and appointment at Cokethorpe School, including teaching and support staff (whether permanent, fixed-term, part-time, casual or seasonal), volunteers, Governors, agency, supply and peripatetic staff, self-employed instructors engaged by the School, and contractors and their employees where they will have contact with pupils. It also applies where criminal record information about an existing member of the School community comes to the School's attention (see section 14).

It should be read with the Safer Recruitment Policy and Procedures, which sets out the full recruitment process and the pre-appointment checks. This policy deals specifically with criminal record information and how it is assessed.



4. Definitions

Term	Meaning as used in this policy
DBS	The Disclosure and Barring Service.
Basic check	A check showing unspent convictions and conditional cautions.
Standard check	A check showing spent and unspent convictions and adult cautions held on the Police National Computer which have not been filtered in line with legislation.
Enhanced check	A Standard check plus any information held by local police that a chief officer considers relevant to the role and which ought to be disclosed.
Enhanced check with barred list information	An Enhanced check plus a check of the children's barred list, the adults' barred list, or both.
Regulated activity with children	Work defined by the Safeguarding Vulnerable Groups Act 2006 which may only be carried out by a person who is not barred. From 1 September 2026 the supervision exemption is removed, so unpaid work is treated in the same way as paid work where the frequency or period conditions are met (see section 9).
Protected (or "filtered") record	A caution or conviction which, under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, does not have to be disclosed and which an employer must not take into account.
Specified offence	An offence on the list agreed by Parliament which is always disclosed on a Standard or Enhanced certificate, however long ago it occurred. The list covers serious offences and offences relating to sexual or violent behaviour or to safeguarding.
Disclosure information	Any criminal record information the School receives, whether from a DBS certificate, a self-declaration, the DBS Update Service, a reference, an online search or another source.



5. Roles and responsibilities

Role	Responsibility
Board of Governors	Approves this policy and receives assurance at least annually that safer recruitment arrangements, including the assessment of disclosed criminal record information, are operating effectively.
Head	Holds overall responsibility for this policy and for the recruitment of academic staff. Takes or confirms the appointment decision where information has been disclosed about a candidate for an academic post.
Bursar	Holds responsibility for the recruitment of support staff. Takes or confirms the appointment decision where information has been disclosed about a candidate for a support post.
Head of HR	Operational owner of this policy. Ensures that application documentation, self-declarations and check levels are correct; obtains and verifies checks; convenes and records the risk assessment; and controls access to, storage of and disposal of disclosure information.
Designated Safeguarding Lead (Mr Joe Hughes)	Advises on the safeguarding significance of any disclosed information, and is consulted before any appointment decision is taken where information has been disclosed.
Everyone involved in recruitment	Reads and applies this policy, completes safer recruitment training, treats disclosure information as strictly confidential, and raises any concern about a candidate's suitability with the Head of HR or the Designated Safeguarding Lead.

6. Our commitments to applicants

We want applicants to understand, before they apply, how we will treat information about a criminal record. The School undertakes that:

- we ask an individual to provide details only of those convictions and cautions we are legally entitled to know about;



- before we apply for a Standard or Enhanced check we satisfy ourselves that the role is legally eligible for that level of check and that requesting it is proportionate and relevant to the position;
- where a DBS check is necessary, our application form and other recruitment documentation state clearly that an application for a DBS certificate will be submitted if the individual is offered the position;
- we treat all applicants fairly and do not discriminate unfairly against any person on the basis of a conviction, caution or other information revealed;
- we hold an open and measured discussion with the candidate about any offence or other matter revealed, except where this policy states explicitly that the matter is a barrier to appointment;
- we abide by the DBS Code of Practice and, where a Basic check is used, the DBS Basic check processing standards;
- we actively promote equality of opportunity, seeking the right mix of talent, skills and potential, and we welcome applications from a wide range of candidates including those with criminal records; and
- we select all candidates for interview on their skills, qualifications and experience.

7. Self-declaration

Shortlisted candidates are asked to complete a self-declaration of any criminal record or other information that would make them unsuitable to work with children. The purpose is to give candidates the opportunity to share relevant information so that it can be discussed and properly considered before any DBS certificate is received.

Shortlisted candidates are asked to sign the self-declaration confirming that the information they have provided is true. Where an electronic signature has been used, the candidate signs a hard copy at the point of interview.

We only ask about criminal record information that we are legally entitled to know about. Because roles at the School involve work with children, they are exempt from the Rehabilitation of Offenders Act 1974 by virtue of the Exceptions Order 1975, which means we may ask about certain spent convictions and cautions as well as unspent ones. We may not ask about, and must not take into account, records which are protected (filtered). If the School took into account a conviction or caution that would not have been disclosed, it would be acting unlawfully under the Rehabilitation of Offenders Act 1974. Our application documentation therefore uses the questions recommended by the DBS:

- Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?
- 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?



We explain to candidates that amendments made to the Exceptions Order in 2013 and 2020 mean that certain convictions and cautions are "protected": they do not need to be disclosed, and if they are disclosed we cannot take them into account. Guidance for candidates on whether a conviction or caution must be disclosed is published by the Ministry of Justice, and independent advice is available from Nacro and Unlock.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected, or in summary dismissal if they have been appointed, and in a possible referral to the police and/or the DBS.

8. Criminal record checks

The level of check is determined by the role, not by the person, and is confirmed by the Head of HR before any check is requested. The School does not request a higher level of check than the role is legally eligible for.

Certificates issued on or after 28 October 2023 must include all unspent conditional cautions and convictions, together with spent records as follows:

Disposal	Age when given / sentenced	How long ago
Caution for a specified offence	18 or over	Any time
Caution for a non-specified offence	18 or over	Less than 6 years
Conviction for a specified offence	Any age	Any time
Conviction resulting in a custodial sentence	Any age	Any time
Conviction for a non-specified offence	18 or over	Less than 11 years
Conviction for a non-specified offence	Under 18	Less than 5 and a half years

Youth cautions (other than youth conditional cautions), warnings and reprimands are not disclosed automatically on a Standard or Enhanced certificate. Police may, however, disclose information on an Enhanced certificate that would otherwise be filtered, where the statutory relevance test is met.

9. Volunteers and regulated activity

Volunteers make a valued contribution to School life, and the checks we ask of them are proportionate to the work they do. From 1 September 2026 the Crime and Policing Act 2026 removes the supervision exemption from the definition of regulated activity with children. From that date:



- unpaid teaching, training, instructing, caring for or supervising children is regulated activity if it is carried out frequently, or on more than 3 days in a 30-day period, or overnight between 2am and 6am;
- all volunteers on an overnight School trip are in regulated activity;
- volunteers in regulated activity must have an enhanced DBS check with children's barred list information before they begin, and these checks are free of charge for volunteers;
- days spent working with children across more than one setting count cumulatively towards the 3-days-in-30 test; and
- occasional helpers who are not caught by these conditions are not in regulated activity, although the School may still request an enhanced check without barred list information where it is proportionate to do so.

10. Where an appointment cannot proceed

There are a small number of circumstances in which the School has no discretion. It is unlawful for the School to employ, and the School will not appoint or continue to engage, a person who:

- is included on the children's barred list maintained by the DBS, where the role is regulated activity with children;
- is the subject of a disqualifying order made on being convicted or charged with an offence against children, including murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- is disqualified from providing childcare, as set out in the current version of the Department for Education statutory guidance Disqualification under the Childcare Act 2006, where the person works in a relevant setting;
- is subject to a prohibition order from teaching, where the role involves teaching; or
- is subject to a direction under section 128 of the Education and Skills Act 2008, where the role is a management position within the meaning of that section.

It is a criminal offence for a person who is barred from working with children to seek or undertake regulated activity, and for the School to permit a barred person to do so. The School will report the matter to the police and/or the DBS if:

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



11. Assessing information that is disclosed

A criminal record does not automatically prevent appointment. What matters is whether the information is relevant to the role and to the person's suitability to work with children.

Where 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, and the applicant's age at the time;
- 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 what steps have been taken to avoid re-offending;
- whether the matter has implications for the safety of children or of adults;
- the degree of trust, supervision, contact with children and responsibility for money or valuables that the role involves;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification;
- the circumstances surrounding the offence and the explanation offered by the applicant; and
- whether any measure would reduce the risk to an acceptable level.

The following applies in every case where information is disclosed.

- No appointment is made or confirmed until a written risk assessment has been completed using the form at Appendix A.
- The assessment is carried out by the Head of HR with the Head or the Bursar as appropriate, in consultation with the Designated Safeguarding Lead.
- The candidate is given the opportunity to discuss the matter and to comment before any decision is taken. The conversation is open, measured and confidential.
- Any protected (filtered) record is disregarded entirely and forms no part of the assessment.
- The decision and the reasons for it are recorded and retained, whether or not the appointment proceeds.
- Where an appointment proceeds, any agreed mitigations — for example the level of supervision, specific induction or briefing, additional training, an extended probationary period or scheduled progress reviews — are recorded, communicated to the line manager and reviewed.
- The risk assessment is reviewed if the level of risk changes or a new risk arises.



Where an offer is withdrawn, the reasons are explained to the candidate and recorded. A candidate who believes that the information on a DBS certificate is inaccurate may raise a dispute with the DBS and may make representations about police information included on an enhanced certificate; where a dispute has been raised we will not finalise a decision that turns on the disputed information until it has been resolved, unless the delay would be unreasonable, in which case we will explain our position to the candidate in writing.

12. Roles carrying particular risk

Some roles carry a level of trust or access which means that particular offences require especially careful consideration. In each case below the School considers only those convictions which it is lawfully entitled to take into account.

- Where the post is regulated activity with children, or otherwise involves regular contact with children, it is the School's normal policy not to employ anyone who has been convicted of any of the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.
- Where 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 of robbery, burglary, theft, deception or fraud.
- Where the post involves 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.

13. Records, confidentiality and retention

Candidates should be able to trust us with information of this kind, and we treat it accordingly.

- Disclosure information is used only for the recruitment or suitability purpose for which it was obtained.
- It is shared only with those who need it in the course of their duties, and is not disclosed to anyone else, internally or externally, without a specific and lawful reason.
- It is kept securely, with access restricted to authorised people.
- The School records the certificate number, the date of issue, the level of check and the date it was seen and by whom, rather than retaining a copy of the certificate itself.
- Completed risk assessments and the record of the decision are held confidentially on the personnel file.
- Disclosure information no longer required is destroyed securely.

The School will comply with its data protection obligations in respect of the processing of criminal records information, and with the DBS Code of Practice and the DBS



guidance on the handling of DBS certificate information. More information on the School's processing of personal data is included in the School's Privacy Notices.

14. The ongoing duty to disclose

The trust placed in adults who work with children is continuing, and so is the duty of candour that goes with it. Every member of staff, volunteer, Governor and contractor must inform the Head of HR without delay of anything that may affect their suitability to work with children. This includes any conviction, caution, court order, reprimand, warning, charge, police investigation, referral to the DBS, prohibition, section 128 direction, or any matter that would make them disqualified from providing childcare. It also includes relevant conduct outside School, whether online or otherwise.

Information disclosed in this way is assessed under section 11 of this policy, with the same care as information disclosed during recruitment. Failure to disclose may result in disciplinary action, including dismissal.

15. Availability of this policy, training and review

- This policy is published in the vacancies section of the School website, is made available to any applicant on request, and is provided or signposted at the outset of the recruitment process for any role where a criminal record check will be required.
- Everyone involved in recruitment reads and understands this policy before taking part in a selection process, and is familiar with the relevant legislation on the employment of ex-offenders so that they can assess the relevance and circumstances of any offence disclosed.
- The Head of HR monitors the application of this policy and reports to the Head and the Bursar on any case in which disclosed information has been assessed. The Governors receive assurance at least annually.
- This policy is reviewed annually, and sooner if legislation, statutory guidance or DBS guidance changes.

16. Equality

The School has considered the impact of this policy on people with protected characteristics under the Equality Act 2010. Recruitment decisions are made on merit and ability. Criminal record information is assessed individually and fairly, in recognition that a criminal record does not automatically make a person unsuitable. Reasonable adjustments are offered at every stage of the recruitment process, and staff requests for reasonable adjustments are made initially to HR. Recruitment is monitored through the School's Equal Opportunities Monitoring Form.



17. Related School policies and procedures

This policy should be read in conjunction with the following School policies and procedures:

- Safer Recruitment Policy and Procedures
- Safeguarding and Child Protection Policy and Procedures
- Staff Behaviour Policy
- Equal Opportunities Policy for Staff
- Employee Handbook
- Staff Privacy Notice and the School Privacy Notice
- Guidelines on the Storage and Retention of Records
- Risk Assessment Policy
- Complaints Procedure Policy

18. Legislation, regulation and guidance

The School has regard to the current version of the following. Links are to the authoritative publication page rather than to a specific historical document.

- Rehabilitation of Offenders Act 1974 — <https://www.legislation.gov.uk/ukpga/1974/53>
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended (including the 2013 and 2020 amendments)
- Police Act 1997, Part V
- Safeguarding Vulnerable Groups Act 2006
- Crime and Policing Act 2026 — removes the supervision exemption from regulated activity with effect from 1 September 2026
- Education and Skills Act 2008, section 128
- Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018
- Equality Act 2010
- UK GDPR and the Data Protection Act 2018
- Keeping Children Safe in Education (DfE) — <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>. Keeping Children Safe in Education 2026 comes into force on 1 September 2026 and is the framework for which this policy has been prepared; Keeping Children Safe in Education 2025 remains in force until 31 August 2026.
- Disqualification under the Childcare Act 2006 (DfE statutory guidance) — <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>
- DBS, Recruitment of ex-offenders guidance — <https://www.gov.uk/government/publications/recruitment-of-ex-offenders-guidance>
- DBS Code of Practice — <https://www.gov.uk/government/publications/dbs-code-of-practice>



- DBS filtering guidance — <https://www.gov.uk/government/collections/dbs-filtering-guidance>
- DBS checks: detailed guidance — <https://www.gov.uk/government/collections/dbs-checks-detailed-guidance>
- Statutory disclosure guidance — <https://www.gov.uk/government/publications/statutory-disclosure-guidance>

Version history

Version / date	Summary of change	Author
[TO BE CONFIRMED]	Previous approved version.	[TO BE CONFIRMED]
August 2026 (draft)	Full review of the September 2025 V1 against the DBS guidance of 28 January 2025, the filtering rules in force from 28 October 2023 and KCSIE 2026; the withdrawn DBS sample policy removed, and a criminal record risk assessment added.	Policy Review
August 2026 (V4)	Reformatted to the School policy template (V4): document control moved to the front, policy summary and scoped contents field added, heading hierarchy normalised, version history added. No change of substance. DRAFT — not yet approved.	Policy Review



Appendix A – Criminal Record Risk Assessment

Adapted from the ISBA Risk Assessment for the Recruitment of Ex-Offenders / Criminal Record Risk Assessment. To be completed in full, against this policy, before a successful candidate is appointed and commences employment. The completed assessment is confidential and is held securely.

Candidate name	
Post applied for	
Assessment date	
Level of check required	Enhanced with barred list / Enhanced / Standard / Basic
Assessor (HR)	
Assessor (Head / Bursar)	
Designated Safeguarding Lead consulted	Yes / No – date:

Nature of conviction(s) and other information

Offence	Date of conviction / caution	Sentence or disposal
---------	------------------------------	----------------------

Assessment questions

#	Question	Yes / No and / or comments
1	Have those involved in the recruitment process read and understood the School's Policy on the Recruitment of Ex-Offenders?	
2	Are those involved familiar with the relevant legislation on the employment of ex-offenders, including the Rehabilitation of Offenders Act 1974, and able to assess the relevance and circumstances of offences disclosed?	
3	Has it been confirmed that the information disclosed is information the School is legally entitled to take into account (i.e. it is not a protected/filtered record)?	



4	Did the job advertisement and application form state that a DBS check will be requested on any conditional offer of appointment?	
5	Is the candidate aware that the School will not unfairly discriminate on the basis of a conviction or other information revealed?	
6	Is the candidate aware that the role involves substantial access to children?	
7	Is the role regulated activity with children, and has the children's barred list been checked?	
8	Do the School's insurance arrangements exclude the employment of ex-offenders in this occupation?	
9	Did the candidate declare the criminal information in their signed self-declaration?	
10	Did the candidate declare all offences now disclosed?	
11	Is the candidate under police investigation?	
12	How serious is the offence in relation to the job description and person specification?	
13	Is the offence relevant to the role?	
14	Does the offence have implications for the safety of adults?	
15	Does the offence reflect on the person's suitability to work with children or have implications for the safety of children?	



16	Does the candidate have a pattern of offending or other relevant behaviour?	
17	How old was the candidate at the time of the offence?	
18	How long ago was the conviction or caution?	
19	What were the circumstances surrounding the offence?	
20	What is the candidate's attitude to the offence?	
21	What efforts have been made not to re-offend?	
22	Is the candidate taking part in a specific remedial or action plan?	
23	Have the candidate's circumstances changed since the offence? If so, how?	
24	Does the role provide any opportunity for the candidate to re-offend?	
25	Are there any legal constraints, such as motoring convictions where the role requires driving?	
26	Does the role engage the School's position at section 12 on roles carrying particular risk? If so, how has that been addressed?	
27	Does the post involve direct contact with visitors or parents?	
28	If appointed, what level of supervision will be required and available?	
29	Does the role involve direct responsibility for finance or items of value?	
30	Does the position involve a significant level of trust?	
31	Were suitable references obtained and identity verified?	



32	Are there any potential risks to the School's reputation?	
33	In the case of disqualification from providing childcare, does the applicant have, or are they able to obtain, an Ofsted waiver from disqualification?	
34	Has the matter been discussed with the candidate, for example at interview, and how did they respond?	
35	Were there any other material discrepancies in the application form, interview responses or vetting information?	
36	Are there any further questions relevant to this post in respect of criminal convictions?	

Precautionary and mitigating measures

Record any measures recommended to mitigate risk. Examples include the level of supervision required initially and subsequently; induction and briefings such as safeguarding, health and safety and the Staff Behaviour Policy; training to enable the individual and their line manager to operate safely; and other measures such as scheduled progress reviews or an extended probationary period.

Decision and declaration

Head of HR	Head / Bursar
I have considered the above information and am: Content ☐ Not content ☐ for the candidate to commence work.	I have considered the above information and am: Content ☐ Not content ☐ for the candidate to commence work.
Signed:	Signed:
Name:	Name:
Date:	Date:

Reasons for the decision (to be completed in all cases):

This assessment must be reviewed if the level of risk changes or a new risk is presented.