Recruitment of Offenders Policy & Procedure

POLICY APPROVAL

Approval Required	Indicate with a tick (✓)		Annual Review Required	Indicate with a tick (✓)	
	Yes ✓	No		Yes ✓	No
Approval Panel	Loren Janes				
Approved by	Name: Loren Janes		Signature: 	Date: September 2025	
Policy Review Date	September 2026				
Policy Writer/s:	Charlotte Manford				

Purpose and Scope

This policy outlines our approach to the employment of individuals with criminal convictions, ensuring that we comply with relevant legislation, including the Keeping Children Safe in Education (KCSIE) 2025 guidance, and safeguarding the welfare of children and vulnerable individuals. The policy applies to all applicants for employment, volunteers, and individuals working with children or in positions of trust.

Commitment to Safeguarding

We are committed to providing equality of opportunity for all individuals, including those with criminal records. We welcome applications from a diverse range of candidates, and our recruitment decisions are based on the skills, qualifications, and experience of candidates. We do not discriminate unfairly against any candidate based on a conviction, caution, or other information revealed during the recruitment process. All applicants will be considered fairly and on merit, ensuring the process is inclusive and transparent.

DBS Checks and Legal Eligibility

Before requiring a Standard or Enhanced DBS check, a thorough risk assessment will be conducted to assess whether it is both proportionate and relevant to the position concerned. This assessment will consider:

- The nature of the role
- The type of work or interaction with children or vulnerable adults
- The potential risks involved in the role

A Standard or Enhanced DBS check will only be requested if the role is legally eligible for such a check, in accordance with the Safeguarding Vulnerable Groups Act 2006 and KCSIE 2025 guidance.

Disclosure of Convictions and Cautions

We will ask applicants to disclose details of criminal convictions and cautions that they are legally required to disclose under the Rehabilitation of Offenders Act 1974**.** The information disclosed will be treated confidentially, and no decision will be made solely on the basis of the disclosure. The only information we will request is that which we are legally entitled to know.

DBS Check Notification

For positions where a DBS check is necessary, all application forms and relevant recruitment documentation will include a clear statement that an application for a DBS certificate will be submitted in the event the individual is offered the position. Candidates will be made aware that the offer of employment may be subject to the outcome of the DBS check.

Recruitment and Selection Process

As part of our recruitment process, we ensure:

- Disclosure and Barring Service (DBS) Checks: All candidates who will be working with children or vulnerable adults are required to undergo an enhanced DBS check, including a check of the Children's Barred List.
- Self-Disclosure of Convictions: All candidates are asked to declare any criminal convictions, cautions, or other relevant information that may be pertinent to their application.
- Consideration of Offences: A criminal conviction or caution will not automatically disqualify an applicant. Each case will be assessed on its individual merits, considering:

- The nature of the offence
- The time elapsed since the offence
- The role for which the individual is applying
- The individual's conduct since the offence
- The likelihood of the offence being repeated

Disclosure of Convictions

We will provide individuals with the opportunity to disclose criminal convictions voluntarily, with the assurance that each case will be treated with discretion. All information will be handled with confidentiality and in compliance with the Data Protection Act 2018 and GDPR.

Assessing Criminal Convictions

We recognise that individuals with past convictions, particularly those with a history of offending, may be at different stages of rehabilitation. When a criminal conviction is disclosed or identified during a DBS check, we will consider:

- The nature and severity of the offence: Offences involving harm to children or vulnerable adults, sexual offences, or violence will be treated with heightened scrutiny.
- Time elapsed since the conviction: A significant amount of time since the offence and evidence of rehabilitation may influence our decision.
- Relevance to the role: Whether the offence is relevant to the position applied for, especially if the role involves contact with children or vulnerable adults.
- The individual's rehabilitation and references: Evidence of rehabilitation efforts, personal references, and professional references will be considered in the decision-making process.

We will not employ individuals where there is a risk to the safety and welfare of children or vulnerable individuals, as assessed in line with KCSIE guidelines.

Open and Measured Discussion

If an applicant discloses any criminal convictions, cautions, or other matters during the recruitment process (whether as part of their self-disclosure or via a DBS check), an open and measured discussion will take place. We will assess the relevance of any disclosed information to the role, but no decision will be made without considering the applicant's overall qualifications, experience, and conduct.

If the policy does not explicitly state that a particular offence or conviction would automatically disqualify the applicant, the applicant will be given the opportunity to explain the circumstances surrounding the disclosure. We ensure that a decision is made with full consideration of the individual's rehabilitation, the nature of the offence, and the relevance of the offence to the position applied for.

Compliance with DBS Code of Practice

We are committed to abiding by the DBS Code of Practice and will ensure that all DBS checks are processed in accordance with the Basic Check: Processing Standards. We will also take steps to ensure that:

- All applicants are treated fairly and with dignity
- Information disclosed on a DBS certificate is considered carefully and in a proportionate manner
- We do not unfairly discriminate against individuals with criminal records, unless there are specific safeguarding concerns that prevent the individual from being considered suitable for the role

KCSIE 2025 Compliance

In line with KCSIE 2025, we are committed to carrying out appropriate checks, including Enhanced DBS Checks, Barred List Checks, and where applicable, checks with the police and professional regulatory bodies (e.g., the Teaching Regulation Agency). These checks are required for all individuals in regulated activity, and in any roles where they have access to children or vulnerable adults.

Equal Opportunity and Fair Treatment

We actively promote equality of opportunity and welcome applications from candidates with a variety of backgrounds, including those with criminal records. Our recruitment process is designed to identify the right mix of talent, skills, and potential to fulfil the needs of the organisation, and we aim to ensure that all candidates are selected for interview based on their qualifications, experience, and suitability for the role.

Non-Discriminatory Practices

We do not discriminate on the basis of a criminal record, caution, or conviction unless there are valid and substantiated concerns related to the specific nature of the role, particularly in safeguarding contexts. All candidates are assessed based on their individual merits, and any decision to exclude an applicant based on their criminal record will be made only after careful consideration of the facts and following a fair and transparent process.

Equality and Opportunity: Promote equality of opportunity and ensure that all applicants, including those with criminal records, are given the opportunity to demonstrate their qualifications for the role.

This policy aims to strike a balance between safeguarding concerns and fair treatment of individuals with criminal records, while ensuring compliance with KCSIE 2025 and DBS regulations. Let me know if you need further modifications or additions!

Regulated Activity

An individual will be considered to be engaging in regulated activity if they:

- Are unsupervised when working with children.
- Have regular contact with children (including volunteers).
- Carry out roles in educational settings or services used by children and young people.

We will ensure that individuals in regulated activity undergo the appropriate checks and meet the strict criteria set out by KCSIE 2025.

Recruitment of Ex-Offenders

We will consider ex-offenders for employment, but only in cases where the nature of the offence is not relevant to the safeguarding of children or vulnerable adults. In cases where an ex-offender applies for a role, we will:

- Conduct a full risk assessment to assess the potential impact on the safety and welfare of children and vulnerable individuals.
- Consult relevant safeguarding guidelines and assess whether the individual poses any risk to children or vulnerable adults.
- Consider the time elapsed since the offence, the circumstances surrounding the conviction, and the individual's subsequent behaviour and rehabilitation.

Ongoing Monitoring and Support

Once employed, staff and volunteers who have access to children or vulnerable adults will be subject to ongoing monitoring, which may include:

- Periodic DBS checks to ensure any new convictions are disclosed.
- Regular safeguarding training to maintain awareness of child protection and safeguarding issues.
- Supervision and appropriate support to mitigate any risks that may arise due to an individual's past history.

Legal Compliance and Guidance

This policy is developed in accordance with:

- Keeping Children Safe in Education (KCSIE) 2025
- The Safeguarding Vulnerable Groups Act 2006
- The Rehabilitation of Offenders Act 1974
- The Disclosure and Barring Service (DBS) Code of Practice

We will also ensure that all staff involved in recruitment and selection are adequately trained on the relevant legal requirements, and the safeguarding of children and vulnerable individuals.

Conclusion

This policy ensures that our recruitment practices remain compliant with KCSIE 2025 and the DBS Code of Practice. We are committed to a fair, open, and measured approach to the recruitment of individuals with criminal records. By conducting thorough risk assessments and following transparent processes, we aim to balance the safeguarding of children and vulnerable adults with the principles of fairness and equality in our recruitment practices.

Our commitment to making decisions is based on the safeguarding and welfare of children and vulnerable individuals. Our approach to employing individuals with criminal convictions is designed to balance fairness and transparency, while ensuring that we meet our safeguarding obligations.

As an Approved Education Provider, almost all paid employees in our business are in regulated activity and therefore subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s).

References & Useful Links

Disclosure & Barring Service:
www.gov.uk/government/organisations/disclosure-and-barring-service

Detailed information, fact sheets and FAQs:
https://www.gov.uk/government/organisations/disclosure-and-barring-service/about

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