Bowbrook School

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

NOVEMBER 2026

BOWBROOK SCHOOL POLICY STATEMENT

ON THE RECRUITMENT OF EX-OFFENDERS

EXEMPTION FROM THE REHABILITATION OF OFFENDERS ACT 1974

Applicants for positions that are exempt from the Rehabilitation of Offenders Act 1974 must disclose criminal record information that is not protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and applicable filtering rules.

All applicants are required to declare convictions and cautions that are not protected under filtering rules. For further guidance on protected convictions, applicants may refer to the Ministry of Justice website: https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974/guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975

Where the role is eligible for a DBS check, the appropriate level of DBS check will be obtained before an appointment is confirmed. The certificate may include details of convictions and cautions that are not protected under current filtering rules. A criminal record will not necessarily be a bar to obtaining a position. As an organisation using the Disclosure and Barring service to assess the suitability of applicants for positions of trust, Bowbrook School complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Bowbrook School is committed to the fair treatment of its staff regardless of race, gender, religion, sexual orientation, age, physical/mental disability or offending background and welcome applications from a wide range of candidates; we select all candidates for interview based on their competencies, qualifications and knowledge.

HOW THIS AFFECTS SCHOOL BASED JOBS?

School-based posts are eligible for the appropriate level of DBS check and are exempt from the Rehabilitation of Offenders Act 1974 where permitted by legislation. Applicants for positions at the school must disclose convictions and cautions that are **not** protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and the Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Orders.

Application forms and recruitment information will contain a statement that job applicants will be required to disclose their criminal record if they are invited to interview and a DBS check will be carried out if they are offered the job. The information will only be seen by those who need to see it as part of the recruitment process. This will include details of convictions and cautions that are not protected under filtering rules. An enhanced DBS (check) may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

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Failure to reveal information that is directly relevant to the job sought could lead to withdrawal of an offer of employment.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.

All disclosures are handled in accordance with the DBS Code of Practice and only shared with those who need to see it in their course of their duties. Disclosure information will be handled, stored, retained and disposed of in accordance with the DBS Code of Practice, UK GDPR and the Data Protection Act 2018. We ensure that people at Bowbrook School who are involved in the recruitment process have access to professional advice to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders e.g., the Rehabilitation of Offenders Act 1974.

Under *Keeping Children Safe in Education (KCSIE)*, schools may, in certain circumstances, permit a supervised start before the DBS certificate is received, subject to risk assessment and all other recruitment checks being satisfactorily completed.

A criminal record will not necessarily be a bar to obtaining a position. This will depend on the nature of the position and the circumstances and background of your offences.

Schools undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Recruitment decisions are made in accordance with

- Keeping Children Safe in Education (current edition)
- Working Together to Safeguard Children
- Independent School Standards Regulations 2014 (where applicable)
- Equality Act 2010

The following factors will be taken into account:

- 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 the other relevant matters, and
- The circumstances surrounding the offence and the explanation(s) offered of the offending person.

Certain offences, particularly those involving children, serious sexual offences, serious violence or inclusion on a barred list, are highly likely to make employment in a school unsuitable.

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Each case will be considered in accordance with safeguarding duties, relevant legislation, and risk assessment requirements.

ASSESSMENT OF CRIMINAL RECORD INFORMATION

Where criminal record information is disclosed, the School will undertake an individual risk assessment before making any recruitment decision. The assessment will consider the nature, seriousness and relevance of the offence(s), the circumstances in which they occurred, the age of the applicant at the time, patterns of behaviour, the time elapsed since the offence, evidence of rehabilitation, and the extent to which the offence may affect the applicant's suitability to work with children.

Particular consideration will be given to offences involving children, safeguarding concerns, sexual offences, serious violence, dishonesty, abuse of trust, exploitation, extremism, or any matter that may indicate a risk to the welfare of children. The School will also consider whether an applicant is included on any statutory barred list or is otherwise prohibited from working with children.

Recruitment decisions will be made on a case-by-case basis, taking account of safeguarding obligations, relevant legislation, statutory guidance, the requirements of the role, and the School's duty to safeguard and promote the welfare of children. A criminal record will not automatically prevent employment unless legislation, statutory guidance, or barring arrangements make the applicant unsuitable for the post.

If appropriate, applicants will be invited to discuss disclosure information before a final recruitment decision is made.

It may be necessary at times to update the records of existing employees. Existing employees who are found to have criminal records will not be dismissed as a matter of course. Each case will be considered on its merits, and an assessment of risk and relevance will be involved.

A copy of the DBS Code of Practice is available from Bowbrook School on request.

LEGISLATIVE AND REGULATORY FRAMEWORK

This policy has been developed in accordance with current legislation and statutory guidance relating to safeguarding, safer recruitment, criminal record checking and data protection. In implementing this policy, Bowbrook School will have regard to the following:

- **Keeping Children Safe in Education (KCSIE)** (current edition), including requirements relating to safer recruitment, pre-employment checks, and safeguarding responsibilities.
- **Disclosure and Barring Service (DBS) Code of Practice**, including the fair handling, use, storage, retention and disposal of disclosure information.

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- **Rehabilitation of Offenders Act 1974** and the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)**, which govern the disclosure of criminal record information for relevant positions.
- **Police Act 1997**, together with associated regulations relating to criminal record certificates and filtering arrangements.
- **Data Protection Act 2018** and the **UK General Data Protection Regulation (UK GDPR)**, which govern the lawful processing, storage, retention and disposal of personal and criminal offence data.

The School is committed to ensuring that all recruitment decisions are made fairly, consistently and in accordance with its safeguarding duties. Criminal record information will only be considered where relevant to the role and will be assessed on an individual basis, taking into account the nature of the position, the surrounding circumstances, and the School's responsibility to safeguard and promote the welfare of children.

This policy should be read alongside the School's Safeguarding and Child Protection Policy, Safer Recruitment Policy, Data Protection Policy and Staff Code of Conduct.