



Highlands

School & Sixth Form

**Dare to
flourish**

The recruitment of ex-offenders

Governor committee	Finance and Resources
Reviewed on	October 2025
Next review	October 2026

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Section 1: Introduction

All school-based roles are exempt from the Rehabilitation of Offenders Act (ROA) 1974 as the work brings employees/workers into contact with a vulnerable group (which includes children, as well as adults deemed to be vulnerable).

All potential employees/workers in a school setting are subject to an Enhanced Disclosure and Barring Service (DBS) check to confirm details of any criminal record that the individual may have. Where this is paid work, or unsupervised unpaid work, they will be deemed to be in Regulated Activity and this check will also include an additional check to determine if s/he is barred from working with children (and/or vulnerable adults, as relevant). As the role is exempt from the ROA, potential employees/workers will be asked about 'unspent' and 'relevant spent' convictions, cautions, reprimands and warnings. These will be the only ones appearing on Disclosure certificates. Other minor, older offences will be 'filtered out' after the relevant time period set out in legislation. An Enhanced DBS check may also contain non-conviction information from Police records where the Chief Police Officer reasonably believes it to be relevant to the role.

Unless barred by statute from doing so, having a criminal record does not automatically mean that an individual cannot work in a school. It is for employers to consider the factors involved and assess the risk in terms of their own workplace. All applicants must be treated fairly and given equal opportunities in terms of their status and background. This document sets out the *school's* policy in relation to criminal records and the recruitment of ex-offenders.

Section 2: Policy statement

In relation to the above, it should be noted that:

- For all positions and roles, the school's recruitment and selection process and materials will highlight the requirement for DBS and Barred List checks to be carried out, as appropriate.
- As part of the application process, applicants will be required to complete a 'Declaration of Unspent and Relevant Spent Criminal Offences' (also known as a self-disclosure). Certain old, minor offences are protected and applicants will not be asked to declare them. The purpose of the self-disclosure is to give applicants an opportunity to share relevant information at an early stage - in advance of a formal DBS check if they are subsequently made a conditional offer of employment/work - allowing information to be discussed and fully considered. Self-disclosure information will not be used for short-listing, which is based purely on fair and objective assessment criteria. Self-disclosure information will be considered only for shortlisted candidates and only in relation to its relevance to the role.
- Following a conditional offer of employment, potential employees/workers will be subject to a DBS check in accordance with the requirements described in the 'Introduction' above and as set out in legislation and statutory guidance for schools.

- Information revealed on DBS Disclosure certificates will be compared with self- disclosure information provided by applicants. Failure by an applicant to reveal relevant information could lead to the withdrawal of a conditional offer of employment.
- The school is committed to the fair treatment of its staff, workers, potential staff/workers and users of its services regardless of race, colour, nationality, ethnic or national origins, religion or belief, age, disability, gender, gender reassignment, sexual orientation, social, marital or civil status, pregnancy or maternity reasons, having responsibility for dependants, Trade Union involvement or any other grounds irrelevant to the role or service in question. Similarly, the school will not treat unfairly, or discriminate against, anyone with a criminal record.
- Having a criminal record does not mean that an individual will automatically be prevented from obtaining employment or working in this school. This will depend on the offence(s) and relevance to the post or work to be undertaken. An individual's criminal record will be considered in terms of:
 - The nature and seriousness of the offence(s) and relevance to the role.
 - How long ago it occurred.
 - If it was a 'one-off' or part of a history.
 - The circumstances of it being committed.
 - Changes in the individual's personal circumstances.
 - Country of conviction.
 - Decriminalisation, e.g. legalising cannabis.
 - Explanation offered by the individual and remorse.
- Notwithstanding the above, there are certain offences that will, or are likely to, automatically prevent an individual receiving a confirmed offer of a role within the *school*. These include serious offences relating to sexual and other violent crimes and safeguarding/child protection matters.
- Where it is considered appropriate, applicants will be invited to discuss Disclosure, or criminal record, information before a conditional offer is withdrawn or a final recruitment decision is made.
- Other than in exceptional circumstances, no potential employee/worker will be permitted to commence work until a satisfactory DBS check has been received. If, in exceptional circumstances, an individual does commence work prior to the full check being received, s/he will be supervised at all times. However, in no circumstances will any individual in Regulated Activity be permitted to start until a satisfactory check of the Barred List part of the check has been undertaken.
- In circumstances where an existing employee/worker commits an offence, his/her continuation in the role will be considered fairly and objectively on its merits, including relevance of the offence and by undertaking an assessment of the risk involved.
- The school adheres to the principles of the Disclosure and Barring Service Code of Practice. Applicants are made aware of the Code, which can be located at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf