



Filey Junior School

Widening horizons and reaching our potential. Respecting the world and each other. A happy, healthy and positive learning community.

Employment of Ex-Offenders Policy

Date this version of policy adopted by Governing Body: Sept 2026

Signed Headteacher: *Michael Taylor*

Signed DSL: *A. Grice*

Signed Chair of Governors: *L. Deighton*

1. Purpose

This policy sets out Filey Junior School's approach to the recruitment and employment of applicants with criminal records. Filey Junior School is committed to safeguarding and promoting the welfare of children while ensuring that recruitment processes are fair, lawful, and non-discriminatory.

Filey Junior School recognises that having a criminal record does not automatically prevent an individual from obtaining employment and will consider each case on its individual merits.

2. Scope

This policy applies to:

- Employees
- Volunteers
- Agency workers
- Contractors working regularly within school
- Governors where appropriate
- Applicants for employment

3. Legislative Framework

This policy operates in accordance with:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Police Act 1997
- Safeguarding Vulnerable Groups Act 2006
- Data Protection Act 2018



Filey Junior School

Widening horizons and reaching our potential. Respecting the world and each other. A happy, healthy and positive learning community.

- UK GDPR
- Keeping Children Safe in Education (current edition)
- DBS Code of Practice
- Equality Act 2010

4. Statement of Principles

Filey Junior School:

- Promotes equality of opportunity.
- Does not unfairly discriminate against applicants with criminal records.
- Selects candidates based on skills, qualifications, experience and suitability.
- Complies fully with safeguarding legislation.
- Undertakes the appropriate level of Disclosure and Barring Service (DBS) check for every relevant role.
- Maintains confidentiality regarding criminal record information.

5. Safeguarding

The safety and welfare of pupils is paramount.

All appointments are subject to satisfactory:

- Identity checks
- Right to work checks
- References
- Qualification verification
- Prohibition checks (where applicable)
- Section 128 checks (where applicable)
- Overseas checks (where applicable)
- Appropriate DBS check
- Children's Barred List check where required

6. Recruitment

Applicants will be informed if a DBS check is required before appointment.

A criminal record will not automatically bar an applicant from employment.

Filey Junior School will assess:

- Nature of the offence
- Seriousness of the offence
- Age at the time of offending
- Time elapsed since conviction
- Pattern of offending
- Whether the offence is relevant to the role



Filey Junior School

Widening horizons and reaching our potential. Respecting the world and each other. A happy, healthy and positive learning community.

- Evidence of rehabilitation
- Risk to children
- Any safeguarding concerns

7. Assessment of Criminal Records

Each disclosure will be considered individually.

Factors considered include:

a) Nature of the offence

Greater concern may arise where offences involve:

- Violence
- Sexual offences
- Child abuse
- Exploitation
- Abuse of trust
- Extremism
- Serious dishonesty
- Drug supply

b) Relevance to the Role

Filey Junior School will assess whether the offence has any bearing upon the duties of the position.

For example:

- Financial offences may be relevant to finance roles.
- Violence may be relevant where behaviour management is required.
- Offences involving children are highly likely to make employment unsuitable.

c) Time Since Offence

Older convictions with no subsequent offending may carry less weight than recent offences.

d) Pattern of Behaviour

Repeated offending may indicate an increased level of risk.

e) Rehabilitation

Evidence may include:

- Stable employment
- Positive references



Filey Junior School

Widening horizons and reaching our potential. Respecting the world and each other. A happy, healthy and positive learning community.

- Training
- Professional development
- Community involvement
- Demonstrated insight into previous behaviour

8. Decision Making

Risk assessments will be undertaken by the Headteacher (or delegated senior leader) where criminal record information is disclosed.

Where appropriate, advice may also be sought from:

- Human Resources
- Local Authority
- Academy Trust HR
- Legal advisers
- Local Authority Designated Officer (LADO), where safeguarding issues arise

The decision will balance:

- Safeguarding responsibilities
- Legal obligations
- Fairness to the applicant
- Risk management

9. DBS Certificates

Applicants will normally be asked to present their DBS certificate after issue.

Filey Junior School will:

- Record only necessary information.
- Not retain DBS certificates longer than six months unless exceptional circumstances apply.
- Handle information in accordance with the DBS Code of Practice and UK GDPR.

10. Confidentiality

Information regarding criminal records will:

- Be treated as strictly confidential.
- Be shared only with those directly involved in recruitment.
- Be securely stored.
- Be destroyed securely when no longer required.



Filey Junior School

Widening horizons and reaching our potential. Respecting the world and each other. A happy, healthy and positive learning community.

11. Existing Employees

Employees must notify the Headteacher immediately if:

- They are arrested for an offence relevant to safeguarding.
- They are charged with a criminal offence.
- They are convicted of a criminal offence.
- They become subject to investigation which may affect their suitability to work with children.
- They become barred from working with children.

Failure to disclose relevant information may be treated as a disciplinary matter.

12. Positive Disclosures

Where a DBS certificate reveals information, Filey Junior School may:

- Seek clarification from the applicant.
- Carry out a written risk assessment.
- Obtain further references.
- Seek HR advice.
- Delay appointment pending further consideration.
- Decide that the individual remains suitable.
- Decide that appointment cannot proceed where safeguarding risks cannot be adequately managed.

13. Equal Opportunities

Filey Junior School is committed to equality of opportunity.

Applicants will not be unfairly discriminated against because of spent convictions unless legally relevant to the role under the Rehabilitation of Offenders Act 1974 (Exceptions).

14. Monitoring

The Governing Body/Trust Board will ensure that recruitment practices comply with current legislation and statutory safeguarding guidance.

This policy will be reviewed annually or sooner if legislation changes.



Filey Junior School

Widening horizons and reaching our potential. Respecting the world and each other. A happy, healthy and positive learning community.

Appendix A – Risk Assessment Criteria

Where criminal record information is disclosed, consideration should include:

<u>Consideration</u>	<u>Assessment</u>
Nature of offence	Low / Medium / High
Seriousness	Low / Medium / High
Relevance to role	Low / Medium / High
Time since offence	Years elapsed
Pattern of offending	Single / Multiple
Age at offence	Recorded
Evidence of rehabilitation	Strong / Moderate / Limited
Safeguarding implications	Low / Medium / High
Overall risk	Acceptable / Unacceptable

Appendix B – Applicant Statement

Applicants with criminal records may be invited to provide a written explanation covering:

- Circumstances of the offence.
- What has changed since the offence.
- Evidence of rehabilitation.
- Why they believe they are suitable for the role.

This information will be considered alongside all other recruitment evidence.

Policy Statement

Filey Junior School believes that people with previous convictions should not be unfairly excluded from employment. Recruitment decisions will always be based on safeguarding, suitability, proportionality, and fairness. The welfare of children remains Filey Junior School's paramount consideration, and all appointments will comply with statutory safeguarding requirements, including *Keeping Children Safe in Education* and the Disclosure and Barring Service requirements.