



## KEW COLLEGE PREP

### Recruitment of Ex-offenders Policy

This policy applies to the whole School including the EYFS

This policy is written with due regard to the following:

***Rehabilitation of Offenders Act 1974, Childcare Act 2006***

See also the School's policies as follows:

***Data Protection Policy, Recruitment and Selection Policy including Safer Recruitment***

#### **Definitions or abbreviations used in this policy**

**EYFS:** Early Years Foundation Stage

**DBS:** Disclosure and Barring Service

**The School:** Kew College Prep

#### **At Kew College**

**DSL:** Robyn Hodgson, Sarah Jones for Maternity Cover

**Deputy DSL:** Jane Bond

**Deputy DSL Early Years:** Lee-Anne Tizard

### 1. Aims

This policy aims to set out the approach when considering the suitability of an applicant, who has a caution or conviction to undertake work, whether paid or on a voluntary basis.

### 2. Background

As a school who provides education to primary aged children, we are required to safeguard our pupils by following Statutory guidance set out within Keeping Children Safe in Education (KCSIE), which is updated each September.

All applicants who are offered employment will be subject to an enhanced criminal records check (DBS) before the appointment is confirmed. This check will include prosecutions, cautions, reprimands and final warnings as well as convictions.

All our posts are exempt from the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975), which means that any 'spent' convictions that are not filtered will be declared within a DBS check. A full list of these convictions can be found at the [DBS filtering guide - GOV.UK](#)

### 3. Scope

This policy applies to all prospective employees, employees, agency supply staff, volunteers, consultants and other contracted persons, whether contracted directly or via another employer or agency.

#### 4. Principles

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 amendment using criminal record checks processed through the Disclosure and Barring Service (DBS), KCP complies fully with the code of practice and undertakes to treat all applicants for positions fairly.

As a result of amendments to the Rehabilitation of Offenders Act in 2013 and 2020, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be considered by potential employers. We encourage all applicants to use the flowchart provided by Nacro and to seek legal or impartial advice before completing their self-disclosure. We will not consider any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

KCP undertakes not to discriminate unfairly against anyone subject of a criminal record check on the basis of a conviction or other information revealed. The School makes appointment decisions on the basis of merit and ability.

KCP is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed

The School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

KCP selects all candidates for interview based on their skills, experience and qualifications. Criminal records will only be taken into account for recruitment purposes when the conviction is relevant. Having an unspent conviction will not necessarily bar you from employment. This will depend on the circumstances and background to your offence(s).

KCP ensures that all those in TWFCG who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

If an individual has a criminal record this will not automatically bar them from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

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

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

- the School receives an application from a disqualified person;
- 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.

## 5. Assessment Criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a DBS 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;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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 other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any 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.

If 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 at any time of robbery, burglary, theft, deception or fraud.

If the post involves some 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.

## 6. Data Protection Obligations

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the ***Recruitment and Selection Policy including Safer Recruitment*** and the ***Data Protection Policy***.

## 7. References and Useful links

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

Detailed information, fact sheets and FAQs:

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

Ministry of Justice 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](#)

National Association for the Care and Resettlement of Offenders (Nacro) Criminal record support service – advice for applicants and employers

<https://www.nacro.org.uk/criminal-record-support-service/>

<b>Approved by:</b>	<b>Updated by:</b>
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