Self-declaration of criminal convictions and policy on the recruitment of ex-offenders

Shortlisted candidates

Please note that it is a requirement of employment that an enhanced Disclosure and Barring Service (DBS) check is obtained for this post. This means that you must declare any criminal convictions, cautions, reprimands, or final warnings unless these are ‘protected’ as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020).

[Guidance overview: Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974)

Criminal record checks on school staff are carried out in accordance with statutory guidance issued by the Department for Education (DfE) as part of our duty to safeguard the welfare of pupils. This duty applies to all members of school staff, whether or not they work directly with pupils.

The following self-declaration form should be completed by shortlisted candidates, in addition to a Disclosure and Barring Service (DBS) application. This is in accordance with the requirements of the statutory document, Keeping Children Safe in Education, and allows candidates to have the opportunity to share relevant information, which can be discussed and considered at interview before the DBS certificate is received.

**You must note that if the role you are applying for involves engaging in regulated activity relevant to children, then it is an offence to apply for the role if you are barred from engaging in such regulated activity**.

Department for Education guidance on regulated activity is indicated below:

[Department for Education (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf)

You are not required to provide details of **protected** cautions or convictions, and the DBS will apply a filtering process which will identify and remove protected convictions and cautions from the criminal record certificate issued to applicants.

It is very important that you do not withhold conviction information unless you have established that it meets the protected criteria. If you inadvertently provide us with details of a protected conviction, we are not permitted to use this information as the reason for not appointing you to the post.

Applicants are directed to the guidance and criteria which explains the [filtering of old and minor cautions and convictions](https://www.gov.uk/government/collections/dbs-filtering-guidance) which are now protected so not subject to disclosure to employers.

A conviction is a protected conviction if:

* it does not relate to a listed or specified offence, such as violent and sexual offences
* no custodial sentence was imposed
* it was received by a person aged under 18 at the time of the conviction and five and a half years or more have elapsed
* it was received by a person aged 18 or over at the time of the conviction and 11 years or more have elapsed

A caution is a protected caution (the term caution includes reprimands and warnings) if:

* it does not relate to a listed offence
* it was given to a person aged 18 or over at the time of the caution and six years or more have elapsed

A listed, or ‘specified’ offence means that it is included on a list of offences which are serious, relate to sexual or violent offending or are otherwise deemed to be relevant in the context of safeguarding. These will always be disclosed on a standard or enhanced DBS certificate, unless they relate to a youth caution. The legislation also covers equivalent offences committed overseas.

It is very difficult to provide a concise summary of all listed offences. If you have received any criminal convictions or cautions at any time you should refer to the DBS guidance and information available at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

A past criminal conviction will not normally prevent you being considered for employment; it will be necessary to consider the nature of the conviction(s) and other relevant factors having regard to the position applied for. Any information received from your declaration or subsequent DBS certificate will be treated in a confidential manner and in accordance with the DBS code of practice.

For further information and guidance on disclosing a criminal record, please refer to [Nacro guidance](https://www.nacro.org.uk/criminal-record-support-service/) and the Ministry of Justice website [MoJ website](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974)

Pre interview self disclosure for shortlisted candidates

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Surname:** |  | | **First name:** |  | | | |
| **Post applied for:** |  | | **Date:** |  | | | |
| **NI Number:** |  | | **DfE Number:**  (If applicable) |  | | | |
| **Date of QTS:**  (If applicable) |  | | | | | | |
| This school is committed to safeguarding and promoting the welfare of children and young people, and we expect all staff to share this commitment. We will undertake statutory safeguarding checks on shortlisted candidates for all posts in the school.  Please answer all questions set out below and sign the declaration. | | | | | | | |
| Do you have any unspent conditional cautions or convictions? | | | | Yes ☐ | | No ☐ | |
| Do you have any adult cautions or convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as [amended](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974))? | | | | Yes ☐ | | No ☐ | |
| Have you ever been subject to any employment restrictions or sanctions imposed by a regulatory body (e.g., DfE, barred list)? | | | | Yes ☐ | | No ☐ | |
| Have you ever been barred from working with children or disqualified from working in childcare? | | | | Yes ☐ | | No ☐ | |
| Are you or have you ever been prohibited from teaching? | | | | Yes ☐ | No  ☐ | | N/A  ☐ |
| **If you have answered yes to any of the questions above, please provide full details.** | | | | | | | |
| **Declaration:**   * I declare that the information I have provided in this disclosure is full and correct at the time of application, and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. * I understand that the recruitment panel may be made aware of any relevant information that I have disclosed, in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. | | | | | | | |
| **Signed:** | | **Date**: | | | | | |