



Rawdah Montessori Primary School Safer Recruitment and Criminal Record Disclosure Policy

Version: 1.2

Reviewed: October 2025

Next Review Due: October 2026

1. Policy Statement

Rawdah Montessori Primary School is committed to the fair treatment of all applicants, employees, and volunteers, including those who have criminal records.

As a faith-based, independent school, we value honesty, redemption, and personal growth in line with our ethos. However, the safety and welfare of our pupils remain our highest priority.

This policy ensures that applicants with criminal records are treated fairly during recruitment while upholding our safeguarding duties under **Keeping Children Safe in Education (KCSIE 2025)** and the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**.

2. Scope

This policy applies to:

- All staff (teaching, support, administrative, and leadership)
- Volunteers and governors
- Contractors or agency staff working on school premises
- Any individual regularly involved in regulated activity

This policy forms part of our **Safer Recruitment Framework** and should be read alongside our **Safeguarding and Child Protection Policy**, **Data Protection Policy**, and **Staff Code of Conduct**.

3. Legal and Regulatory Framework

This policy is guided by:

Legislation / Guidance

Relevance

Rehabilitation of Offenders Act 1974

Defines spent and unspent convictions.

Exceptions Order 1975

Exempts certain roles (including school staff) from the requirement to spend convictions.

| Legislation / Guidance | Relevance |
|--|--|
| Police Act 1997 | Governs DBS checks and the provision of disclosure information. |
| Safeguarding Vulnerable Groups Act 2006 | Defines regulated activity and barred lists. |
| Data Protection Act 2018 (UK GDPR) | Governs the handling and storage of personal data, including disclosure information. |
| Equality Act 2010 | Protects against discrimination on the basis of a criminal record (where relevant). |
| Keeping Children Safe in Education (DfE 2025) | Sets out statutory safeguarding duties for schools. |
| DBS Code of Practice | Provides guidance on the handling of disclosure information. |

4. Key Principles

- Having a criminal record will not automatically bar an individual from working at Rawdah Montessori Primary School.
- Decisions will depend on the nature of the role, the relevance of the offence, and the circumstances surrounding the conviction.
- We uphold the belief that individuals can learn, reform, and contribute positively to the community.
- All recruitment decisions will balance fair opportunity with the need to protect children and maintain trust in our school environment.
- The welfare of the child is paramount and will always take precedence in any decision-making process.

5. Disclosure and Barring Service (DBS) Checks

All roles within the school are classified as **regulated activity** under the Safeguarding Vulnerable Groups Act 2006. This requires an **enhanced DBS check with children's barred list check** for all successful applicants.

5.1 Applicant Declaration

Applicants are required to declare:

- All convictions, cautions, reprimands, or warnings that are **not protected** under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
- **Spent** and **unspent** convictions as defined by law.

Note: A conviction is "protected" (and does not need to be disclosed) if it meets the criteria set out in the DBS filtering rules. Guidance on filtering is available from the DBS or via the school's recruitment team.

5.2 Failure to Disclose

Failure to disclose relevant information, or providing false information, may result in:

- Withdrawal of a job offer.
- Dismissal (if already employed).
- Referral to the DBS or teaching regulatory bodies (if applicable).

6. Use of Disclosure Information

Disclosure information will be:

- **Treated confidentially:** Shared only with those directly involved in the recruitment process and on a strict need-to-know basis.
- **Used fairly:** Assessed only in relation to the requirements of the role.
- **Stored securely:** In line with the Data Protection Act 2018 and the DBS Code of Practice.
- **Retained appropriately:** As outlined in Section 9 below.
- **Destroyed securely:** When no longer required.

7. Assessment of Disclosure Information

When considering disclosure information, the school will conduct an **individual risk assessment** to determine suitability for the role.

7.1 Assessment Panel

The assessment will be conducted by the **Headteacher** and the **Designated Safeguarding Lead (DSL)**. In complex cases, the Chair of Governors may also be consulted.

7.2 Assessment Criteria

The following factors will be considered:

| Criterion | Considerations |
|--------------------------------------|--|
| Nature of the Offence | Was it violent, sexual, or dishonesty-related? Did it involve harm to children or vulnerable adults? |
| Relevance to the Role | Does the offence relate to the duties of the position applied for? |
| Time Since Offence | How long ago did the offence occur? Is there evidence of rehabilitation? |
| Pattern of Offending | Is this an isolated incident, or part of a pattern? |
| Circumstances and Explanation | What was the context? Has the applicant provided a credible explanation? |
| Evidence of Rehabilitation | Has the applicant engaged with support services, completed sentences, or demonstrated positive change? |

| | |
|--------------------------|---|
| Statutory Barring | Is the individual barred from working with children? (This would result in automatic disqualification.) |
|--------------------------|---|

7.3 Confidential Discussion

Shortlisted candidates will be given the opportunity to discuss any criminal record confidentially before a final decision is made. This ensures that the applicant can explain the circumstances and provide context that may not be evident from the disclosure certificate alone.

7.4 Decision

The assessment panel will make a recommendation to the Headteacher, who will make the final decision. The decision will be:

- Based on a balancing of the risks and the applicant's suitability.
- Documented in writing, with clear reasons.
- Communicated to the applicant sensitively.

Note: Certain offences, especially those involving harm to children, are likely to make an individual unsuitable for employment within the school and may result in an automatic bar.

8. Fair Recruitment Practice

- All candidates will be informed at the application stage that the post requires an enhanced DBS check.
- No applicant will be unfairly discriminated against on the basis of a criminal record that is not relevant to the role.

- All recruitment decisions will comply with the principles of the Equality Act 2010.
- The school will consider making reasonable adjustments for disabled applicants during the recruitment process.

9. Confidentiality and Data Retention

9.1 Storage

Disclosure information will be kept:

- In a locked, secure cabinet, separate from personnel files.
- Accessible only to the Headteacher, DSL, and HR lead.
- Subject to strict access controls.

9.2 Retention

In line with the DBS Code of Practice, disclosure information will not be retained for longer than is necessary. The school's policy is to:

- Retain disclosure information for **6 months** from the date of the recruitment decision.
- After 6 months, the information will be securely destroyed (shredded or deleted).

9.3 Exceptions

If disclosure information forms part of a safeguarding investigation or legal proceedings, it may be retained for longer in line with advice from the school's legal advisors or insurers.

10. Faith Ethos and Rehabilitation

As a faith-based school, Rawdah Montessori believes in:

- The possibility of moral growth and personal transformation.
- Treating all people with dignity, respect, and compassion.
- Balancing forgiveness and understanding with our safeguarding duty to children.

This approach supports our mission to foster a caring community rooted in ethical values and lifelong learning. However, the school's duty to protect children will always take precedence.

11. Monitoring and Review

This policy will be:

- Reviewed **annually** by the Headteacher, DSL, and Governing Body.
- Updated following any changes to legislation, statutory guidance (e.g., KCSIE), or DBS filtering rules.
- Evaluated as part of our broader Safer Recruitment and Safeguarding Policy Framework.

Review of Policy Dates

| REVIEW DATE | REVIEWED BY | SIGNED OFF (Name & Role) |
|-------------------------|----------------|-----------------------------|
| Feb 2026 | Governing Body | Chair: Sohaib Tanvir |
| Next Review Due: | | |
| Feb 2027 | Governing Body | Chair: |
| | Headteacher | Headteacher: |