



Safeguarding our Students

Recruitment of Ex-Offenders Policy



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Purpose

This policy outlines York Associates' approach to recruiting individuals with criminal convictions. It ensures that all candidates are treated fairly, assessed objectively, and that safeguarding and welfare remain paramount in all hiring decisions. The school recognises its responsibility to provide a safe environment for students, particularly for those under 18, while also supporting fair employment opportunities for people with criminal records in accordance with UK law.

Scope

This policy applies to all roles within York Associates International Limited, including:

- Teaching, administrative, welfare, and support staff
- Temporary, seasonal, and freelance staff
- Homestay hosts

It applies throughout all stages of recruitment, including advertising, application, shortlisting, interviewing, and appointment.

Legal & Regulatory Framework

This policy is governed by:

- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Police Act 1997 (Part V)
- Data Protection Act 2018 / UK GDPR
- Equality Act 2010
- Keeping Children Safe in Education (KCSIE)
- Disclosure and Barring Service (DBS) Code of Practice
- British Council Accreditation UK Handbook

As an accredited English language school, York Associates is committed to ensuring all recruitment decisions meet the standards of Accreditation UK and uphold best practices in safer recruitment.

Policy Statement

York Associates actively promotes equality of opportunity for all candidates, including those with criminal convictions. Having a criminal record will not necessarily prevent someone from working with the school; this will depend on the nature of the role, the relevance of the offence, and the circumstances surrounding it.

However, because the school provides educational services to children and young people, all positions are considered to be regulated activity under the Safeguarding Vulnerable Groups Act 2006. Therefore, enhanced DBS checks are required for most roles.



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Principles

- **Fairness:** All applicants are assessed on their skills, qualifications, and experience. Convictions are considered only when relevant to the role.
- **Safeguarding:** The welfare of students, particularly under-18s, takes precedence in all recruitment decisions.
- **Transparency:** The school ensures all applicants are aware of the need for DBS checks and provides a clear explanation of how criminal record information will be used.
- **Confidentiality:** Disclosure information is handled securely, in accordance with the DBS Code of Practice and the Data Protection Act 2018.
- **Proportionality:** Decisions are made on a case-by-case basis, considering the seriousness, frequency, and recency of the offence.

Recruitment Process

Application Stage:

- All job advertisements will include a statement about the school's commitment to safeguarding and the need for an enhanced DBS check.
- Applicants are required to disclose relevant criminal convictions or cautions that are not protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
- Applicants are informed that disclosure of a criminal record will not automatically bar them from employment.

Shortlisting and Interview:

- Shortlisting decisions are based solely on skills, qualifications, and experience.
- Where a candidate discloses a conviction, this will not be discussed during the interview unless relevant to the role.
- Any discussion will take place privately and sensitively, focusing on whether the conviction has implications for the applicant's suitability to work with children or vulnerable adults.

DBS Disclosure and Assessment:

- An enhanced DBS check (including Barred List information) will be obtained for all staff and volunteers engaged in regulated activity.
- If the DBS check indicates the individual is on the Children's Barred List, we will always withdraw the offer of employment, and report that the individual attempted to gain work with children to the police.
- The school will not withdraw a job offer solely on the basis of a conviction without first conducting a risk assessment. The risk assessment will consider:



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- The nature, seriousness, and circumstances of the offence(s)
- The age of the individual at the time of the offence
- Time elapsed since the offence
- The relevance of the offence to the role applied for
- Evidence of rehabilitation and subsequent behaviour
- If the offence poses a safeguarding risk that cannot reasonably be mitigated, the offer of employment will not proceed.

Confidentiality and Data Handling:

- Information about criminal records will be shared only with those who need to know to make recruitment decisions.
- Disclosure data will be stored securely, separately from other personal information, and retained for no longer than six months after the recruitment decision, unless a valid reason for longer retention exists.
- All processing of DBS information will comply with the school's Data Protection Policy and the DBS Code of Practice.

Ongoing Employment

All staff are required to disclose any relevant convictions or cautions that occur during their employment. The school reserves the right to conduct periodic re-checks in line with its safeguarding policy and British Council standards. Where a conviction is disclosed during employment, a risk assessment will be undertaken to determine whether continued employment is appropriate. Failure to disclose any convictions during employment may result in disciplinary action.

Training

At least one member of the recruitment team (usually the Operations & Academic Manager) will have Safer Recruitment training. Training includes awareness of how to fairly assess and manage applications from ex-offenders in accordance with DBS and British Council guidance.

Monitoring & Review

The Designated Safeguarding Lead (DSL) and Compliance Coordinator will review this policy annually, or sooner if changes in legislation or British Council requirements occur. Recruitment decisions involving disclosures will be reviewed periodically to ensure fairness and consistency.

Policy Availability

A copy of this policy is made available to all applicants during the recruitment process and is published on the school's website. The policy can be made available in large print format or as an audio file on request.



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Statement of Commitment

York Associates International Limited is committed to the fair treatment of staff, potential staff, and users of its services, regardless of race, gender, religion, sexual orientation, marriage or civil partnership status, pregnancy & maternity, responsibility for dependents, age, physical/mental disability, or offending background.