

Recruitment of Ex-Offenders Policy

1. What do we mean by “Recruiting people with convictions”

The purpose of this policy is to provide assurance to applicants, staff and volunteers and guidance to those making recruitment decisions of our organisations process in assessing whether any conviction information provided to us, either through self-disclosure or in a disclosure certificate impacts on a person’s ability to carry out the role that they have applied for or which they hold within our organisation.

2. Policy Statement

DbS undertakes to treat all applicants for positions within the organisation fairly and not to discriminate unfairly against the subject of Disclosure on the basis of conviction information revealed, in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended). Having a criminal record will not necessarily debar an individual from regulated or unregulated work with protected adults with DbS. Only convictions, or other Disclosure information that is deemed relevant to the position applied for will result in the applicant not being granted the position.

Other factors as to whether a criminal conviction is relevant when considering appointing an individual with a criminal record will be the seriousness of the offence, the number of offences to be considered, the period of time since the last conviction and if the individual is barred from working with protected adults or children.

DbS operate a fair recruitment process and will ensure anyone applying for, or holding a role in our organisation is given the opportunity to discuss any unspent convictions which they are required to tell us about.

As part of our recruitment process, the self-disclosure form should be completed and returned with application form. The form should be returned in a separate sealed envelope and will only be opened if the candidate is provisionally offered the role subject to the outcome of the disclosure. Any self-disclosure forms for unsuccessful candidates will be securely destroyed without being opened.

The rules around what you need to disclose are complex and it may be difficult to know what should and should not be disclosed. We should, therefore, only be told about unspent convictions and relevant spent convictions, using the form in Appendix 1. You should not tell us about any convictions which were gained before the age of 12, those which are spent and any which are not considered appropriate to disclose subject to exceptions. There is a guidance document in Appendix 2 which will give you detailed information on how long a conviction is considered unspent and a table of disclosure periods in Appendix 5.

If you are in doubt you can seek legal advice (at your own expense) or you can withhold the conviction information until the appropriate level of disclosure is received.

Appendices 3 and 4 link to offences that are made available for a longer period of time for roles which require a standard, enhanced or PVG disclosure.

The offences in Appendix 3 are made available on the disclosure certificate for an extended timeframe (a minimum of 15 years for those aged 18 or over at the date of conviction and 7½ years for those under 18 at the date of conviction) with the opportunity to appeal for removal after the extended timeframe has passed.

The offences in Appendix 4 are made available on the disclosure certificate for at least the time that they are unspent and then an extended timeframe (up to a maximum of 15 years for those aged 18 or over at the date of conviction and 7½ years for those under 18 at the date of conviction) with the opportunity to appeal for removal once in the extended timeframe from becoming spent under normal circumstances until the extended timeframe has passed. After this time the offence will no longer be disclosed.

Once in post, any member of staff or volunteer who gains any new convictions, must complete the self-disclosure form in Appendix 1 and return it to HR@dbscotland.org.uk. It is important to note that failing to follow this ongoing self-disclosure process may result in disciplinary action and could ultimately result in dismissal.

To ensure that the correct applicant is appointed and to enable DbS to determine the relevance of any conviction or convictions to positions applied for the following recruitment measures are also applied:

- Two employment references
- Interviews
- PVG check, prior to commencing employment or disclosure check where appropriate
- SSSC registration eligibility check if applying for a registerable post

Should the organisation decide that the information declared or disclosed is relevant for the post applied for, the applicant will be deemed to be unsuccessful and this information will be fed back to the applicant by letter.

DbS reserves the right to seek additional PVG checks from any employee, in order to comply with registration with the Care Inspectorate and the Scottish Social Services Council. DbS requests updated scheme records existing employees every 3 years.

3. Data Protection Act 2018

The organisation will treat all personal data in line with obligations under the current data protection regulations.