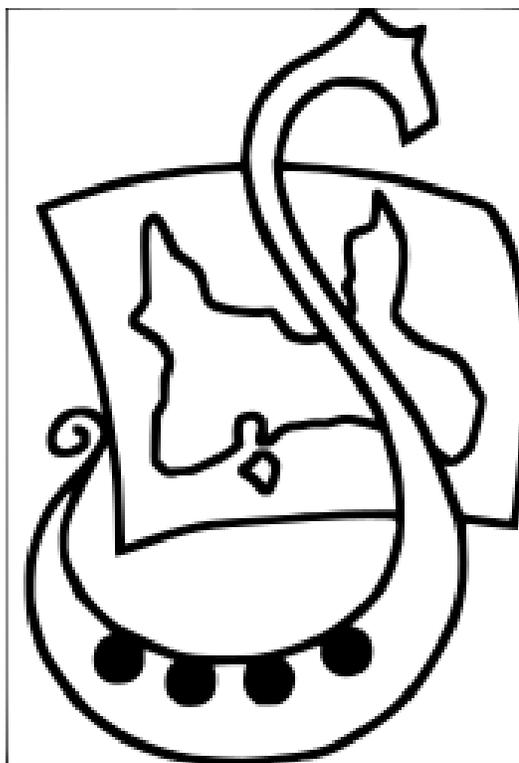


# RECRUITMENT OF EX OFFENDERS AND DISCLOSURES POLICY

*Policies Collection –  
Revised & reissued October 2015*

**SHAPINSAY DEVELOPMENT TRUST**

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## RECRUITMENT OF EX-OFFENDERS AND DISCLOSURES POLICY

### Policy Statement on the Recruitment of Ex-Offenders

This document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

The aim of this policy is to state the organisation's approach towards employing people who have criminal convictions.

As an organisation using the Disclosure Scotland service to assess applicant's suitability for positions of trust, we comply fully with the Disclosure Scotland Code of Practice and undertake to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

The organisation is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The organisation will therefore consider ex-offenders for employment on their individual merits. Our approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

All application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of an individual being offered the position.

The organisation encourages all applicants called for interview to provide details of their criminal record in the application process. All information is sent under separate, confidential cover, to a designated person within the organisation and we guarantee that this information is only to be seen by those who need to see it as part of the recruitment process.

At interview, or under separate discussion, we undertake to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

**Having a criminal record will not necessarily debar you from working with us. This will depend on the nature of the position, together with the circumstances and background of your offences.**

## **Jobs covered by the Rehabilitation of Offenders Act 1974**

The organisation will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

During job interviews, the organisation will ask job applicants to disclose any unspent convictions, but will not ask job applicants questions about spent convictions, nor expect them to disclose any spent convictions.

If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which he/she has applied, the selection panel will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

## **Jobs that are exempt from the Rehabilitation of Offenders Act 1974**

If the vacancy is one of the excluded jobs listed in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, the organisation will require the applicant to disclose all convictions, whether spent or unspent.

Even in these circumstances, however, the organisation will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

Furthermore, if the job is exempt, the organisation will, once it has selected the person to whom it wishes to offer employment, seek documentary evidence about that person's criminal convictions. We will seek the applicant's agreement to make a joint application to Disclosure Scotland for a standard or enhanced disclosure (as appropriate). The organisation will reimburse the individual the fee for obtaining the appropriate criminal records certificate.

## **Disclosures**

This organisation complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997 ("the 1997 Act"), for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes. It also complies fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

We will request a Standard or Enhanced Disclosure only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position. Where a Disclosure is deemed necessary for a post or position, all applications forms, job adverts, careers literature, web-site, and any other

appropriate literature will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

The organisation complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

We will use Disclosure information only for the purpose for which it has been provided, and we will ensure that it is not used or disclosed in a manner or for a purpose incompatible with that purpose. We hold and process personal data only with the express consent of the individual. We notify the individual of any non-obvious use of the data, including further disclosure to a third party, identifying the data controller, the purpose for the processing, and any further relevant information.

We undertake to discuss any matter revealed in a Disclosure Certificate with the subject of that Disclosure before considering withdrawing a conditional offer of employment. Note that we are only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by a police force.

### **Storage and Access**

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **Handling**

In accordance with section 124 of the 1997 Act, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### **Usage**

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information. In general this is no longer than 90 days. This is to allow the resolution of any disputes or complaints. Disclosure information will only be retained for longer than this period in exceptional circumstances which justify longer retention.

### **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or filing trays).

We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

### **Related Policies**

- Recruitment and Selection Policy
- Equal Opportunities Policy
- Data Protection Policy
- Confidentiality Policy

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