

Recruitment of Ex-Offenders Policy

Background

As some posts at AdvoCard involve regular contact with vulnerable people, it is sometimes necessary to carry out criminal record checks (Disclosures) as part of the recruitment process for staff and volunteers.

The Police Act 1997 (Part V) enables organisations to assess the suitability of applicants and make safer recruitment decisions for certain posts by widening access to criminal record information. The Act allows Disclosure Scotland, which is part of the Scottish Criminal Records Office, to issue criminal conviction certificates known as Basic, Standard and Enhanced Disclosures.

The Act also ensures that the use of all information supplied in Enhanced Disclosures is covered by a Code of Practice that requires all recipients of Disclosure information to comply with the Code and to use the information properly and fairly. Where conviction or other information is revealed as part of the Disclosure process, that information must not be used to unfairly discriminate against individuals when considering them during a recruitment process.

The aim of this policy is to ensure that having a criminal record will not necessarily prevent anyone from working with AdvoCard, and that careful consideration is given to whether the post requires a Disclosure, and the circumstances and background of any offences revealed. This policy is part of a framework designed to ensure safe and fair recruitment at AdvoCard that also includes:

- Recruitment Policy
- Equal Opportunities Policy
- Protection of Vulnerable People Policy

Policy on the secure handling, use, storage, retention and disposal of
Disclosure information
Data Protection Policy

Policy Statement

1. AdvoCard complies fully with the Code of Practice for Registered Persons and Other Recipients of Disclosure Information published by Scottish Ministers regarding the use of information provided by Disclosure Scotland. We will make every person subject to a Disclosure aware of the Code of Practice and make a copy available to them on request.
2. AdvoCard is striving to be an Equal Opportunities organisation and will treat all applicants for paid or voluntary positions fairly and not discriminate unfairly against anyone on the basis of conviction or other information revealed by Disclosure. (Please see also our Equal Opportunities Policy).
3. AdvoCard will only request an Enhanced Disclosure when we consider it relevant to a particular post. This will be based on a thorough risk assessment of that post.
4. When a post requires a Disclosure:
 - a) A copy of this policy will be available on request to any applicant for the post.
 - b) Any job advert, application form or other information provided about the post will state that an Enhanced Disclosure will be requested in the event of a person being conditionally offered the post.
 - c) All applicants invited for interview (or other selection procedure) will be asked to provide details of their criminal record. AdvoCard will provide a pro forma Criminal Record Declaration Form to be completed by the applicant. In line with the Rehabilitation of Offenders Act 1974, the nature of AdvoCard's work allows us to ask

questions about a person's entire criminal record. This means that we can ask about convictions that are defined as "spent" in terms of the Act. We will ask that completed forms be sent in a sealed envelope to a designated person within AdvoCard, and will provide a stamped addressed envelope, marked as confidential, for this purpose.

- d) Criminal record details will only be looked at if AdvoCard wish to offer a person a post. The person will be given a conditional offer of the post. AdvoCard guarantee that criminal record information will only be seen by designated people who need to see it as part of the recruitment process. Information about applicants who are not offered a post will be destroyed unseen. (Please see also Policy on the secure handling, use, storage, retention and disposal of Disclosure information.)
- e) AdvoCard will ensure that designated people who need to see criminal record information as part of the recruitment process are aware of this Policy and have received relevant training and support to identify and assess the relevance and circumstances of any offences revealed.

5. If criminal record information is revealed, the person will be asked to openly discuss the offences or other matters with the designated people who have seen the information.

Criminal record details will not be used for any purpose other than the assessment of a person's suitability for the post.

AdvoCard will consider:

- Whether the conviction is relevant to the post being offered
- The seriousness of the offence revealed
- The length of time since the offence took place
- Whether the person has a pattern of offending behaviour
- Whether the person's circumstances have changed since offending took place

If after this discussion AdvoCard feels that the person is not suitable for the post, the conditional offer of employment will be withdrawn.

6. If AdvoCard still wish to offer the person the post, regardless of whether criminal record information has been revealed, an Enhanced Disclosure will be requested from Disclosure Scotland.

If a person has failed to reveal information that is directly relevant to the post that is subsequently provided by Disclosure Scotland AdvoCard may withdraw the conditional offer of employment. However, AdvoCard will discuss any such matter with the person before doing this. If after this discussion AdvoCard feels that the person is not suitable for the post, the conditional offer of employment will be withdrawn.

More Information

Enhanced Disclosures

Are required when an organisation has established that there are employees and / or volunteers that are in an 'adults at risk position' i.e that those employees are in contact with vulnerable adults in either a direct or indirect capacity.

An Enhanced Disclosure provides us with details of any criminal convictions a person may have, whether they are considered spent or unspent under the Rehabilitation of Offenders Act 1974. The disclosure may also contain cautions, warnings and reprimands or other non-conviction information, provided by Local Chief Constables if they think it is relevant to the post applied for.

Spent Convictions

The Rehabilitation of Offenders Act 1974 allows that a person convicted of a criminal offence receiving a sentence of no more than two and half years, who is not convicted again during a specified rehabilitation period may then consider the conviction 'spent'.

However, when assessing the suitability of a person for certain excepted posts, organisations are entitled to ask a person to reveal details of all

convictions, whether spent or unspent. Posts at AdvoCard which involve “work that brings the person into contact with vulnerable groups such as the infirm, elderly, mentally ill and young people under the age of 18” are excepted in this way.

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