

PROTECTING THE VULNERABLE BY SAFER RECRUITMENT

SAMPLE POLICY ON THE RECRUITMENT OF EX OFFENDERS

Part V of the Police Act 1997 is aimed at helping employers and other organisations assess the suitability of applicants for particular posts and to make safer recruitment decisions in relation to positions of trust by widening access to criminal record information. To this end, the Act provides for the issue of criminal conviction certificates, criminal record certificates, and enhanced criminal record certificates. In Scotland, these certificates will be issued by Disclosure Scotland. In practice, the certificates will be known as Basic, Standard and Enhanced Disclosures.

The Act also provides for a Code of Practice to be published by Ministers governing the use of all information issued in respect of Standard and Enhanced Disclosures. The Code requires all recipients of such Disclosure information to comply with the Code and to use that 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 for positions.

Employers and others who make use of the Disclosure scheme are expected to have a written policy on the recruitment of such individuals, which can be given to applicants for positions where a Disclosure is requested, and to ensure that any body or individual, at whose request applications for Standard and Enhanced Disclosures are countersigned, has such a written policy. Disclosure Scotland has designed the following sample policy statement to assist organisations which do not already have such a policy in complying with the spirit of the Code of Practice.

Policy Statement

1. [Organisation Name] complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.
2. We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
3. We are committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status, race colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.
4. [Organisation Name] actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates], including those with criminal records. The selection of candidates for interview will be based on skills, qualifications and experience.
5. 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, website, 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.

6. Where a Disclosure is to form part of the recruitment process, [Organisation Name] will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process. We ask that this information be sent under separate, confidential cover, to a designated person within [Organisation Name] and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

7. In line with the Rehabilitation of Offenders Act 1974, [Organisation Name] will only ask about convictions which are defined as "unspent" in terms of that Act, unless the nature of the position is such that we are entitled to ask questions about an individual's entire criminal record.

8. 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.

9. We undertake to discuss any matter revealed in a Disclosure with the subject of that Disclosure before withdrawing a conditional offer of employment.

10. We ensure that all those in [Organisation Name] who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders Act 1974).

11. We undertake to make every subject of a Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH [ORGANISATION NAME]. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES.

Source of this sample policy: Disclosure Scotland's website