

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

