

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

- 1 The Code of Practice (the Code) is published by Scottish Ministers under section 122 of Part V of The Police Act 1997 (“the 1997 Act”). The Code identifies obligations of registered bodies, countersignatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).
- 2 The City of Edinburgh Council complies fully with the Code, the 1997 and 2007 Acts regarding the treatment of individuals who are subject to Disclosure Scotland checks. We undertake not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.
- 3 We will make this policy statement and the Code of Practice available on the Council website and our recruitment portal to anyone who wishes to see it and will provide copies if requested.
- 4 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 offending background. We actively promote the right mix of talent, skills and potential and welcome 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 use a Disclosure Scotland check only where this is considered proportionate and relevant to the particular position or type of regulated work. This will be based on a thorough risk assessment of the position or work and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure under the 1997 Act or a Scheme Record under the 2007 Act is applicable. For posts not covered by legislation, but where the Council has assessed there is a risk, candidates will be asked to apply for a Basic Disclosure.
- 6 Where a disclosure application or request is deemed necessary, all applicants will be made aware in job adverts and information packs that the position or work will be subject to a Disclosure Scotland check. Where PVG Scheme, Standard or Enhanced Disclosure is deemed necessary, individuals will be made aware that the nature of the post or work entitles us to ask about spent and unspent convictions, and that a Basic Disclosure contains unspent convictions only.

- 7 Where a Disclosure is to form part of the recruitment process, we will ask all candidates selected for interview to provide details of their criminal record by completing a Criminal Conviction Self Declaration Form. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 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 certificate¹ issued under the 1997 Act or a Scheme record issued under the 2007 Act with the subject of that disclosure before a decision is made.
- 10 We ensure that all those who are involved in the decision making process have been suitably trained to identify and assess the relevance and circumstances of disclosure information. We also ensure that they have received appropriate guidance and training about providing work for ex-offenders.
- 11 **Having a criminal record will not necessarily debar you from working with the Council.** This will depend on the nature of the position, together with the circumstances and background of your offences or other information contained on a disclosure or provided directly to us by a police force. The Council will not discriminate against an ex-offender who declares convictions that are not relevant to the post applied for.
- 12 The Council 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. We also comply fully with the Data Protection Act 1998 and other relevant legislation and have a written policy on these matters.

Further Information

If you have any queries about this policy statement or need more information, please contact askHR on 0131 469 5555.

30 October 2012

¹ 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.