

Department: Human Resources Department	Policy name: Recruitment of Ex-Offenders Policy
Effective date: 1 st March 2016	Policy number: 0008
Review date: 1 st March 2018	Approved by: <i>Board of Management</i>
Policy owner: HR Manager	Policy Approval date: 1 st March 2016

1. INTRODUCTION

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

2. SCOPE

- i. This Policy applies to all employees, candidates and job seekers undertaking DGHP’s recruitment process.
- ii. This policy is made available to all Disclosure applicants at the outset of the recruitment process.
- iii. This Policy is non-contractual and may be amended or withdrawn at any time at the discretion of DGHP

3. BASIC PRINCIPLES

- i. The Code of Practice (“the Code”), as updated in 2009, is published by Scottish Ministers under section 122 of Part V of The Police Act 1997 (“the 1997 Act). The Code identifies obligations which registered bodies, counter signatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act).
- ii. DGHP complies fully with the Code of Practice in connection with the use of information provided to registered persons, their nominees and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997 and Protection of Vulnerable Groups (Scotland) Act 2007, for the purposes of assessing applicants’ suitability for employment purposes, voluntary positions, licensing and other relevant purposes. 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.
- iii. 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.
- iv. DGHP 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.

4. RESPONSIBILITIES

General responsibilities are outlined in this section for:

- i. **Responsibilities of EMT and / or Board**
The Board and the Executive Management Teams responsibilities include, but are not limited to:
 - Ensuring appropriate training and guidance is provided to staff

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- Ensuring that all breaches of the policy are fully and fairly investigated in line with the relevant procedures
- Delegating to the Human Resources Department the reviewing of the policy in line with the policy review dates and ensure that it is reflective of DGHP values and practice

ii. Responsibilities of the Line Managers

The line managers responsibilities may include, but will not be limited to:

- Completing any training in relation to this policy
- Following the recruitment of ex-offenders policy
- Bringing any behaviour in breach of this policy to the attention of the Human Resources department

iii. Responsibilities of the Employees

The employees responsibilities may include, but will not be limited to:

- Completing any training in relation to this policy
- Complying with the requirements of the recruitment of ex-offenders policy
- Bringing any behaviour in breach of this policy to the attention of the line manager or where appropriate to the Human Resources department

5. POLICY

- i. We will request a basic Disclosure for all posts. A thorough risk assessment of positions and taking the relevant legislation into account will determine whether or not a Basic, Standard, Enhanced Disclosure under the 1997 Act or a Protection of Vulnerable Groups (PVG) membership under the 2007 Act is appropriate to the position in question. All applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure and that DGHP will request the individual being offered the position to undergo an appropriate Disclosure check.
- ii. DGHP will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process. Applicants will be requested to complete a criminal records self-declaration form. We ask that this information be sent under separate, confidential cover, to a designated person within DGHP and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- iii. In line with the Rehabilitation of Offenders Act 1974, DGHP 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.
- iv. 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.
- v. We undertake to discuss any matter revealed in a Disclosure Certificate or a PVG Scheme Record with the subject of that Disclosure before considering withdrawing a conditional offer of employment.

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- vi. We ensure that all those in DGHP who are involved in the recruitment 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 in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders Act 1974).
- vii. 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.
- viii. Having a criminal record will not necessarily debar you from working with Dumfries and Galloway Housing Partnership. 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 certificate or provided directly to us by a police force.

6. GOVERNANCE AND REGULATION

- I. This policy is the responsibility of the Human Resources Department. It will be kept under constant review. Changes will be agreed with recognised trade unions and will be considered with regards to external good practice, legislation and the needs of the organisation.
- II. The policy is due for formal review every three years and the next review will occur in April 2019.

7. SANCTIONS

- i. All employees are required to adhere to this policy. Employees should note that any breaches of this policy may lead to disciplinary action under DGHP’s Disciplinary and Capability Policy.
- ii. Serious breaches of this policy, for example incidents of bullying of colleagues may constitute gross misconduct and lead to dismissal.

8. RELATED / REFERENCED POLICIES

- Disclosure & PVG Policy
- Recruitment & Selection Policy
- Disciplinary Policy
- Grievance Policy
- Data Protection Policy
- Complaints Policy
- Code of Conduct