

POLICY ON THE RECRUITMENT AND EMPLOYMENT OF EX-OFFENDERS

The *Rehabilitation of Offenders Act 1974* (ROA) allows offenders to be rehabilitated and their conviction(s) to be deemed “spent”, depending on the sentence given and whether they have re-offended. Under the terms of the ROA, an individual who has been convicted of a criminal offence and sentenced to less than two and a half years in prison can be regarded as rehabilitated after a specified period with no further convictions. After the specified period the original conviction is regarded as spent. The specified period varies between 6 months and 10 years depending on the length of the sentence. Generally speaking the ROA provides that a spent conviction need not normally be disclosed when a person is asked about his or her previous record, and the rehabilitated person cannot be prejudiced if the spent conviction comes to light. However, the Act recognises that there are some circumstances where information about spent convictions ought to remain available.

The Act has created a number of exceptions where both spent and unspent convictions should be disclosed. The *Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003* (as amended in 2007)) lists a number of professions, offices, employments and occupations. This includes work that brings the person into contact with vulnerable groups such as infirm, older people, mentally ill, and young people aged under eighteen years. The Exclusions and Exceptions (Scotland) Order 2003 overrules all the employment rights an ex-offender would otherwise have in respect of their spent convictions thus allowing Bield to ask for details of both spent and unspent convictions for relevant posts.

The ex-offender will have to disclose information about spent, as well as current convictions, and Bield will clearly state within the Application Pack and Interview Invitation and/or at interview that the job applied for is exempt from the Rehabilitation of Offenders Act 1974.

A criminal record will not necessarily debar individuals from working with Bield; this will depend on the nature of the position and the nature of the offences or other information contained on a PVG Scheme Record or provided directly to us by a Police Force – please refer to point 8 below.

Failure to reveal information that is directly relevant to the position sought or where the information provided on a PVG Scheme Record, PVG Record update or Standard Disclosure differs significantly from that provided by the applicant could lead to withdrawal of an offer of employment or subsequent dismissal for gross misconduct.

To reassure applicants for employment the following principles have been adopted:

1. Bield Housing Association complies with the Code of Practice, issued by the 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 appointees' suitability for positions of trust. We undertake to treat all applicants for positions fairly.

2. This policy on the recruitment of ex-offenders and the Code of Practice will be made available on request to all applicants for posts on which Disclosure information is sought.
3. Bield Housing Association actively promotes equality of opportunity for all 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. We will request PVG Scheme Membership or Standard Disclosure only where this is considered proportionate and relevant to the particular position. Where a PVG Check or Standard Disclosure is deemed necessary for a post or position, the application pack relating to the post and any other appropriate literature will contain a statement that a PVG Check or Standard Disclosure will be requested in the event of a conditional offer of employment being made to the individual.
5. Where PVG Scheme Membership or Standard Disclosure forms part of the recruitment process, Bield will encourage all applicants selected for interview to provide details of any criminal record at an early stage in the application process by asking them to complete a Criminal Record Self-Declaration Form. We ask that this information be sent under separate, confidential cover, to the Human Resources Manager. All candidates who are short-listed for interview will normally be required to declare details of their criminal record prior to interview. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
6. Applicants for other relevant posts which do not require PVG scheme Membership or Standard Disclosure will be asked to complete a Self-Declaration of Criminal Records Form detailing only unspent convictions or current charges.
7. 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 may be considered relevant for the position concerned.
8. At interview or when receiving a PVG Scheme Record, PVG Record Update or Standard Disclosure which shows a conviction we will take into consideration:
 - whether the conviction or other matter(s) revealed in the Disclosure is relevant to the position being offered;
 - the seriousness of the offence revealed;
 - whether the person is fully listed and disqualified from working with particular vulnerable groups;
 - the length of time since the offence took place;

- whether the applicant has a pattern of offending behaviour or other relevant matters;
 - whether the applicant's circumstances have changed since offending behaviour or other relevant matters took place.
9. Training and support in this policy will be provided for those involved in the recruitment process including the assessment of the relevance of conviction information.