

Recruitment of Ex- Offenders Policy

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.

Introduction

Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 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 Acts provide for the issue of criminal conviction and criminal record certificates, known as Basic, Standard and Enhanced Disclosures and PVG Scheme Records/Updates.

The Acts also provide a Code of Practice governing the use of all information issued in respect of Basic and Standard disclosures and PVG Scheme Records/Updates. The Code requires all recipients of such Disclosure/PVG Scheme 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/PVG Scheme process, the information must not be used to unfairly discriminate against individuals when considering them for positions.

Wheatley Care is therefore expected to have a written policy on the recruitment of such individuals, which can be provided to applicants for positions where a Disclosure or PVG Scheme Record/Update is requested. Wheatley Care will also ensure that any body at whose request applications are countersigned, will also have such a policy.

Policy Statement

1. Wheatley Care complies fully with the Code of Practice, 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 and the Protection of Vulnerable Groups (Scotland) Act 2007, for the purposes of assessing applicants' suitability for positions of trust. We undertake to treat all applicants fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of the conviction or other information revealed.
2. The policy on recruitment of ex-offenders will be made available to all applicants for employment.
3. Wheatley Care is committed to equality of opportunity to follow good practice, and to provide 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 because of a 'protected characteristic' which covers sex, race, colour, nationality, ethnic or national origin, religion or belief, age, sexual orientation, disability, gender reassignment, marriage/civil partnership, pregnancy or responsibilities for dependants,

physical or mental disability, or any factor which cannot be shown to be relevant to performance.

4. Wheatley Care 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.
5. Wheatley Care will request Basic or Standard Disclosures or PVG Scheme Membership only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Basic or Standard Disclosure or PVG Scheme Membership is available to the position in question. Where a Disclosure or PVG Scheme Membership is deemed necessary for a post, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure or PVG Scheme Membership and that Wheatley Care will request the individual being offered the position to undergo an appropriate Disclosure check or become a member of the PVG Scheme.
6. Where a Disclosure or PVG Scheme Membership forms part of the recruitment process, Wheatley Care will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process. We will request that applicants complete a Criminal Convictions Declaration Form which will be held in a separate, secure file. Applicants will be guaranteed that this information will be seen only by those directly involved in the recruitment process for the particular post.
7. In line with the Rehabilitation of Offenders Act 1974, Wheatley Care will only ask about convictions which are defined as “unspent” in terms of the Act, unless the nature of the position is such that we are entitled to ask questions about certain unspent convictions, in line with current guidance from Disclosure Scotland.
8. A follow up meeting with the applicant will 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 or PVG Scheme Record/Update with the subject of that Disclosure before withdrawing a conditional offer of employment.

10. We will ensure that all those involved in the recruitment process for Wheatley Care have been suitably trained to identify and assess the relevance and circumstances of Disclosure/PVG Scheme information. We also ensure that they receive the appropriate training and guidance in the relevant legislation relating to employment of ex-offenders (eg. the Rehabilitation of Offenders Act 1974, Protection of Vulnerable Groups (Scotland) Act 2007).
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.

N.B. Having a criminal record will not necessarily debar you from working with Wheatley Care. 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, PVG Record/Update or information provided directly to us by a police force.