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**Recruitment of Ex-Offenders:
Information & Policy Document**

Information

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 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 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”).
2. We comply 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 provide a copy of this policy and the Code to anyone who asks to see it.
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.
6. Where a disclosure application or request is deemed necessary, individuals will be made aware that the position or work will be subject to a Disclosure Scotland check and that the nature of the position or work entitles us to ask about spent and unspent convictions.
7. We will ask individuals to complete a criminal record self-declaration form. We will stress to individuals that they should be honest in their response. We will ask that this form be returned under separate, confidential cover, to a designated person within our organisation and we guarantee that this form will only be seen by those who need to see it as part of the decision-making 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 or work concerned.
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.

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH US.

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Visible Fictions
Suite 325-327
4th Floor
11 Bothwell Street
Glasgow, G2 6LY

0141 221 8727

office@visiblefictions.co.uk



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