



PEOPLE POLICY ON THE RECRUITMENT OF EX-OFFENDERS

This policy:

- Applies to all applicants, paid staff, volunteers, board of trustees and agency workers. Replaces the Recruitment of Ex-Offenders Policy (last reviewed May 2019)
- Does not form any part of any employee’s contract of employment or volunteer agreement and we may amend it at any time.

In addition, this policy is in compliance with the CHSS No Life Half Lived Strategy goal: “To be effective and accountable in all that we do”. The Strategy outlines:

“Keeping our people safe and well is not only a statutory obligation, it is central to our ethos and values as a charity. The understanding and knowledge of the importance of safeguarding is growing and the trust and confidence that the public and our stakeholders have in us is something we value and respect. To ensure we keep our people safe and well, we will carry out a full safeguarding review and develop iterative and systematic processes in line with expert advice.”

In line with our commitment to equal opportunities, this policy can be made available in a variety of formats, including large print, translated into another language or other media. Reasonable adjustments will also be made where required to assist individuals who have a disability.

1. Our Human Rights Approach

1.1 CHSS takes a human rights based approach, meaning we place human rights at the very centre of our policies and practices. We aim to empower people to know and claim their rights, promoting the following values:

- Participation – involving people in decisions that affect their rights
- Accountability – monitoring how people’s rights are being affected
- Non-Discrimination and Equality – ensuring fairness and inclusion
- Empowerment – supporting employees and volunteers to participate in policy development
- Legality – complying with domestic and international legislation

2. Our Values

2.1 Our values are at the heart of what we do. We have developed six values to guide us in delivering our No Life Half Lived strategic goals. Our Recruitment of Ex-Offenders Policy integrates these values in the following ways:

Recruitment of Ex-Offenders Policy	Issued: 18/03/2021	Version 2.0
Created by Katie Beeston Reviewed by Safeguarding Group Approved by Staff Governance Committee 11/03/2021	Review Due: March 2024	Page 1 of 5

This document is uncontrolled when printed. The current version is available on SharePoint.



- Agile – we will take account of individual circumstances when making decisions relating to the recruitment of individuals who have disclosed convictions.
- Innovative – we will look to continuously improve our recruitment processes and procedures.
- Inclusive – we will adopt a human rights based approach to the recruitment of ex-offenders.
- Accountable – we will audit our safeguarding and recruitment processes and ensure decision-makers follow clear and fair processes.
- Collective – we will involve individuals in decisions which affect their rights.
- Courageous – we will encourage our staff and volunteers to report safeguarding concerns.

3. Statement of Intent

3.1 The purpose of this policy:

- To provide assurance to applicants, staff and volunteers.
- To provide guidance to those making recruitment decisions, ensuring they are able to assess whether any conviction information provided to us impacts on a person's ability to carry out the role that they have applied for or which they hold within CHSS.

3.2 CHSS is committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. CHSS aims to ensure that no applicant, volunteer or member of staff is unfairly treated on the grounds of offending background.

3.3 CHSS actively promotes the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.

3.4 In order to safeguard our service users, supporters, volunteers and staff, roles may require a disclosure check to be carried out.

3.5 The level of disclosure which we will access will be the appropriate level for the role (basic, standard, enhanced, or PVG).

3.6 CHSS does not differentiate between paid and unpaid roles when applying the criteria detailed in this policy, the assessment is based entirely on the requirements of the role and any information shared with us either through self-disclosure or contained in a disclosure certificate.

4. Legal & Internal Policy Framework

4.1 This policy has been drawn up on the basis of law and guidance that seeks to rehabilitate offenders and protect vulnerable individuals, namely:

Recruitment of Ex-Offenders Policy	Issued: 18/03/2021	Version 2.0
Created by Katie Beeston Reviewed by Safeguarding Group Approved by Staff Governance Committee 11/03/2021	Review Due: March 2024	Page 2 of 5

This document is uncontrolled when printed. The current version is available on SharePoint.



- Rehabilitation of Offenders Act 1974 (as amended)
- Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2013 (as amended)
- Police Act 1997 (as amended)
- Protection of Vulnerable Groups (Scotland) Act 2007 (as amended)
- Management of Offenders (Scotland) Act 2019
- Age of Criminal Responsibility (Scotland) Act 2019
- Data Protection Act 1998/General Data Protection Register Regulations 2018

4.2 This policy should be read alongside our policies and procedures on:

- PVG procedure
- Protection of Vulnerable Individuals Policy
- Recruitment, induction and training procedures
- Volunteer Policy
- Equality and Diversity Policy
- Safeguarding Policy
- Confidentiality Policy

5. Self-Disclosure

- 5.1 Chest Heart & Stroke Scotland operates a fair recruitment process and will ensure anyone applying for, or holding a role in our organisation is given the opportunity to discuss any convictions which they are required to tell us about.
- 5.2 As part of our recruitment process, the self-disclosure form should be completed and returned with the relevant disclosure or PVG application form, in an envelope marked Private and Confidential and addressed to the designated Safeguarding Administrator.
- 5.3 A self-disclosure form will only be issued to an individual if they have been provisionally offered a role with CHSS subject to the outcome of the disclosure.
- 5.4 The guidance included on the self-declaration form should be followed. Individuals should not tell us about convictions which were gained before the age of 12, those which are spent and any which are not considered appropriate to disclose subject to exceptions.
- 5.5 The self-disclosure form issued will vary depending on the level of disclosure. For high level disclosures such as the PVG scheme, additional guidance will be provided on what information should and should not be disclosed.
- 5.6 If an individual is in doubt, they may seek legal advice (at their own expense) or they may withhold the conviction information until the appropriate level of disclosure is received.

Recruitment of Ex-Offenders Policy	Issued: 18/03/2021	Version 2.0
Created by Katie Beeston Reviewed by Safeguarding Group Approved by Staff Governance Committee 11/03/2021	Review Due: March 2024	Page 3 of 5

This document is uncontrolled when printed. The current version is available on SharePoint.



6. Disclosure Certificate

- 6.1 In order to ensure there is no bias in our recruitment decisions, accessing a disclosure certificate will only be requested when we have provisionally offered a role, subject to a satisfactory disclosure.
- 6.2 When we receive a copy of a disclosure certificate, we compare it to the self-disclosure form which was submitted to us. If there are any differences between the details on the two documents, we will arrange to discuss this with the individual. We will not make any judgement on the reason that information differs prior to our discussion as we understand that rules around what information should be shared with us is complex.

7. How We Will Use Disclosed Information

- 7.1 Any information disclosed will be treated in the strictest confidence and only people required to see the information to help assess it will have access to it. There may be instances where we need to seek support or guidance externally (for example, from a solicitor). When this is necessary, we will not share any information which will identify the individual concerned, only the information which we require support or guidance on.
- 7.2 Where information has been detailed on the self-disclosure form but is not shared on the disclosure certificate, we will disregard this.
- 7.3 We do, however, need to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or those who use our services. In order to ensure we carry out a fair and consistent practice, the Director of People Driven Development and the Head of Human Resources and Organisational Development will, in each case, consider the following:
- Whether the conviction is relevant to the role
 - The length of time since the offence occurred
 - Whether the applicant has a pattern of convictions
 - Whether the applicant's circumstances have changed since the offence was committed
- 7.4 CHSS will 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.
- 7.5 If we determine that the disclosed information is relevant to the role, we will withdraw the job or volunteering role offer. For those already in post, this may result in disciplinary action and could ultimately result in dismissal. The reason(s) for our decision will be fully explained.

Recruitment of Ex-Offenders Policy	Issued: 18/03/2021	Version 2.0
Created by Katie Beeston Reviewed by Safeguarding Group Approved by Staff Governance Committee 11/03/2021	Review Due: March 2024	Page 4 of 5

This document is uncontrolled when printed. The current version is available on SharePoint.



8. Appeals

- 8.1 If you feel that the risk assessment has not been carried out appropriately or that our decision is unfair, you have the right to appeal. Appeals should be made in writing and marked 'Private and Confidential' FAO Jane-Claire Judson, Chest Heart & Stroke Scotland, Third Floor Rosebery House, 9 Haymarket Terrace, Edinburgh, EH12 5EZ.

9. Role of the People Driven Development Department

- 9.1 The Director of People Driven Development and Head of HR & OD are available to give advice and interpretation on any aspect of this policy.
- 9.2 The People Driven Development Department will ensure compliance with the People Policy on Confidentiality and Data Protection and any associated guidelines, including compliance with the General Data Protection Regulations.
- 9.3 The People Driven Development team will carry out Disclosure and PVG checks (where applicable) for all successful applicants, employees and volunteers. This includes retrospective checks.

Breach of this Policy

- 9.4 Should any person breach this policy, it will be considered as misconduct. The procedure to be applied will depend on whether they are:
- An employee – this will be dealt with under CHSS's grievance and/or disciplinary policies and, in serious cases, may be treated as gross misconduct leading to summary dismissal.
 - An agency worker or an individual on placement – this will be dealt with through the relevant agency/placement provider.
 - A Volunteer – this will be dealt with under CHSS's Volunteer Complaints Policy. A potential consequence may be the removal of the Volunteer.

10. Monitoring and Review

- 10.1 The People Driven Development Department will ensure all pre-employment / pre-volunteer checks are carried out, including Disclosures and PVG checks.
- 10.2 The People Driven Development Department will also undertake retrospective checks where legislative changes are implemented or where deemed appropriate.
- 10.3 The policy will be reviewed every 3 years or earlier if deemed appropriate. In the event that this policy is not reviewed within the above timescale, the latest approved policy will continue to apply.

Recruitment of Ex-Offenders Policy	Issued: 18/03/2021	Version 2.0
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This document is uncontrolled when printed. The current version is available on SharePoint.

