

# **KINCARDINE & DEESIDE BEFRIENDING**



## **RECRUITING WITH CONVICTIONS POLICY**

Registered Scottish Charity No. SC032594

## Kincardine & Deeside Befriending

### **Recruiting with Convictions Policy**

The purpose of this policy is to provide assurance to applicants, staff and volunteers and guidance to those making recruitment decisions of our organisation's process in assessing whether any conviction information provided to us in a disclosure certificate impacts on a person's ability to carry out the role that they have applied for or which they hold within our organisation. It is important to recognise that having a criminal record does not necessarily mean that someone cannot work or volunteer for our organisation.

Our organisation treats all applicants fairly and consistently in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended). We do 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 in a disclosure certificate.

This policy should be used with the support of our Adult Protection Policy and Complaints Policy and Procedures.

#### Self-Disclosure

The rules around what you would need to disclose are complex making it difficult to know what should and should not be disclosed. For this reason, we do not ask applicants going through our recruitment process to self-disclose. Instead, we will make our final recruitment decision based on the information contained in a disclosure. A disclosure will not tell us about any convictions which were gained before the age of 12 (unless the independent reviewer established by the Age of Criminal Responsibility (Scotland) Act 2019 has decided that the information should be included) or those which are spent and which are not considered appropriate to disclose unless they are subject to exceptions or subject to rules. There is a guidance document on the Scottish Government website which gives detailed information on how long a conviction is considered unspent: [Self-disclosure of previous convictions and alternatives to prosecution: guidance - summary - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/self-disclosure-of-previous-convictions-and-alternatives-to-prosecution/guidance-summary/pages/12.aspx)

Once in post, all staff and volunteers are required to tell us about any new convictions or potential events which may affect their role. Details of any new convictions should be provided to the Senior Coordinator who acts as the designated Adult Protection Coordinator as laid out in our Adult Protection Policy. We will then assess this information as detailed in 'How We Will Use Disclosed Information' below.

## Disclosure Certificate

In order to ensure there is no bias in our recruitment decisions, accessing the disclosure certificate will be the final part of our recruitment process and will only be requested for staff or volunteers when we have provisionally offered the role, subject to a satisfactory disclosure.

## How We Will Use Disclosed Information

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 you, only the information which we require support or guidance on.

We 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 when we assess any conviction or vetting information, we will take into account the following criteria:

Is the conviction relevant to the position being offered?

How serious was the offence?

How long is it since the offence took place?

Is there a pattern of offending behaviour?

Have the personal circumstances changed since the time of the offending behaviour?

How has the person become rehabilitated?

Is the person barred from the type of regulated work we need them to do?

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.

## Appeals

If an individual feels 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 to the Senior Coordinator in line with our Complaints Policy and Guidance. Such an appeal/complaint will follow the complaints procedure outlined in this policy.

**POLICY ON THE RECRUITMENT OF EX OFFENDERS**  
**Record of Reviews and Amendments**

	<b>Record of decisions</b>
Version 1	Approved December 2009
Version 2	Amended and Approved August 2011
Version 3	Reviewed and Approved (no amendment required) August 2012
Version 4	Reviewed and Approved by MC 1 October 2013
Version 5	Reviewed and Approved by MC 27 October 2014 (no amendment)
Version 6	Reviewed and Approved by MC 2 November 2015 (no amendment)
Version 7	Reviewed and approved, as amended, by MC 28 Nov 2016
Version 8	Reviewed and approved by MC 23 Oct 2017 (no amendment)
Version 9	Reviewed and approved, as amended, by MC 14 Jan 2019
Version 10	Reviewed and approved, as amended, by MC 20 Jan 2020
Version 11	Reviewed and approved by MC 25 Jan 2021 (replaces Ex-Offender policy)
Version 12	Reviewed and approved by MC 21 Mar 2022
Version 13	Reviewed and approved (no amendment) by MC 27 Mar 2023
Version 14	Reviewed and approved, as amended, by MC 13 May 2024
Version 15	Reviewed and approved (no amendment) by MC 30 June 2025