



Committee Approver	Operations Committee
Stakeholder Consultation	Joint Consultative Committee
Date Approved	October 2021
Classification	Policy
Title	Recruitment of Ex-Offenders Policy
Revision Date	July 2021
Revised by	HR/OD Manager
Next Revision Date	October 2024
Related Documents	Recruitment Policy; Disclosure & Protection of Vulnerable Groups Policy; Privacy Policy; Data Retention Policy; Fair processing Notice - Employee
Location of Electronic Copy	F:\Live Polices\HR

1. Viewpoint's Values

Viewpoint is here to help people enjoy their later years. Everything we do is about realising this vision, which is supported by the following straightforward set of values:

- Inspire with positive smiles and words;
- Say 'yes I can and I will';
- Celebrate age, experience and wisdom;
- Do according to our customers' wishes and ambitions;
- Treat people (everyone is a VIP) as we would a "loved one";
- Work hard, have fun and laugh;
- Stay courageous, creative and ahead of the game; and
- Work with those that share our values.

These promises shape us. They are a commitment to our residents, staff and suppliers.

Ensuring that we have appropriate policies in place will support us to deliver our services in accordance with our vision and values.

2. Policy Statement

Viewpoint actively promotes equality of opportunity for all (with the right mix of talent, skills and potential) 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.

Viewpoint will consider ex-offenders for employment on their individual merits. The approach towards employing ex-offenders will differ, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Viewpoint will request the appropriate level of Disclosure or PVG Scheme record / update for all positions and will ensure individuals are made aware of the policy prior to them being offered the position.

Where a Disclosure Scotland check is to form part of the recruitment process, Viewpoint will require all applicants selected for interview to provide details of offences which must always be disclosed and/or offences which are to be disclosed according to rules at an early stage in the application process. Where the job is an excluded one or a check reveals that the candidate has an unspent conviction, this policy should be followed. Further guidance on the process to be followed in such cases is set out at Appendix 1 to this policy.

Having a criminal record will not necessarily debar any candidate from working with Viewpoint. This will depend on the nature of the position, together with the circumstances and background of the offences.

3. Aim (sometimes called Purpose)

The aim of this policy is to state Viewpoint's approach towards employing people who have criminal convictions.

4. Legislation/related policies

- This policy complies with the Disclosure Scotland Code of Practice, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for purposes of assessing applicants' suitability for positions of trust.
- This policy complies with the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage retention and disposal of Disclosure information.
- The Rehabilitation of Offenders Act 1974 requires candidates to disclose convictions which are defined as "unspent" in terms of the Act. However many posts within Viewpoint are excluded from the Act as employees support protected adults. All criminal convictions past and pending must be declared on the Self Declaration of Criminal Convictions form. Guidelines on the Recruitment of Ex-Offenders and full information can be found in Viewpoint's Recruitment of Ex-Offenders Policy.

This policy should be read in conjunction with Viewpoint's Recruitment Policy and the Protection of Vulnerable Groups Policy.

5. Scope

This policy applies to all applicants, employees, students and volunteers, including Board of Management members.

6. Compliance & Support

Viewpoint complies fully with the Code of Practice, issued by 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 applicants' suitability for positions of trust.

Viewpoint will undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure Scotland check on the basis of conviction or other information revealed.

Viewpoint will ensure that:

- A copy of this policy shall be made available to all applicants;
- There is a reference copy of this policy accessible on eLFY and with HR at all times;
- This policy is updated regularly in accordance with best practice; and
- Any changes to this policy will be notified to employees.

7. Equality Impact Assessment (EIA)

Viewpoint is committed to embracing diversity and providing equality and fairness for all. We will not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or any other protected characteristic.

All applicants including students and volunteers will be made aware that any offer of employment, student placement or voluntary work will be conditional upon receipt of an appropriate satisfactory Disclosure Scotland certificate and, where applicable, evidence of PVG Scheme Membership

8. Privacy Impact Assessment (PIA)

Viewpoint processes information about an individual's criminal convictions in accordance with its Privacy Policy, and related policies and procedures. In particular, data collected during recruitment is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Viewpoint's Privacy policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Once an individual is recruited, information about their criminal record gathered in the course of the vetting process will not be transferred to their personnel file.

Risks associated with this policy will be assessed and mitigated by Viewpoint's Data Protection Officer, through ongoing data protection audits, and reviews of Viewpoint's Data Estate.

9. Monitoring & Evaluation

Viewpoint's Recruitment of Ex-Offenders Policy will be fair, reliable, robust and auditable, i.e. capable of scrutiny.

This policy will be reviewed regularly and in line with legislative updates.

Appendix 1

Where a Disclosure Scotland check is to form part of the recruitment process, Viewpoint will require all applicants selected for interview to provide details of their criminal record at an early stage in the application process by completing the online Self-Declaration of Criminal Convictions form. This online form is submitted directly to HR and held separately from the application forms. A paper/Word version is available if required, candidates are asked to return this by email or in a sealed envelope separate to their application directly to HR.

The declaration form will only be opened if the candidate is selected as the preferred candidate following the interview process. Should the candidate have provided any information about convictions this will allow the recruiting manager an opportunity to discuss its contents with them prior to offering the role. HR will provide support and guidance to the recruiting manager.

All information will be handled and stored in full compliance with the Data Protection Act 2018.

In line with the Rehabilitation of Offenders Act 1974, Viewpoint will only ask about convictions which are defined as “unspent” in terms of that Act, unless the nature of the position is such that we are entitled to ask questions about an individual’s entire criminal record. Under the Rehabilitation of Offenders Act 1974, certain types of employment are excluded from the act and make it lawful to ask questions about spent convictions and to reject a person for employment on the grounds of a spent conviction.

Viewpoint must consider the nature of the conviction and its relevance to the job being offered. It may be that the conviction has no relevance to the role and is not considered to have any bearing on the decision to employ the individual. If an applicant has a conviction that is not spent and if the nature of the offence is relevant to the job for which they have applied, Viewpoint will review the individual circumstances of the case and may, at its discretion, decline to select the individual for employment.

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 concerned. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment. Viewpoint will undertake to discuss any matter revealed in a Disclosure Scotland check with the individual concerned before withdrawing a conditional offer of employment

Viewpoint will keep a record of all decisions in case of future disputes and, if it decides to withdraw an offer, the applicant should have the opportunity to appeal the decision.

Viewpoint will ensure that all employees involved in the recruitment process will be suitably trained to identify and assess the relevance and circumstances

of offences. Viewpoint will also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. Rehabilitation of Offenders Act 1974).

Viewpoint undertakes to make every subject of a Disclosure Scotland check aware of the existence of the Code of Practice, and to make a copy available on request.

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR ANY CANDIDATE FROM WORKING WITH VIEWPOINT HOUSING ASSOCIATION LTD. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF THE OFFENCES.