



Recruiting ex-offenders

It is important that voluntary organisations have a policy on the recruitment of ex-offenders to both paid and volunteer positions. This should form an essential part of an organisation's equal opportunities policy. Statistics show that one in four men and one in nine women have a criminal conviction of some kind by the time they are 24 years old. It is therefore very likely that organisations will receive applications from ex-offenders for both paid and voluntary posts.

The Explanatory Guide to the Code of Practice for Registered Persons and Other Recipients of Disclosure Information (*Disclosure Scotland, 2002*) states that Scottish Ministers expect organisations to take a positive approach to the recruitment of ex-offenders:

“For those with convictions, gainful employment is often the most successful way of avoiding re-offending. Scottish Ministers are, therefore, anxious to ensure that those members of the community who may have convictions are not unfairly treated in the process of considering them for positions. The fact that a person has a conviction should not necessarily make him or her unsuitable to work with children or vulnerable adults. The person's suitability should be looked at as a whole in the light of all the information available. The existence of a criminal record should not therefore automatically be taken to mean that a person is unsuitable. Employers [and voluntary groups] receiving disclosure information should consider the relevance of the information in relation to the position for which the subject of the information is being considered. Good employers [and voluntary groups] will have a written policy on the recruitment of people who have been convicted in the past. This is best practice....” (Paras. 20 and 21 of the *Explanatory Guide to the Code of Practice for Registered Persons and Other Recipients of Disclosure Information* -Disclosure Scotland, 2002).

Under the *Rehabilitation of Offenders Act 1974*, ex-offenders normally have the right not to reveal spent (old) convictions. This protects their privacy and should help to counteract prejudice against individuals with convictions who are seeking work.

However, certain posts (e.g., those which give prolonged or sustained access to children and vulnerable adults) are exempt from the *Rehabilitation of Offenders Act 1974* by the *Exclusions and Exceptions (Scotland) Order 2003*. This gives organisations the right to ask individuals to declare all criminal convictions, both spent and unspent.

Disclosure checks at Standard and Enhanced levels give details of all convictions on record relating to an individual, whether spent or unspent under the *Rehabilitation of Offenders Act 1974*. However, as disclosure checks should only be requested for successful applicants, many organisations give applicants the opportunity to provide details of any criminal record at an earlier stage of the recruitment process via a self-declaration form. This gives both the organisation and the applicant the opportunity to discuss, in an open and measured way, any offences that might be relevant to the position applied for.

Based on a document prepared by the Central Registered Body in Scotland (CRBS)

Where can I find out more?

Central Registered Body in Scotland's (CRBS) website at www.crbs.org.uk.

Apex Scotland is the only Scottish organisation with the sole aim of improving the employment and training prospects of offenders, ex-offenders and young people at risk. www.apexscotland.org.uk.