

## **Instill Education Policy on the Recruitment of Ex-Offenders**

### **Policy Statement**

This Policy applies in Scotland.

1. Instill Education complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes. In this policy, the term "Disclosure" is used to apply both to a "Disclosure issued before 28 February 2011, and a Scheme Record or Scheme Record Updated issued under the Protection of Vulnerable Groups Scheme after that date." We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.
2. This policy is made available to all Disclosure applicants at the outset of the recruitment process.
3. 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 gender, marital status, race colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.
4. Instill Education 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.
5. We will request a Disclosure only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure is available to the position in question. Where a Disclosure is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure and that Instill Education will request the individual being offered the position to undergo an appropriate Disclosure check.
6. Where a Disclosure is to form part of the recruitment process, Instill Education will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process. Applicants will normally be requested to complete a criminal records self declaration form. We ask that this

information be sent under separate, confidential cover, to a designated person within Instill Education and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

7. In line with the Rehabilitation of Offenders Act 1974, Instill Education 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.
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 concerned. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
9. We undertake to discuss any matter revealed in a Disclosure Certificate<sup>1</sup> with the subject of that Disclosure before considering withdrawing a conditional offer of employment.
10. We ensure that all those in Instill Education who are involved in the recruitment 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 in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders Act 1974).
11. We undertake to make every subject of a Disclosure 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 YOU FROM WORKING WITH INSTILL EDUCATION. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES OR OTHER INFORMATION CONTAINED ON A DISCLOSURE CERTIFICATE OR PROVIDED DIRECTLY TO US BY A POLICE FORCE.

### **Related Policies:**

Safeguarding Policy  
Alcohol Drug and Tobacco policy  
Child Protection policy  
Recruitment and selection policy  
Recruitment of Host Families  
Health and Safety policy (in Health and Safety Manual)  
Policy Statement– Secure storage, handling, use, retention and disposal of Disclosure Information  
Anti-Bullying Policy

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<sup>1</sup> We are only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by a police force.

Date Reviewed: October 2023  
Reviewed by: Claire Hunter & Lauren Davis  
Next Review Date:: October 2024



**Updated Oct 2023 by Lauren Davis. To be reviewed Oct 2024**