



Recruitment Policy

(Potential Employees with Previous Criminal Convictions)

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Fair Deal is an organisation committed to all efforts to prevent discrimination or other unfair treatment against any applicant or potential employee, student hoping to gain placement or volunteer, regardless of an offending background. As an equal opportunities employer Fair Deal will not discriminate against potential employees who willingly disclose past convictions and who **do not** create risk to children or to vulnerable adults. As well as demonstrating a commitment to equal opportunities in practice, Fair Deal is also responsible for safeguarding the wellbeing of the people we support.

Therefore, there are exceptions to this principle:

- Potential employees who have been convicted of crimes of a sexual nature or crimes of a sexually exploitative nature will not be offered employment with Fair Deal.
- Potential employees who have committed and been convicted of offences will attend a meeting to discuss any convictions they highlight, or which appear on their PVG. Any risks will be fully assessed prior to the person starting to support people (see below)

It is Fair Deal's duty to ensure that employees are competent and can effectively discharge their responsibilities to provide care and support to people who use Fair Deal's services. Accordingly, Fair Deal has developed a robust recruitment and selection policy and ensures that all potential employees undergo PVG Disclosure Checks with Disclosure Scotland prior to confirmation of employment. All Fair Deal PVG applications are required to work with both adults & children.

New recruits are not permitted to begin work with Fair Deal until we receive the PVG Disclosure check from Disclosure Scotland.

PVG Disclosure Checks

The following outlines how the organisation will deal with a PVG record, which shows a conviction or other information. If the PVG shows no conviction, it will be stored for a maximum of 3 months, see subsection of this policy subtitled: Handling & Destroying of PVG Information

Procedure

Fair Deal is required to assess the PVG Disclosure information, together with any other pertinent information the individual would like to highlight regarding the PVG and make decisions on the suitability of the individual to take on a particular role. Where a PVG Disclosure shows a conviction or additional information, one of the organisation's authorised PVG signatories, who will be part of the Senior Management Team will:

1. Contact the individual to arrange a meeting to discuss the conviction(s) or additional information and thereby assess whether or not the offer employment can go ahead. This contact should be made as soon as possible. Fair Deal's standard letter for this purpose must be used to invite the individual to the interview. In addition, the potential employee should be asked to provide further information in relation to the conviction/additional information by using the Fair Deal pro-forma for this purpose.
2. The meeting should be held, and any additional information gathered from the individual concerned. Two senior managers who are authorised PVG signatories must attend.
3. All Information will be gathered together into a written report in which the two authorised signatories will recommend either progressing with, or withdrawing the offer of employment, to Fair Deal's PVG Scheme Record Sub- Group. The Sub-Group comprises two members of Fair Deal's Board and is serviced by Fair Deal's Chief Executive. The signatory's recommendation will be reached on the basis of an assessment of risk to the organisation and to the people Fair Deal supports.

In assessing risk, the following factors will be taken into consideration:

- Whether the conviction is relevant to the position being offered
- The seriousness of the offence revealed
- The length of time since the offence took place
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed since the offence took place

In addition, consideration will be given to whether any convictions were voluntarily disclosed. All information will be anonymous and treated with the utmost confidentiality.

4. PVG Scheme Record Sub-Group will either uphold or overturn the recommendation made by the authorised signatories.
5. The individual must then be notified of the outcome.
6. In the event of an unfavourable decision there will be the right of appeal to the PVG Scheme Record Sub-Group. The individual must make his/her appeal in writing stating the reasons for appealing against the decision reached by the authorised signatories. This letter must be received within 5 working days. It is the potential employee's responsibility to ensure the safe receipt of the letter of appeal. PVG Scheme Record Sub-Group will then be convened swiftly and will consider both the Fair Deal report and correspondence from the potential employee. The individual has the right to represent himself/herself at the appeal meeting. In this instance he/she will be invited to attend the appeal meeting and state his or her case.

The organisation aims to make the process as quick and as non-threatening as possible and will advise all potential staff and volunteers of this policy.

Handling and Destroying of PVG Information

Fair Deal complies with the code of practice, issued by Scottish Ministers regarding the correct handling, holding and destroying of PVG information provided by Disclosure Scotland under part V of the Police Act 1997, for the purpose of assessing applicant's suitability for positions of trust. Fair Deal also complies with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of PVG information.

Usage: Fair Deal will use PVG information only for the purpose for which it has been provided. The information provided by an individual for a position within Fair Deal is not used or disclosed in a manner incompatible with the purpose. We will process personal data only with the consent of the individual. We will notify the individual of any non-obvious use of the data, including further PVG to a third party, identifying the data controller (authorised person holding the information), the purpose for further PVG, and any further relevant information.

Handling: Fair Deal recognises that, under section 124 of the Police Act 1997, it is a criminal offence to disclose PVG information to any unauthorised person. We will therefore only pass PVG information to those who are authorised to see it in the course of their duties. Fair Deal will not disclose information provided under section 115 (8) of the Act, namely information which is not included in the PVG to the applicant.

Access and Storage: We will keep only limited PVG information on an individual's personnel file i.e., the date of the PVG application, the PVG number, the PVG number and date the PVG information was returned. All other information is held within the PVG file in a securely locked filing cabinet. Access to this filing cabinet is strictly controlled by Fair Deal's Quality and Development Manager who will only grant access to authorised and named individuals, who are entitled to see such information in the course of their duties.

Retention: We do not keep PVG information for any longer than is required after a recruitment (or any other relevant) decision has been taken. In general, this is no longer than 3 months. This is to allow the resolution of any disputes or complaints. PVG information will only be retained for longer than this period in exceptional circumstances, and in consultation with PVG Scotland. The same conditions relating to secure storage and access will apply during any such period.

Disposal: Once the retention period has elapsed, we will ensure that PVG information is destroyed in a secure manner i.e. by shredding, pulping or burning. Fair Deal will not keep PVG information which is awaiting destruction in any insecure receptacle (e.g. a waste bin or confidential waste sack).

We will not retain any image or photocopy or any other form of the PVG information. However, we will keep a record of the date of the issue of the PVG, the name of the subject, the PVG type, the position for which the PVG was requested, the unique reference number of the PVG and details of the recruitment decision taken.

Umbrella Bodies: before acting as an Umbrella Body (i.e., a body which countersigns applications for PVG PVGs on behalf of another Organisation), Fair Deal will take all reasonable steps to ensure that the organisation on whose behalf we are acting can comply with the Scottish Code of Practice and in full accordance with this policy. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of PVG information in full compliance with the code of practice, and in full accordance with this policy. We will also ensure that any body or individual, at whose request applications for PVGs are countersigned, has such a written policy.

Fair Deal will complete PVG Disclosure Scheme Record Updates 3 yearly.

End of Policy

Document Information

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Version:	4
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Approved By:	Fiona Dunwoodie
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Amendment History

Date	Version	Created By	Description of Change
17/08/2016	1	Margaret Fenton	Initial Release
09/07/2018	2	Anne Marie Borthwick	Change to retention period of PVG. Change to retention period of PVG minute of risk assessment meeting when previous or new conviction is disclosed.
16/05/2019	3	Elaine Davidson	Added Front Cover and amended Footer
07/04/2022	4	Anne Marie Borthwick	Changes under the management of offenders (Scotland) Act 2019. Introduction of 3 yearly PVG Disclosure Update checks.