



RECRUITMENT OF EX OFFENDERS' POLICY & PROCEDURE

Updated: 1st April 2019 / Reviewed: November 2025

POLICY STATEMENT

ELCAP 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 and the Protection of Vulnerable Groups (Scotland) Act 2007 ("the 2007 Act") for the purposes of assessing applicants' suitability for positions of trust. 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.

PROCEDURES

This document sets out ELCAP's procedure on the recruitment of ex-offenders

Access to policy documents

We have a written policy on Equality and Diversity in Employment together with this policy which is made available to all Disclosure applicants at the outset of the recruitment process.

Equal Opportunities

We are committed to equality of opportunity 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 their age, disability, race, religion and belief, sex, gender re-assignment, sexual orientation, pregnancy and maternity, marriage or civil partnership, responsibilities for dependants, offending background or is disadvantaged by any condition which cannot be shown to be relevant to performance.

ELCAP 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. The selection of candidates for interview will be based on skills, qualification and experience. Having a criminal record will not necessarily debar a person from working with ELCAP. It will depend on the nature of the position, together with the circumstances and background of the offence(s).

Disclosures

We will request a Protection of Vulnerable Group (PVG) Scheme Full Record for all candidates employed to support vulnerable people. We will request a Basic, Standard or Enhanced Disclosure only where this is considered proportionate and relevant to the particular position. All application forms, job adverts, careers literature, website, and any other appropriate literature will contain a statement that a PVG/Disclosure will be requested in the event of the individual being offered the position as appropriate.

PVG/Disclosures will form part of the recruitment process. ELCAP will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process.

Rehabilitation of Offenders Act

In line with the Rehabilitation of Offenders Act 1974, ELCAP 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.

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.

We undertake to discuss any matter revealed in a PVG/Disclosure with the subject of that PVG/Disclosure before withdrawing a conditional offer of employment. In some circumstances, a Chief Officer or Chief Constable may provide information to the Registered Manager. If this happens the information will not be shared with the applicant.

Training

We ensure that all those in ELCAP who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. 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).

Code of Practice

We undertake to make every person who is the subject of a PVG/Disclosure aware of the existence of this Code of Practice, and to make a copy available on request.

NB: In some circumstances, the Regulation of Care Act requires the express agreement of the Registered Manager to the recruitment of staff who have a conviction; please refer to the appropriate legislation.