

HCC Policy on the Recruitment of Individuals with Convictions (Higher Level Disclosures)



Helensburgh Canoe Club (HCC)

Policy Statement

1. This policy statement relates to higher level disclosures issued by Disclosure Scotland on behalf of the Scottish Ministers under the Police Act 1997 (“the 1997 Act”) and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”). Higher level disclosures are: the standard and the enhanced disclosure under the 1997 Act, and the scheme record under the 2007 Act.
2. Under section 122 of the 1997 Act, the Scottish Ministers have published a Code of Practice (“the Code”) which sets out obligations that registered bodies, countersignatories and other recipients of higher level disclosures must comply with. We comply with the Code and the aforementioned disclosure legislation.
3. We are committed to equality of opportunity, to following good recruitment practice, 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 a previous conviction. We actively promote the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with previous convictions. The selection of candidates for interview will be based on skills, qualifications and experience.
4. We will use a higher level disclosure check by Disclosure Scotland only where this is relevant to the particular position or type of regulated work. This will be based on a thorough risk assessment of the position or work and having considered the relevant legislation which determines whether a standard or an enhanced disclosure under the 1997 Act or a scheme record under the 2007 Act ([the PVG Scheme](#)) is applicable.
5. Individuals will be made aware that:
 - a. the nature of the position or work entitles us to ask about unspent convictions and [certain spent convictions](#). More information on unspent and spent convictions is available on the Disclosure Scotland [website](#).
 - b. where a standard or enhanced disclosure is deemed necessary, that the position or work will be subject to such a check by Disclosure Scotland
 - c. where a scheme record under the PVG scheme is deemed necessary, that position will be subject to such a check by Disclosure Scotland
6. If we use a criminal record self-declaration form as part of our recruitment practice, we will emphasise to individuals that they should be honest in their response.
7. When completing the self-declaration form, an individual should reveal any unspent convictions in their name. The individual should also reveal a spent conviction for an offence included in **Schedule A1 (Offences which must be disclosed subject to exceptions)** of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (as amended) **unless**, in respect of the Schedule A1 offence:
 - a. the individual was **under** the age of 18 at the date of conviction **and** at least **7 years and 6 months** have passed since the date of conviction, **or**
 - b. the individual was aged 18 or over at the date of conviction **and** at least **15 years** have passed since the date of conviction

Individuals do not have to self-declare any other spent convictions, regardless of the role they have applied for. If a higher level disclosure provided by Disclosure Scotland does contain information about a spent conviction for an offence other than an offence as set out above, the individual cannot be prejudiced by not having declared it previously.

8. We will ask that this form be returned under separate, confidential cover, to a designated person in our organisation. We guarantee that this form will only be seen by those who need to see it as part of the recruitment decision-making process.
9. 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 or work concerned. We will conduct this discussion in line with the “central conversation” approach outlined in the ‘[Scotland Works For You](#)’ guidance.
10. We undertake to discuss any matter revealed in a standard or an enhanced disclosure issued under the 1997 Act or a scheme record issued under the 2007 Act with the individual subject of that disclosure before a decision on recruitment is made.
11. We ensure that all those who are involved in the decision-making 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 about recruitment of individuals with convictions.
12. We will provide a copy of this policy and the Code to anyone who asks to see it.

Having a criminal record will not necessarily debar an individual from working with this organisation