



Regionally Focused – Globally Engaged

Recruitment of Ex-Offenders Policy

January 2023

History of Changes

Version	Description of Change	Authored by	Date
1.1	Review date increased to 3 years. Names of related documents updated	D Kerr	December 2013
1.2	Date Changes	D Kerr	November 2016
1.3	Date and name changes	D Kerr	November 2019
1.4	Date and name changes	D Kerr	January 2023

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1.0 Introduction

- 1.1 The Code of Practice (“the Code”) is published by Scottish Ministers under section 122 of Part V of the Police Act 1997 (“the 1997 Act”). The Code identifies obligations which registered bodies, countersignatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).
- 1.2 Borders College complies with the Code, the 1997 and 2007 Acts regarding the treatment of individuals who are subject to Disclosure Scotland checks. We undertake not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.
- 1.3 We will provide a copy of this policy and the Code to anyone who asks to see it.

2.0 Scope

- 2.1 Borders College is 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 (staff or student) or member of staff or student is subject to less favourable treatment on the grounds of offending background. We actively promote the right mix of talent, skills and potential and welcome 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.

3.0 Key Principles

- 3.1 We will use a Disclosure Scotland check only where this is considered proportionate and 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 or not a Standard or Enhanced Disclosure under the 1997 Act or a Scheme Record under the 2007 Act is applicable.
- 3.2 Where a disclosure application or request is deemed necessary, individuals will be made aware that the position, work or student place will be subject to a Disclosure Scotland check and that the nature of the position, work or student place entitles us to ask about spent and unspent convictions.
- 3.3 We will ask individuals to complete a criminal record self-declaration form. We will stress to individuals that they should be honest in their response. We will ask that this form be returned under separate, confidential cover, to a designated person within Borders College and we guarantee that this form will only be seen by those who need to see it as part of the decision-making process.

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- 3.4 At interview, or under separate discussion, we undertake to ensure open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position, work or student place concerned.
- 3.5 We undertake to discuss any matter revealed in a certificate (we are only able to discuss what is contained in the Disclosure certificate and not what may have been sent under separate cover by a police force) issued under the 1997 Act or a Scheme Record issued under the 2007 Act with the subject of that disclosure before a decision is made.
- 3.6 Borders College ensures that all those 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 providing work or student places for ex-offenders.
- 3.7 Having a criminal record will not necessarily debar you from working or studying with Borders College.

4.0 Responsibilities

- 4.1 The Regional Board is responsible for approving this policy and for overseeing compliance with its principals.
- 4.2 The Director of People Services/Vice Principal Student Experience are responsible for the implementation of this policy.
- 4.3 All staff and students are responsible for ensuring compliance with this policy.

5.0 Related documents

- 5.1 Employee Resourcing Policy
- 5.2 Staff Handbook
- 5.3 Disciplinary Policy
- 5.4 Safeguarding Children and Adults at Risk of Harm Policy
- 5.5 Student Admissions Policy
- 5.6 Disclosure Policy and Procedure

6.0 Review

- 6.1 This policy will be reviewed every 3 years or whenever statutory regulations change.

Status:
Policy Dated: January 2023
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Equality Impact Assessed: January 2023