

ARTICLE 12 IN SCOTLAND



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RECRUITMENT

**POLICY: FAIR PRACTICE - APPLICATIONS FOR PERSONS AT
RISK POSITIONS**

REVISED EDITION - 2017

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APPLICATIONS FOR PERSONS AT RISK POSITIONS – FAIR PRACTICE

The purpose of this policy is to ensure consistent and fair practices are implemented for the recruitment of staff, consultants or volunteers who have a criminal record to paid/unpaid positions within Article 12 in Scotland.

Article 12 in Scotland undertakes to treat all applicants for positions within the organisation fairly and not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.

Having a criminal record will not necessarily de-bar an individual from working/volunteering within this organisation. Only convictions or conviction information that is deemed relevant to the position applied for will result in an applicant not being granted the position.

This organisation implements a fair recruitment policy that ensures individuals have the opportunity to disclose any convictions or conviction information in a way that allows for a clear risk assessment to be carried out that will determine whether or not the conviction or conviction information is relevant to the position applied for.

To ensure the correct applicant is appointed and to enable Article 12 in Scotland to determine the relevance of any convictions or conviction information to positions applied for Article 12 in Scotland will use the following recruitment tools:

Application Form;

Self-Declaration Forms (see annex 1 and 2);

References;

Interviews;

Protecting Vulnerable Groups (PVG) Scheme Disclosure.

As part of Article 12 in Scotland recruitment policy we request the appropriate level/type of PVG Scheme Disclosure at the final part of the recruitment stage, when a position has been offered.

PVG Scheme Disclosure will only be sought for positions that are deemed to be exempted posts. An exempted post is one which is detailed in the Exclusions and Exceptions (Scotland) Order 2003.

Under the Rehabilitation of Offenders Act 1974, ex-offenders have the right not to reveal spent convictions. However, additional legislation (the Exclusions and Exceptions (Scotland) Act 2003) allows for employers to ask for an applicant to detail their full criminal record history.

Where a position requires a PVG Scheme Disclosure we make this clear on any information provided about the post.

Self-Declaration Forms:

Self-Declaration Forms will be viewed by the Interview Panel before interview to determine the relevance of any disclosed information to the position applied for.

When assessing the relevance of any convictions or conviction information the Interview Panel will look at the following information:

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 offending took place;

How the individual completed their sentence to move forward and stop the offending behaviour.

Should the Interview Panel decide that the information is relevant to the post the applicant will be deemed to have been unsuccessful and this information will be fed back to the applicant by letter.

For applicants who have disclosed convictions or conviction information that is not deemed to be relevant to the post an interview will take place.

At interview we will ensure that open, measured and relevant discussions can take place on the subject of any disclosed offences.

Failure to reveal information on the Self-Declaration Forms or at interview that is directly relevant to the position sought will lead to the withdrawal of the offer of paid/unpaid work.

A PVG Scheme Disclosure will be applied for once the applicant has successfully completed the interview and the paid/unpaid position has been offered.

Should the returned PVG Scheme Disclosure disclose more offences, more serious offences or relevant non-conviction information than previously disclosed by the applicant this could lead to the withdrawal of offer of contract/volunteer post. This will be a decision for the Interview Panel to make.

However should the PVG Scheme Disclosure for a position reveal that the applicant is Fully Listed on the Disqualified from Working with Children's List under no circumstances will the applicant be offered or entitled to work/volunteer in a position for Article 12 in Scotland.

All PVG Scheme Disclosure Certificates accessed for successful applicants will be stored for a maximum of 60 days as per Article 12 in Scotland's policy on storage, handling and retention policy. (Annex 3).

Further information on our recruitment process can be found in Annex 4 of this document.

SELF-DECLARATION FORM

PRIVATE AND CONFIDENTIAL

The Protection of Vulnerable Groups (Scotland) Act 2007

The post that you have applied for is for regulated work with children. You are therefore required to disclose all convictions (spent and unspent), cautions, and any relevant non-conviction information.

If you have **no** convictions, cautions, or relevant non-conviction information please go to **Section 3** and sign the declaration form [an electronic signature is acceptable].

Should you be appointed to the position applied for you will also be required to provide an enhanced check via the Disclosure Scotland Protecting Vulnerable Groups Scheme.

Section 1**Please give details regarding any convictions and cautions**

<p>a) Please give the date and details of the conviction(s) that you were charged with, the sentence that you received and the court where your conviction(s) was heard.</p>	
<p>b) Please give details of the reasons and circumstances that lead to your offence(s)</p>	
<p>c) Please give details of how you completed the sentence imposed, for example did you pay your fine as required, what conditions were attached to your probation/community service/supervised attendance order, and did you comply with the requirements of your order /custodial sentence.</p>	
<p>d) Has any other organisation(s) supported you to work through any of the above issues?</p>	
<p>e) What have you learned from the experience?</p>	

Section 2

Please give details of any relevant non-conviction information. For example: Warnings, Dropped Charges, Admonishments

Section 3

Declaration (**I certify that all information contained in this form is true and correct to the best of my knowledge and realise that false information or omissions may lead to dismissal**).

Signature:.....

Date:.....

*NOTE: The information given in this form will be treated in the strictest confidence. Please return this form to Article 12 in Scotland **before** your interview date.*

Before signing below, please read the following notes on the **Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act)**:

1. Section 34 of the PVG Act makes it an offence for an individual to do, or to seek or agree to do any regulated work (paid or unpaid) from which the individual is barred.

2. Section 35 of the same act makes it an offence for an organisation to offer regulated work (paid or unpaid) to an individual barred from that work.

3. A person is barred from regulated work with children if they are:

* The subject of an automatic listing (under section 14 of the PVG Act)

*Included in the PVG Children's List (and, by default, the Independent Safeguarding Authority Children's List which covers the rest of the UK) under section 15 of the PVG Act

4. Under section 12 of the PVG Act an individual can be 'considered for listing' as information on their suitability to work with children is assessed.

I _____ [full name in block capitals]

Of [address]

[Post Code] _____

Contact Telephone Number _____

Email address _____

* confirm that I am not barred from regulated work with children as set out in sections 14 and 15 of the PVG Act, nor am I under 'consideration for listing' as set out in section 12 of the same Act.

OR

*I am under 'consideration for listing'

*(delete as appropriate)

I certify that all information contained in this form is true and correct to the best of my knowledge and realise that false information or omissions may lead to dismissal.

I understand that deliberately giving false information can result in prosecution.

Signed _____ Date _____

NOTE: The information given in this form will be treated in the strictest confidence.

SECURE HANDLING, USE, STORAGE AND RETENTION OF DISCLOSURE INFORMATION

In accordance with the Scottish Government Code of Practice, for registered persons and other recipients of PVG Scheme Disclosure Information, Article 12 in Scotland will ensure the following practice:

PVG Scheme Disclosures will only be requested when necessary and relevant to a particular post and the information provided on a disclosure certificate will only be used for recruitment purposes.

Article 12 in Scotland will ensure that an individual's consent is given before seeking a PVG Scheme Disclosure, and will seek their consent before using PVG Scheme Disclosure information for any purpose other than recruitment. PVG Scheme Disclosure information will only be shared with those authorised to see it in the course of their duties.

Where additional PVG Scheme Disclosure information is provided to Article 12 in Scotland and not to the disclosure applicant, Article 12 in Scotland will not disclose this information to the applicant, but can inform them, if asked that additional information has been provided, should this information affect the recruitment decision, but not actual details of the additional information or where it was resourced.

PVG Scheme Disclosure information will be stored in a locked non-portable container, for a maximum of 60 days. Only those authorised to see this information in the course of their duties will have access to this container. PVG Scheme Disclosure information will be destroyed by shredding. No image or photocopy of the PVG Scheme Disclosure information may be retained. Recipients (Article 12 in Scotland) of PVG Scheme Disclosure information may, however, keep a record of the following:

- Date of issue of PVG Scheme Disclosure;
- Name of subject;
- Position for which PVG Scheme Disclosure was requested;
- Unique reference number of PVG Scheme Disclosure;
- Recruitment decision taken.

Article 12 in Scotland will ensure that all staff with access to disclosure information are aware of this policy and have received relevant training and support. Article 12 in Scotland undertakes to make a copy of this policy available to any applicant for a position with Article 12 in Scotland that requires a disclosure.

GUIDANCE NOTES FOR INDIVIDUALS APPLYING FOR POSITIONS WITH ARTICLE 12 IN SCOTLAND

INTRODUCTION

Article 12 in Scotland has a comprehensive set of procedures in place with the overall objective of protecting the interests and well being of young people and to minimise the risk of abuse. In particular, Article 12 in Scotland has a responsibility to ensure that young people are protected and kept safe from harm while they are in contact with our staff/consultants/contractors/volunteers. The position you have applied for involves regular contact with young people or control over other positions with regular contact with young people and specific checks related to child protection issues will therefore be implemented for all applicants for this position. These notes describe these extra checks and procedures so that applicants understand what to expect during the recruitment process. The procedures directly relevant to safeguarding young people that will apply to this position are as follows:

INTERVIEW PROCEDURES

The initial interview will include specific questions relating to your approach, attitude and experience of working directly with young people and these questions will be tailored to the position you have applied for. For certain positions with substantial access to young people, specially selected and briefed young people will be involved in the selection process at some stage.

REFERENCE ENQUIRIES

It is our policy to take up references at the point at which you are invited for interview. The reference inquiry format used for this position includes specific questions about your suitability for work involving young people and we will ask you for at least one referee who has experience in either a professional or a voluntary capacity of your capability in this area.

For positions with substantial levels of contact with young people it is our policy to automatically follow up all inquiry forms by telephone in order to check the validity of the referee and ask specific questions about the referee's opinion of your suitability for work with young people.

VERIFICATION OF QUALIFICATIONS

We will carry out a check on essential qualifications for the position prior to any offer of contract being made.

You may be asked to bring certificates relating to the essential qualifications claimed when you come for your interview. The certificates may be photocopied and recorded and the originals returned to you on the day of the interview.

Should you be unable to provide certificates for verification, we will ask you to provide some other form of verification of the qualification obtained either a copy certificate or written confirmation from the awarding body.

IDENTITY CHECK

As proof of identity you are required to submit your passport (or other acceptable form of photographic ID) and a utility bill, or similar, as proof of your place of residence. You will be asked to bring these when you attend your interview. A copy of these may be made and held on file and the original will be returned to you on the day of the interview. The offer of contract will be subject to satisfactory proof of identify.

CRIMINAL RECORDS CHECK

If you are successful in your application you will be subject to a criminal records check. A satisfactory records check is a condition of contract and failure to agree to the criminal records check will preclude you from consideration for the position. Checks will be carried out through Disclosure Scotland via the Protecting Vulnerable Groups (PVG) Scheme.

Having a criminal record will not necessarily be a bar to being contracted to Article 12 in Scotland and only offences that are directly relevant to the vacant position will be considered and where the results are of concern this will be referred back to you for further discussion where this is considered appropriate. Where the results of a criminal records check are unacceptable to Article 12 in Scotland no further follow up will be required. You will be informed immediately in writing of the outcome of an unsatisfactory check and of your right to appeal.

If, exceptionally, it is agreed you start before a satisfactory criminal record check has been received, the normal duties of the position will be organised to ensure that there is **no unsupervised** access to young people until a satisfactory clearance has been obtained.



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