



key and
community
lifestyles

Key and Community Lifestyles

**Disclosure of
Criminal
Convictions**

Disclosure of criminal convictions

Due to the nature of the position for which you are applying this post is exempted from the relevant provisions of the Rehabilitation of Offenders Act 1974.

This means you are not entitled to withhold information about convictions which for other purposes are regarded as 'spent', unless the conviction is 'protected'.

The law allows some convictions to become 'spent' (ignored or forgotten) or 'protected':

Spent Convictions

A criminal conviction can become spent after a specific length of time has passed.

Protected Convictions

Some spent convictions can also become protected after specific periods of time or when certain disposals are issued by the Court or Hearing.

You must tell us about:

1. Unspent convictions or cautions.
2. Spent convictions that are listed on the Disclosure Scotland A1 list. If the conviction is on this list, it must always be disclosed. These convictions, although spent will never become protected.
3. Unprotected convictions. There are convictions which are spent and are on the Disclosure Scotland B1 list. A conviction for these offences should be disclosed to us UNLESS any of the following rules apply:
 - a. You received the conviction more than 15 years ago, if you were 18 years or over at the date of the conviction.
 - b. You received the conviction more than 7½ years ago and were under 18 years at the date of the conviction.
 - c. The outcome was admonition, absolute discharge or a discharge after a referral to a children's hearing.

If the conviction does not fall within categories above, or, if any of the rules at a, b, c apply, you do not need to disclose it.

For more information, please refer to the guidance on Disclosure Scotland's website.

Applicants with a criminal record policy statement

1. The organisation is commitment to provide the highest quality service to the vulnerable adults whom we support sets the context within which decisions will be made regarding applicants with a criminal record.
2. We are committed to equality of opportunity and to adopting practices free from unfair discrimination. As such, we will ensure that no applicant is unfairly disadvantaged on the basis of offending background.
3. We will make it clear to applicants throughout the recruitment process if Disclosure information will be sought for that position before an appointment can be confirmed and will make this policy available to all applicants at the start of the recruitment process.
4. Having a criminal record will not automatically debar a person from employment, except in cases involving serious offences against a vulnerable person.
5. Before taking the decision to employ a person with a criminal record, we will conduct a thorough assessment of the risk for that post.
6. The risk assessment will take the following factors into consideration:
 - the relevance of the conviction or other matter revealed.
 - the seriousness of the offence.
 - the length of time since the offence occurred.
 - the circumstances which led to the offence being committed.
 - whether or not the offence is part of a pattern of offending behaviour.
 - efforts made to avoid re-offending.
 - whether the person's circumstances have changed since the offence was committed
 - the attitude of the person towards the offence.
7. We will encourage applicants to disclose criminal record and related information at the start of the recruitment process in order to take full advantage of the interview stage to explore all relevant factors.
8. We will seek criminal record information from Disclosure Scotland only when a conditional offer of employment has been made.
9. Any criminal record information not provided by an applicant which is subsequently revealed in a Disclosure, will be discussed with the person before any decision to withdraw a conditional offer of employment.

10. Information on convictions and related matters will be seen only by those who require to know to perform their role.

11. Anyone who does have access to such information will receive appropriate training in its use.

12. All disclosure information will be stored securely, and the certificate issued by Disclosure Scotland will be retained only as long as is required.