



## ASSOCIATED CLAN MACLEOD SOCIETIES

### POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

#### 1. General Principles

1.1. The Associated Clan Macleod Societies (ACMS) occasionally works with children. ACMS has a duty of care to the children it works with and must ensure their safety. After thorough risk assessment of all our work ACMS has determined that:

- All positions with ACMS working with children are positions of trust. They are deemed to be exempted posts under the Exclusions and Exceptions (Scotland) Order 2003.
- Applicants, staff and volunteers working with children must be suitable for positions of trust.
- Enhanced Disclosure is both proportionate and relevant to all positions with ACMS working with children.

1.2. ACMS uses the Central Registered Body in Scotland (CRBS) Disclosure Scheme to assess volunteer applicants' suitability for positions of trust. ACMS complies fully with the CRBS Code of Practice and treats all applicants fairly. This is our written policy on the recruitment of ex-offenders, which is available to all Disclosure applicants at the outset of the recruitment process.

1.3. **Having a criminal record will not necessarily bar you from working or volunteering with us.** *This will depend on the nature of the position and the circumstances and background of your offences. If you are subject to any of the disqualifications set out in Section 17 of the Protection of Children (Scotland) Act 2003 you will be committing a criminal offence in applying for a post within ACMS working with children.*

1.4. ACMS undertakes to treat all applications for positions within the organization fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. All application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

1.5. ACMS is committed to the fair treatment of its staff, potential staff or volunteers, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of people, including those with criminal records. We select staff and volunteers for interview based on their skills, qualifications and experience.

1.6. The purpose of this policy is to ensure that consistent and fair practices are implemented for the recruitment of staff and volunteers who have a criminal record to paid and unpaid child care and vulnerable posts within ACMS.

1.7. Individuals have the opportunity under this policy to disclose any convictions or conviction information to enable us to carry out a clear risk assessment that will determine whether or not the conviction or conviction information is relevant to the position applied for.

#### 2. Recruitment procedure

2.1. To ensure the correct applicant is appointed and to enable ACMS to determine the relevance of any conviction or conviction information to the position applied for we require all applicants to complete an application, self-declaration form (Appendix 1), interview and give details of two referees. Appendix 1 should be sent with the application, marked confidential, to the Lead Signatory within ACMS at the address given on the covering letter. This information will only be seen by those



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who need to see it as part of the recruitment process. At the final part of the recruitment stage, when a post has been offered conditionally, we request an enhanced Disclosure certificate.

2.2. Self-declaration forms will be reviewed by the Lead Signatory before interview to determine the relevance of any disclosed information to the post applied for, in particular looking at:

- Whether the conviction is relevant to the post 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 the offending took place
- How the individual completed their sentence to move forward and stop the offending behaviour

2.3. Should the Lead Signatory decide that the information is relevant to the post the applicant will be deemed to have been unsuccessful and will be informed as such by letter. Where the disclosed information is deemed not to be relevant to the post an interview will take place provide, of course, the application has satisfied the criteria for the post.

2.4. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

2.5. An Enhanced Disclosure certificate will be accessed once a conditional offer has been made. Should the returned Disclosure certificate disclose more offences, more serious offences or relevant non-conviction information than previously disclosed by the applicant in Appendix 1 this could lead to the withdrawal of the conditional offer by the Chairman of the Interview Panel. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

2.6. We comply fully with the CRBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. We also comply fully with our obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. Disclosure certificates for successful candidates will be stored in accordance with our Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosure Information, which is available to successful candidates.

2.7. We ensure that all those in ACMS who are involved in the recruitment process have been trained to identify and assess the relevance and circumstances of offences and are familiar with the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

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