



## able2sail SCIO

### Recruiting People with Convictions Policy

#### Overview

The purpose of this policy is to provide guidance to those making recruitment decisions within able2sail SCIO and to set out the processes for assessing whether any conviction information provided to able2sail SCIO in a disclosure certificate impacts on a person's ability to carry out the role that they have applied for or which they hold within able2sail SCIO. It is important to recognise that having a criminal record does not necessarily mean that someone cannot work or volunteer for able2sail SCIO.

able2sail SCIO treats all applicants fairly and consistently in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended). The assessment is based entirely on the requirements of the role and any information shared with us in a disclosure certificate. The level of disclosure which we will access will be the appropriate level for the role (basic, standard, enhanced or PVG).

#### Self-Disclosure

The rules around what you would need to disclose are complex making it difficult to know what should and should not be disclosed. For this reason, able2sail SCIO does not ask applicants going through the recruitment process to self-disclose. Instead, able2sail SCIO will make the final recruitment decision based on the information contained in a disclosure. A disclosure will not tell able2sail SCIO about any convictions which were gained before the age of 12 (unless you have applied for an enhanced disclosure or a PVG scheme record and the independent reviewer established by the Age of Criminal Responsibility (Scotland) Act 2019 has decided that the information should be included) or those which are spent and which are not considered appropriate to disclose unless they are subject to exceptions or subject to rules. The Appendix to this policy provides detailed information on how long a conviction is considered unspent.

Once in post, all volunteers are required to tell us about any new convictions which they gain. Details of any new convictions should be provided (insert details of how to provide details of new convictions). We will then assess this information as detailed in 'How We Will Use Disclosed Information' below.

#### Disclosure Certificate

In order to ensure there is no bias in recruitment decisions, accessing the disclosure certificate will be the final part of able2sail SCIO's recruitment process and will only be requested when the applicant has provisionally been offered the role, subject to a satisfactory disclosure.

#### How We Will Use Disclosed Information

Any information disclosed will be treated in the strictest confidence and only people required to see the information to help assess it will have access to it. There may be instances where able2sail SCIO needs to seek support or guidance externally (for example, from a solicitor). When this is necessary, able2sail SCIO will not share any information which will identify you, only the information which able2sail SCIO requires support or guidance on.

able2sail SCIO needs to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or those who use our services. In order to ensure able2sail SCIO carries out a fair and consistent practice when assessing any conviction or vetting information, the criteria set out below will be taken into account.

- Is the conviction relevant to the position being offered?



- How serious was the offence?
- How long is it since the offence took place?
- Is there a pattern of offending behaviour?
- Have the personal circumstances changed since the time of the offending behaviour?
- How has the person become rehabilitated?
- Is the person barred from the type of regulated work we need them to do?

If able2sail SCIO determines that the disclosed information is relevant to the role, we will withdraw the job or volunteering role offer. For those already in post, this may result in removal as a volunteer. The reason(s) for our decision will be fully explained.

### **Appeals**

If you feel that the risk assessment has not been carried out appropriately or that our decision is unfair, you have the right to appeal. Appeals should be made in writing to the trustees of able2sail SCIO who will review the decision and whose decision shall be final.

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# Summary guidance for the self-disclosure of previous convictions & alternatives to prosecution in Scotland under the Rehabilitation of Offenders Act 1974

August 2020

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## Summary guidance for the self-disclosure of previous convictions & alternatives to prosecution in Scotland under the Rehabilitation of Offenders Act 1974 (“the 1974 Act”)

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- 1) Disclosure Periods: Custodial sentences
- 2) Section 5 Rules Consecutive and concurrent sentences
- 3) Suspended sentences
- 4) Sentences imposed outwith Scotland
- 5) What happens if a person gets a custodial sentence over 48 months?
- 6) Disclosure Periods: Non-custodial sentences
- 7) What happens if I have been convicted on an offence and also put on the Sex Offenders Register?
- 8) Children’s hearings
- 9) Alternatives to Prosecution (AtP)
- 10) Disclosure periods: Service Disciplinary Offences
- 11) Section 6 (the disclosure period applicable to a conviction)
- 12) Section 6(4) of the 1974 Act rule: Solemn proceedings
- 13) Section 6(5) to 6(5B) rule: Ancillary orders
- 14) Section 6(6) rule: Summary proceedings, service proceedings and convictions outside a Scottish court
- 15) What happens if I get another conviction for which an “excluded sentence” is imposed before my first conviction becomes spent?
- 16) What happens if I was given an excluded sentence and was convicted again?
- 17) What happens if I get an AtP before my first conviction becomes spent?
- 18) What happens if I was given a life sentence or an equivalent to a life sentence?

19) What happens if I breach a Community Payback Order (CPO), Drug Testing and Treatment Order (DTTO) or a Restriction of Liberty Order (RLO)?