

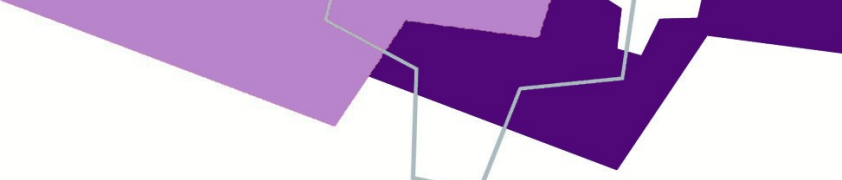


The Scottish Parliament
Pàrlamaid na h-Alba

Policy on the employment of ex-offenders and use of disclosure

23 March 2021





To assist the Scottish Parliamentary Corporate Body (SPCB) in fulfilling its duties to provide a safe and secure environment for Members, staff and visitors and to meet its obligations as a registered body with Disclosure Scotland, the People and Culture Office has published the following policy.

Introduction

The SPCB complies fully with the [Code of Practice](#), issued by Scottish Ministers, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

This policy statement is made available at the outset of the recruitment process to all applicants for posts identified as regulated work under the [Protection of Vulnerable Groups \(Scotland\) Act 2007](#). Through the People and Culture Office, the SPCB undertakes to make candidates who require Protection of Vulnerable Groups (PVG) membership aware of the existence of the Disclosure Scotland Code of Practice, and to make a copy available on request.

Equality of opportunity

In accordance with our Equality Framework, the SPCB is committed to promoting equality of opportunity and treatment and to eliminating unfair discrimination in its employment practices. The SPCB seeks to ensure that all job applicants and staff are treated fairly, with respect and without bias. No job applicant or member of staff will receive less favourable treatment than others because of her or his:

- gender
- gender identity
- sexual orientation,
- relationship, marital, family or part-time status
- racial group (includes colour, race, nationality, national or ethnic origin)
- religion or belief
- disability (unless objectively justified)
- age
- trade union membership/non membership/activities
- offending background.

The SPCB actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from all sections of society. The selection of candidates for interview will be based on the demonstration of competence and/or qualifications and experience.



Request for a PVG Membership Scheme Record

We will request a scheme record or scheme record update for posts that have been identified as regulated work under the [Protection of Vulnerable Groups \(Scotland\) Act 2007](#). All applicants for such posts will be made aware at the initial recruitment stage that appointment to the position will be subject to PVG scheme membership.

Assessment of PVG information

If an individual is listed by the Scottish Ministers as unsuitable to carry out the specified regulated work they have applied for they will not be appointed to the post. Otherwise, if an individual has a criminal record, this will not necessarily debar them from employment with the SPCB. This will depend on the nature of the position, together with the circumstances and background of the offences and/or other relevant information.

The SPCB will ensure that lead and counter-signatories are suitably trained. The SPCB will also ensure that appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders (for example, the Rehabilitation of Offenders Act 1974) is provided to staff involved in selection panels.

Security Questionnaire

Regardless of whether a PVG membership scheme record or scheme record update is required, all candidates successful at interview for employment with the SPCB are required to complete the HM Government's Security Questionnaire as part of our security vetting policy. This involves individuals declaring any criminal conviction(s) for any offence(s) committed in any country. The completed questionnaire is returned by the candidate under separate, confidential cover, to a designated person within the SPCB and we guarantee that this information will only be seen by those who need to see it as part of the SPCB's security vetting process.

In the interests of national security, safeguarding Parliamentary democracy and maintaining the proper security of the Government's essential activities, the SPCB is entitled to ask questions about an individual's entire criminal record including convictions which are defined as "spent". In line with the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 and HM Government's Vetting Policy, "spent" convictions may be taken into account where national security is concerned. Although the SPCB will take all of the information supplied into account, it will not necessarily prevent an individual from obtaining a security clearance. In the event that a decision is taken that security clearance cannot be granted to an individual, an offer of appointment cannot be progressed. The applicant will be advised in writing and an explanation will be provided.

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For further information contact:

HumanResources@parliament.scot

0131 348 6500

