

# Recruitment of Ex- Offenders & Protection of Vulnerable Groups Policy

*We will provide this policy on request at no cost,  
in large print, in Braille, on tape or in another  
non-written format.*

WHEATLEY HOMES EAST – RECRUITMENT OF EX-OFFENDERS & PROTECTION OF VULNERABLE GROUPS POLICY

We can produce information on request in large print, Braille, tape and on disk. It is also available in other languages. If you need information in any of these formats please contact us on Freephone 0800 479 7979.

如果你向我們提出要求，我們可以為你提供本資訊的其他語言的版本，或者是盲文或磁帶。如果你需要本資訊的任何一種這些版式的版本，請聯繫我們，電話號碼是 0800 479 7979。

Si vous nous le demandez, nous pouvons vous remettre ces informations en d'autres langues, en braille ou sur cassette. Si vous souhaitez que ces informations vous soient fournies sous l'un de ces formats, contactez-nous en composant le 0800 479 7979.

چنانچه مایل باشید می‌توانید این مطالب را به فارسی یا زبان‌های دیگر و همچنین بریل و یا بر روی نوار کاست دریافت دارید. در صورت نیاز خواهشمندیم با شماره تلفن 0800 479 7979 با ما تماس بگیرید.

ਜੇ ਤੁਸੀਂ ਸਾਨੂੰ ਬੇਨਤੀ ਕਰੋ ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਹੋਰ ਭਾਸ਼ਾਵਾਂ, ਬ੍ਰੇਲ (ਨੋੜਹੀਣਾਂ ਲਈ ਭਾਸ਼ਾ) ਵਿੱਚ, ਜਾਂ ਟੇਪ ਉੱਪਰ ਦੇ ਸਕਦੇ ਹਾਂ। ਜੇ ਤੁਹਾਨੂੰ ਇਨ੍ਹਾਂ ਵਿੱਚੋਂ ਕਿਸੇ ਰੂਪ ਵਿੱਚ ਚਾਹੀਦੀ ਹੋਵੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ 0800 479 7979 ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

Na Pana/Pani życzenie możemy zapewnić te informacje w innych językach, alfabetem Braille'a lub na kasecie. Jeśli chciał(a)by Pan(i) uzyskać te informacje w którejś z tych form, prosimy skontaktować się z nami pod numerem telefonu 0800 479 7979.

Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

По вашей просьбе данная информация может быть предоставлена на других языках, шрифтом Брайля или в аудиозаписи. Если вам требуется информация в одном из этих форматов, позвоните нам по номеру 0800 479 7979.

Approval body	<i>Executive Team</i>
Date of approval	<i>17 October 2022</i>
Review Year	<i>2025</i>
Customer engagement required	<i>No</i>
Trade union engagement required	<i>Yes- For Consultation</i>
Equality Impact Assessment	<i>No</i>

## **RECRUITMENT OF EX-OFFENDERS & THE PROTECTION OF VULNERABLE GROUPS SCHEME**

This procedure outlines Wheatley Homes East Limited (WHE)'s approach on employing people who have criminal convictions (not covered by the PVG Scheme) and also the application of the Protection of Vulnerable Groups (PVG) Scheme and how the organisation will comply with the terms of the scheme, that is, the use and levels of PVG/disclosure record checks, the process to be followed if the organisation receive vetting/listing or barring information regarding an applicant or employee and the referral process to be followed, if required.

### **STATEMENT OF INTENT**

WHE is committed to equality of opportunity for all applicants and employees and aims to select people for employment and promotion on the basis of their individual skills, abilities, experience, and knowledge and, where appropriate, qualifications and training.

The organisation fully complies with both the Rehabilitation of Offenders Act 1974 and the provisions of the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Scheme) by ensuring that robust procedures and processes are in place to protect vulnerable groups from harm whilst in receipt of services from the organisation. In accordance with the Rehabilitation of Offenders Act 1974 we will therefore consider ex-offenders for employment on their individual merits. However, the organisation's approach towards employing ex-offenders differs, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974 (note that employees undertaking regulated work are not exempt and also covered by the PVG Act.)

The Protection of Vulnerable Groups (Scotland) Act 2007 provides statutory protection to children and protected adults from harm and defines work (paid or unpaid) with children or protected adults as '*regulated work*'. The guidance outlines how the organisation apply the term *regulated work* and identify & assess if a post holders duties fall within the definition of *regulated work* and provides a definition of the term *regulated work* as per the Act. The Protection of Vulnerable Groups (PVG) Scheme is central to the PVG Act and is designed to ensure that those individuals, who are unsuitable, do not gain access to children or protected adults through their work. The scheme also aims to ensure that those individuals who become unsuitable are detected early and prevented from continuing to work, or from seeking work, with children or protected adults. The procedure details how the organisation will adhere/comply with the PVG Act and terms of the PVG scheme.

This procedure should be read in conjunction with the organisation's Employment and Recruitment Procedure, Resolution of Difficulties Procedure, Code of Conduct for Employees and the Secure Handling, Use, Storage and Retention of Disclosure Information Procedure.

### **GENERAL PRINCIPLES**

WHE complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons and other recipients of information by Disclosure Scotland, under Part V of the Police Act 1997 and the Protection of Vulnerable Groups Scotland Act 2007, for the purposes of assessing applicants' suitability for certain posts and also existing employees who undertake and carry out regulated work activities.

The PVG Scheme is managed by Disclosure Scotland, which is the body responsible for establishing lists of individuals who are barred from working with vulnerable groups. Those lists provide the organisation and other registered bodies with the framework of identifying whether prospective or existing employees are barred from undertaking regulated work.

It is a criminal offence under the PVG Act for the organisation to employ or knowingly offer regulated work to an individual who is listed as “barred” from undertaking that work.

The organisation will consider any vetting/disclosures made and assess the reliance and circumstances of offenders and take into account the post applied for/or carried out.

Recruiting Managers will also receive guidance and training from Employee Relations in the relevant legislation relating to Employment of Ex-offenders (e.g., the Rehabilitation of Offenders Act 1974) and the Protection of Vulnerable Groups (Scotland) Act 2007 and the recruitment & selection process.

Every subject of a Disclosure/Protection of Vulnerable Groups (PVG) Scheme membership check will receive guidance on Disclosure Scotland’s Code of Practice with their application form.

Employees are contractually required to inform the organisation during employment of any pending or criminal charges if and when they arise. If they are unsure if the matter is reportable under the terms of their contract, they should discuss this with their Line Manager, in the first instance.

The organisation has the right to request updated disclosure checks/PVG Scheme Records/Scheme Record Updates for all relevant/regulated employees as and when required. The organisation will re-check all PVG Scheme memberships, required for relevant/regulated posts, every 3 years and reserve the right to vary/reduce this, if considered necessary, and will treat the disclosed information sensitively, confidentially, and fairly and in accordance with the procedure and Disclosure Scotland guidance.

A “Disclosure” is a certificate issued by Disclosure Scotland, which gives details of an individual’s criminal convictions or indicates that there is no such information held.

The PVG Scheme provides the following categories of checks:

- PVG Scheme Membership Statement (*applied for by individuals*)
- PVG Scheme Record (*undertaken by organisations*)
- PVG Scheme Record Update (*undertaken by organisations*)

A PVG Scheme Record/Scheme Record Update shows that an individual has not been barred from performing a regulated role involving work with Protected Vulnerable Groups and would also confirm whether they are listed, under consideration or not listed.

## **TYPES OF CRIMINAL RECORD CHECKS:**

**Basic Disclosure** – shows details of all convictions considered to be unspent under the Rehabilitation of Offenders Act 1974, or states that there are no convictions. These disclosures are not job specific or job related and may be used for any purpose.

**Standard Disclosure** – shows details of all convictions on record, whether spent or unspent under the Rehabilitation of Offenders Act 1974. Even minor convictions and cautions will be included. These disclosures are available for those applying for positions, which are listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and more recently the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Order 2003. These include positions where the duties will involve regular contact with children, young people under the age of 18, the elderly, sick and those with learning difficulties.

**Enhanced Disclosure** – shows all details, which are included in the Standard Disclosure and may also contain non-conviction information, which may be considered relevant by the police or other Government relevant bodies. A record/record update shows the type of regulated work in respect of which an individual is a PVG Scheme member (thereby confirming that the individual is not barred from regulated work of that type). The individual's Scheme Record also contains vetting information in relation to convictions and cautions held on central records, relevant non-conviction information, prescribed civil orders and whether the individual is included on the sex offenders register.

Membership of the PVG Scheme is only required when a role has been assessed and identified as a regulated post falling under the remit of the PVG Scheme. WHE does not consider a PVG Scheme Membership Statement (available to individuals) acceptable or suitable for assessing overall suitability for employment as vetting information is not provided on this document.

A Standard or Enhanced Disclosure will only be requested where it is considered relevant and appropriate to a particular post.

“Regulated” posts for the organisation will include anyone who has a great deal of contact with vulnerable groups normally without the presence of other employees and the definition of regulated work will be applied to assess posts. It will not however include those whose contact with vulnerable groups is not actually required by the work that they do but is merely incidental to their role.

## **RECRUITMENT & SELECTION & ASSESSMENT PROCESS**

When a new post occurs, the Employee Relations team in conjunction with the Director will carry out a post risk assessment to see if there is a need for either a Disclosure or PVG Scheme membership check to be made for that particular post. When applicants apply for a position, either via the Internet or by post, they will receive guidance on the application form and the Rehabilitation of Offenders Act 1974 requirements, which includes a job description. All job descriptions will detail whether a Disclosure/PVG Scheme membership will be required for that particular post and whether the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 also applies and the requirement to declare all convictions, unspent and ‘spent’.

Once the employment applications have been received, the recruitment panel will make an assessment of all the applicants' relevant experience, skills, qualifications, and ability to do the job and short list applicants to be invited for interview.

The interview panel will select the preferred applicant for the job and make a conditional offer of employment, which is, subject to satisfactory references, medical questionnaire results and a satisfactory Disclosure Certificate or PVG Scheme Record/Update being obtained. For certain posts, particularly those working with vulnerable groups and those undertaking regulated work all pre-employment checks must be received and assessed as satisfactory prior to starting employment with the organisation. The Disclosure or PVG Scheme guidance notes will be sent to the preferred applicant to assist with the completion of the form and ensure the applicant is aware of their responsibilities when completing the form.

In circumstances where an employment reference cannot be obtained due to either the applicant only ever having one employer, or the company that the person worked for has been dissolved then we will accept one employment reference and two character references. If the candidate is unable to obtain any employment references due to this being their first role or previously being self-employed then we will require 3 character references. If for any reason a candidate is unable to provide references in line with the previously stated criteria, they will need to be passed to the Director of People Services for authorisation.

The applicant will bring the completed Disclosure or PVG application form, and all the associated documentation, to the Recruitment team, who will verify identity, check the details, and countersign the form. All items of identification will be copied, and a statement made by the Recruitment team stating that originals have been seen.

The form will then be sent to Disclosure Scotland, who will carry out the relevant checks and return a Disclosure Certificate or PVG Scheme Record/Update to the Recruitment team, detailing the relevant information.

The Employee Relations/Recruiting manager will make an initial assessment of the contents of the Disclosure or PVG Scheme Record/Update or the applicants' self disclosure on the application form.

The flowchart at **Appendix 1A** outlines the process for applicants and existing employees who have satisfactory/unsatisfactory PVG record and also if an employee makes a disclosure or there is a reported incident which requires a risk assessment to be carried out and consideration given as to whether a referral should be made.

Where confirmation is received that an applicant is barred, listed or under consideration for listing, the flow chart at **Appendix 1A** should be followed and if necessary, the PVG Risk Assessment Form should be completed  
Where confirmation is received that an employee is barred or listed or under consideration for listing or other vetting information and if necessary, the PVG Risk Assessment Form should be completed.

Where it is a condition of professional registration that an employee/prospective employee has PVG Scheme membership, the relevant governing body (e.g., SSSC) will be responsible for conducting the necessary check as part of the registration process. The organisation will still be required to carry out a PVG Scheme Record Update as part of the recruitment process. This Scheme Record Update, along with a copy of the original scheme record, will provide the organisation with vetting

information to determine suitability and it will also register the organisation's interest in the individual for the purposes of obtaining future information from Disclosure Scotland.

## RE-CHECKING POLICY

As a registered body for PVG Scheme purposes, WHE is notified automatically if an employee is being considered for listing or has been barred from regulated work. The organisation is not automatically advised of convictions of a less serious nature which would not trigger consideration for listing or barring. For example: An employee working in a regulated area convicted of theft may not be barred from regulated work, however, the organisation assesses the information in accordance with our procedures and reserve the right to consider such an individual unsuitable for work in a regulated area.

To ensure the continued suitability of individuals for regulated work, the organisation will request a PVG Scheme Record Update as a minimum **every 3 years** in line with the Social Care and Social Work Improvement Scotland (SCSWIS also referred to as Care Inspectorate) recommended best practice. Should a Scheme Record Update indicate that new vetting information has been added since the last check, a full up to date PVG Scheme Membership Record will be obtained to enable the organisation to assess the new information and any vetting/barring information received would be considered in accordance with this procedure, the process.

## DUTY TO DISCLOSE

In addition to disclosing criminal convictions, it is a condition of employment for employees to disclose details of any of the following that occur prior to commencing, or during the course of employment:

- Involvement in police investigations
- Criminal charges
- Police cautions
- Disciplinary action taken by professional or regulatory bodies.

The above notification by an existing employee would be considered in accordance with this procedure, and the process.

## EQUAL OPPORTUNITIES

WHE will not unlawfully discriminate between persons or groups of persons on the basis of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

## **SECURE HANDLING, USE, STORAGE AND RETENTION OF DISCLOSURE INFORMATION**

8.1 The WHE will treat the disclosed information sensitively, confidentially, and fairly.

8.2 WHE fully complies with Disclosure Scotland's Code of Practice regarding the correct handling, holding and destruction of Disclosure information, provided by Disclosure Scotland under Part V of the Police Act 1997 and the Protection of Vulnerable Groups Scotland Act 2007, for the purpose of assessing an applicant's suitability for a position of trust.

If a Disclosure or PVG Scheme Record is issued and the individual has a query regarding its accuracy, they should contact the Disclosure Scotland.

Please see the Secure Handling, Use, Storage, and retention of disclosure information Procedure, for further information.

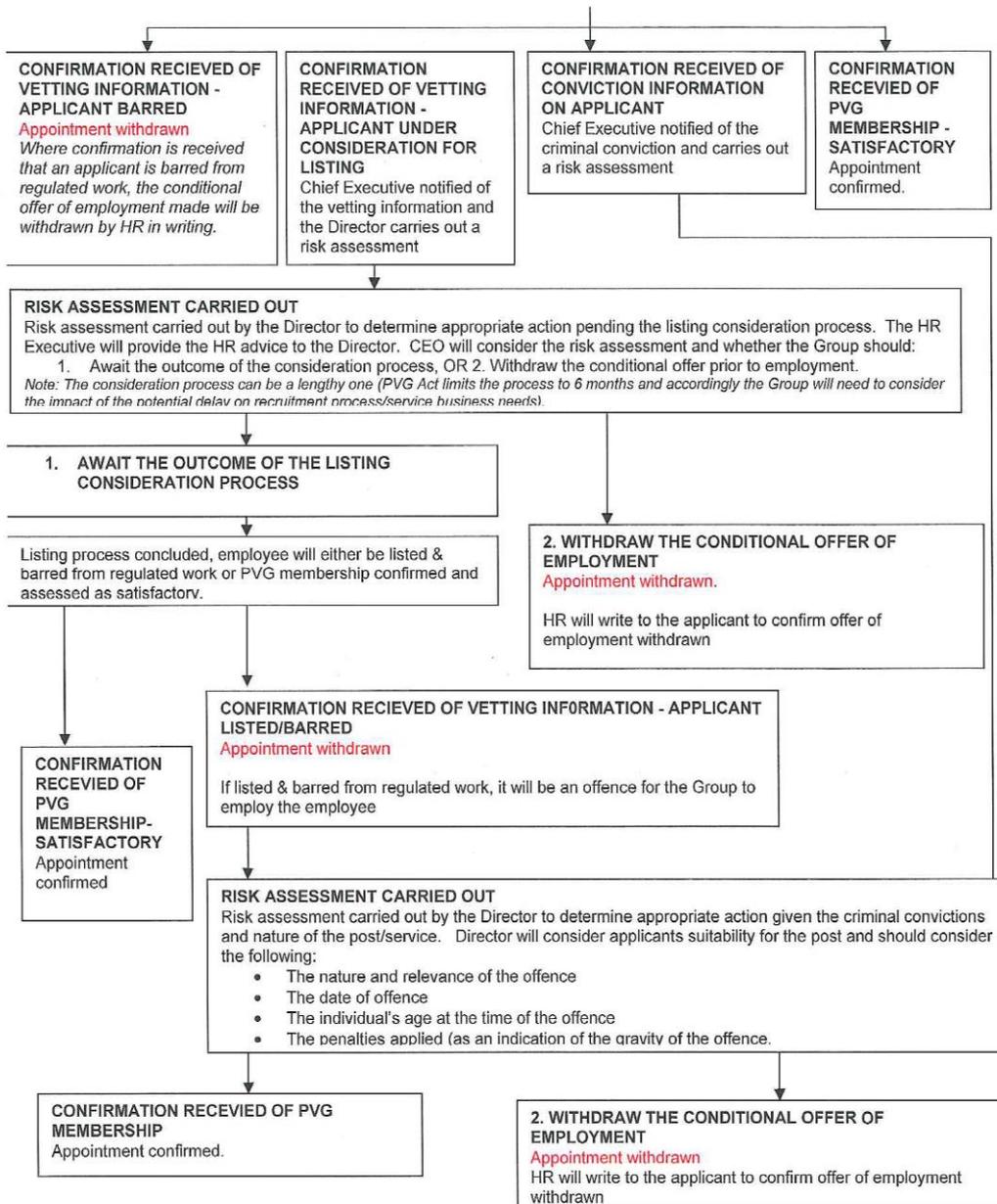
## **PUBLICISING/AVAILABILITY OF THE PROCEDURE**

This procedure will be provided to every employee via the Intranet.  
If an employee has any queries, they must raise with their Line Manager in the first instance.

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**APPLICANT – SATISFACTORY/UNSATISFACTORY PVG**

PVG Scheme Record check carried out on the preferred applicant who will be issued with the conditional offer of employment. Disclosure Scotland will issue a PVG scheme record to the Group/HR department. Record and information initially assessed by the HR Executive. The HR Executive will assess if any information recorded is relevant to the post and the appropriate action



**Note: Internal applicants** - PVG checks must also be obtained for internal applicants who are successful in applying for posts that involve regulated work. If an internal applicant is already a PVG member there will be no requirement to obtain a new PVG record unless the employee; is appointed to a promoted post within their current area of regulated work or to a different area i.e. adult to child. In these circumstances it will only be necessary to obtain a PVG Scheme Record Update.