

Scottish Qualifications Authority policy on the recruitment of ex-offenders

General principles

The Scottish Qualifications Authority (SQA) 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, for the purposes of assessing applicants' suitability for positions of trust.

Commitment and responsibility

- ◆ SQA are committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status, race colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.
- ◆ SQA actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on skills, qualifications and experience.
- ◆ SQA make every subject of a Disclosure check aware of the existence of the Disclosure Scotland Code of Practice and make a copy available on request.
- ◆ Policy documentation is made available to all Disclosure applicants at the outset of the recruitment process.
- ◆ SQA undertake not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.
- ◆ SQA request a Standard or Enhanced Disclosure only where it is considered proportionate and relevant to the particular position. This is based on a thorough risk assessment of that position. Where a disclosure is deemed necessary for a post or position, all relevant documentation will contain a statement advising that a Disclosure will be requested in the event of the individual being offered the position.
- ◆ Where a Disclosure is to form part of the recruitment process, SQA encourage all applicants selected for interview to provide details of any criminal offences at an early stage in the application process. SQA request that this information is sent under separate, confidential cover, to a designated person within SQA. This information is only made available to those who need to see it as part of the recruitment process.
- ◆ In line with the Rehabilitation of Offenders Act 1974, SQA only ask about convictions which are defined as 'unspent' in terms of the Act, unless the nature

of the position is such that we are entitled to ask questions about an individual's entire criminal record.

- ◆ 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 the withdrawal of an offer of employment.
- ◆ SQA undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- ◆ SQA ensure all staff involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders (eg the Rehabilitation of Offenders Act 1974).