

Appointment of ex-offenders and Disclosure Scotland Policy and Procedures

| | |
|--|---|
| Policy | <p>This document outlines SQA policy on the appointment of ex-offenders, the use of Disclosure Scotland checks and the storage of information obtained through the Disclosure Scotland certification process.</p> |
| Why do we need this policy? | <p>SQA is committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. No applicant or member of staff will be 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, offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.</p> <p>SQA also recognises its obligation to ensure we do not appoint anyone who is barred from working with children or vulnerable adults where they may come into contact with these groups whilst undertaking SQA activities. The fact that a prospective appointee has a conviction will not necessarily make them unsuitable for an appointee role and we will consider the person's suitability as a whole in light of all the information available.</p> |
| How does the principle apply and what does it apply to? | <p>SQA is a registered body which is eligible to receive Disclosure information upon request. All relevant appointees required to complete and submit an Enhanced Disclosure Scotland application will be informed of this in the contract specification and the conditional offer of appointment. All appointees, must, before accepting an appointment, declare any spent, unspent or cautions they have received. Failure to declare any offence/caution at this stage could result in the withdrawal of an offer or termination of appointment.</p> <p>No offer of appointment will be confirmed until SQA receive a Disclosure Certificate that it deems to be satisfactory and no individual should undertake SQA activities until this time.</p> <p>SQA will comply with the Code of Practice issued by Disclosure Scotland in dealing with requests for and in making decisions on disclosure information.</p> |

SQA will:

- Only use Disclosure information for the purposes for which it has been provided.
- Have regard to any guidance issued by Disclosure Scotland on the use, storage and destruction of this information.
- Not unfairly discriminate against an individual on the basis of a conviction or other information revealed through the disclosure process.

The terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 (as amended) apply. SQA is therefore entitled to ask about previous convictions, whether spent or unspent. Applicants are not entitled to withhold information on a criminal conviction on the grounds that it is spent under the Rehabilitation of Offenders Act 1974.

Disclosed information received will only be shared with those who legitimately need to see it as part of the appointment process.

SQA will discuss any information revealed in a Disclosure Certificate (a copy of which will also have been sent to the individual) with the individual before considering withdrawing any conditional offer of appointment. It must be noted that the SQA is not permitted in law to discuss or disclose any information sent directly from a Police Force as part of the Disclosure Scotland certification process.

All Disclosure information will be stored securely, in lockable and non-portable storage. Access shall be restricted to authorised persons only. The Disclosure Certificate will not be retained for more than 30 days after the appointment decision has been made and shall be destroyed by shredding as confidential waste. Disclosure information will be retained for longer than this period only in exceptional circumstances, and in consultation with Disclosure Scotland. The same conditions relating to the secure storage and access will apply during any such period.

We will not retain any image or photocopy of the Disclosure information. We will, however, keep:

- a record of the date of issue of the Disclosure Certificate
- the name of the subject
- the Disclosure type
- the appointment for which the Disclosure was requested
- the unique reference number of the Disclosure
- details of the decision taken

Disclosure Scotland may carry out compliance audits to ensure SQA is complying with the Code of Practice and legislative requirements governing the application for and use of Disclosure Information.

Which parts of SQA are affected?

The terms of this policy will apply to all appointees who may come into contact with children or vulnerable adults whilst undertaking SQA activities.

Appointees currently employed by a centre and who are registered with the General Teaching Council are exempt from this policy and will not be required to complete an Enhanced Disclosure application.

What support is available to help SQA implement this policy?

The Head of Appointee Management, as policy owner, is responsible for ensuring the proper application of the policy terms. This will include the provision of relevant training to those involved in recruitment and selection activities and to Lead and Counter-Signatories who are entitled to receive Disclosure Scotland certificates and any other relevant criminal history information.

The Lead Signatory and Counter-Signatories who receive Disclosure Scotland certificates and any other relevant criminal history information are responsible for ensuring the safe-keeping, proper use and destruction of that information, in accordance with the Disclosure Scotland Code of Practice and SQA policy and procedure.

It is the responsibility of individual applicants to ensure a full and proper disclosure of information to inform SQA's decisions and assessment of Disclosure Scotland information. Individuals should note that failure to disclose relevant information under the terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 (as amended) may affect their offer of appointment with SQA.

The Appointee Services Manager is responsible for the review and equality impact assessment of the policy and the publication of the policy on the website.

Linked Policies/Related Documents

Terms and Conditions of Appointment

Disclosure Scotland checks flowchart

Disclosure Scotland Code of Practice

<http://www.disclosurescotland.co.uk/publications/>