



## Recruiting People with Convictions Policy

Eczema Outreach Support (EOS) recognises the positive impact a diverse team of staff and volunteers can have to help families with eczema in the UK flourish in a society where they can lead healthy and fulfilled lives. We welcome interest in our staff and volunteer roles from everyone.

### Policy statement

This policy details EOS's process of assessing whether any conviction information provided to us in a disclosure certificate impacts on a person's ability to carry out a role with us. In addition, it aims to provide assurance to applicants, staff and volunteers and to give guidance to those making recruitment decisions on our behalf.

It is important to recognise that having a criminal record does not necessarily mean that someone cannot work or volunteer for EOS.

Our organisation treats all applicants fairly and consistently in accordance with the requirements of the Rehabilitation of Offenders Act 1974 (as amended). We do not differentiate between paid and unpaid roles when applying the criteria detailed in this policy. 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 we will access will be the appropriate level for the role (basic, standard, enhanced or PVG).

As the EOS head office is based in Scotland, this policy follows the relevant Scottish legislation and applies to applicants, staff and volunteers based anywhere in the UK.

### Self-Disclosure

The rules on what a person must disclose are complex. For this reason, we do not ask applicants going through our recruitment process to self-disclose any previous convictions. Instead, we make our final recruitment decision based on the information contained in a disclosure. A disclosure will not tell us 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)
- Convictions which are spent and which are not considered appropriate to disclose unless they are subject to exceptions or subject to rules.

More information on spent and unspent convictions can be found on the [Scottish Government website](#).

Once in post, all staff and volunteers who have been criminal record checked to start their role are required to tell us about any new convictions which they gain. If you have been convicted of an offence whilst in your role you must complete an EOS Self-Disclosure form and sending it to your line manager via email immediately after the conviction has been given. We will then assess this information as detailed in 'How we will use Disclosed Information' below.

## **Disclosure Certificate**

To ensure there is no bias in our recruitment decisions, accessing the disclosure certificate will be the final part of our recruitment process and will only be requested when we have provisionally offered the role, subject to a satisfactory disclosure. We will request the disclosure immediately after the provisional job or volunteer role offer has been made.

## **How we will use Disclosed Information**

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

We need to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or the families who use our services. To ensure we carry out a fair and consistent practice when we assess any conviction or vetting information, we will take into account the following criteria:

- 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 we determine that the disclosed information is relevant to the post, we will withdraw the job or volunteering role offer. For those already in post, this may result in disciplinary action and could ultimately result in dismissal. The final decision on whether an applicant is accepted to a post will be made by the Chief Executive Officer. The reason(s) for our decision will always be fully explained to you.

## **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. There are different processes for current staff and volunteers and applicants to roles in line with our Grievance and Complaints policies.

### ***Process for applicants***

If you are an applicant and not a current volunteer or member of staff, appeals can be made:

- In writing to Eczema Outreach Support, Bryerton House, 129 High Street, Linlithgow, EH49 6EJ
- By email to [info@eos.org.uk](mailto:info@eos.org.uk)
- By phone to 01506 840395
- In person, to any EOS staff at Partnership Centre, 93 High Street, Linlithgow, EH49 7EZ

All appeals made in writing or by email will be immediately passed to the CEO.

Verbal appeals or appeals made in person will be recorded and then submitted to the CEO. The record will include:

- The person's name, address and contact number

- The facts provided by the person making the appeal
- The relationship of the person to EOS
- The date the appeal was made.

Where appropriate, you will be asked to send a written account by post or by email so that your appeal is recorded in your own words.

Appeals will be acknowledged within one week of their submission and you will receive a definitive reply to your appeal within four weeks. If this is not possible for any reason, a progress report will be sent with an indication of when a full reply will be given.

If you feel that the reply is unsatisfactory then you have the right to request your appeal be reviewed by our Board of Trustees. Your request will be acknowledged by the Chair within one week of receiving the request. You will then receive a definitive reply to your appeal within four weeks however, if this is not possible a progress report will be sent to you with an indication of when a full reply will be given. The decision taken at this stage is final unless the Chair deems it necessary to seek external assistance.

### ***Process for staff and volunteers***

If you are a current staff member or volunteer, appeals should be made in writing and sent to your line manager. The CEO will then invite you to an appeal meeting to discuss your appeal. You have the right to be accompanied at this meeting by a trade union official, a trade union representative or a fellow employee or volunteer of your choice. You will receive a response to this meeting within five working days.

If you feel that the reply is unsatisfactory then you have the right to request your appeal be reviewed by our Board of Trustees. You must write to the Board of Trustees within five working days of the decision. A Trustee will arrange a meeting with you and, again, you may be accompanied by a trade union official, a trade union representative or a fellow employee of your choice.

Following the meeting, the Trustee will endeavour to respond to your appeal as soon as possible and, in any case, within five working days of the meeting. If it is not possible to respond within this time, the employee will be given an explanation for the delay and be told when a response can be expected. You will be informed in writing of EOS's decision on your appeal.

This is the final stage of the appeal process and EOS's decision will be final.

### **Breaches**

Any staff member or volunteer who is found to have breached this policy and/or accompanying procedures will be subject to disciplinary action as detailed in the Disciplinary Policy.

## Appendix 1

