



ABERDEEN
CITY COUNCIL

Recruitment and Selection

GUIDANCE FOR MANAGERS

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SECTION 1: INTRODUCTION

The Council is committed to adopting modern, efficient, flexible and fair recruitment and selection practices in order to appoint the best possible people who will help ensure high quality service delivery to customers.

Effective recruitment and selection depends upon identifying and selecting individuals with the appropriate level of skills, knowledge and behaviours and those who will readily identify with the aims and objectives of the Council while making a positive and valuable contribution towards them. This in turn will help to improve the staff and customer experience and the use of resources.

The recruitment and selection process also offers an opportunity to promote the Council as an employer of choice. Recruiting managers should aim to enhance the Council's reputation by maintaining a professional approach throughout the process.

Core Principles

- ✚ Ensuring efficiency by planning recruitment and selection activity in advance and communicating clearly and timeously with all individuals involved in the process.
- ✚ Ensuring effectiveness by planning workforce needs in advance; by training managers in recruitment and selection; by ensuring all necessary checks are undertaken to ensure an individual is suitable to be employed for the role and has the right to live and work in the UK.
- ✚ Ensuring fairness by complying with all equalities legislation, assessing individuals according to their knowledge, skills and behaviours and, in meeting the requirements of the post, appointing on merit alone.
- ✚ Ensuring that the Council is promoted as an employer of choice
- ✚ Ensuring that Services can achieve high standards in recruitment and selection and meet their Safer Recruitment responsibilities

Managers are responsible for the recruitment decisions they make and it is therefore vital that these are carefully considered. Following best practice, as outlined in this guidance will ensure that the Council employs people with the cultural and technical fit needed to be both successful in their role and the organisation.

SECTION 2: ENSURING EQUALITY OF OPPORTUNITY

The Council is committed to providing equality of opportunity for everyone by providing a positive and accessible environment free from prejudice and unlawful discrimination while valuing the needs and rights of all individuals. It is important therefore, that those involved in recruitment comply with equalities legislation and the Council's Diversity and Equality Policy by ensuring that:

- + The job profile accurately reflects the essential requirements of the role and does not contain any requirements that could be considered discriminatory
- + Job adverts do not discriminate against certain groups or prevent them from applying for the post
- + Objective criteria related to the job profile are used to assess applications
- + Individual requirements are accommodated when requested, wherever possible
- + Interview questions are prepared in advance and are not discriminatory
- + Stereotypical assumptions about applicants are avoided

Human Resources can provide further training or guidance on Diversity and Equality where required.

SECTION 3: *ENSURING CONFIDENTIALITY*

Confidentiality is paramount at every stage of the recruitment process.

Information on candidates will be treated in confidence and restricted to those individuals **directly** involved in the recruitment process. This includes those individuals dealing with sensitive information through the issuing and receiving of application forms, monitoring diversity and equalities data, short-listing, interviewing candidates, making the appointment and advising unsuccessful candidates.

SECTION 4: *ENSURING EFFECTIVE COMMUNICATION*

Recruiters should be aware of the considerable influence they have via contact with members of the public, employees and Elected Members. It is essential that they communicate the Council's commitment to a transparent and equitable recruitment process and reflect, accurately and positively, the image and profile of the Council.

Communication at all stages of the recruitment process should be precise, prompt and unambiguous. This will assist in the promotion of the Council as fair, transparent and as an employer of choice.

SECTION 5: *TRAINING*

All employees and Elected Members involved in the recruitment and selection process should ensure that they have been adequately trained in the Council's recruitment and selection process. Panel members are responsible for familiarising themselves with the Council's recruitment guidelines and their legal responsibilities.

Where the selection panel includes individuals who are **not** Council employees, the panel chair is responsible for ensuring that such individuals understand the relevant sections of these guidelines and are aware of their legal responsibilities. This must be done prior to the start of the selection process.

In addition, those officers responsible for recruiting to Head Teacher and Depute Head Teacher posts have a legal duty to ensure that appropriate training is made available for Parent Council members, or their representatives, who are to be involved in the recruitment process.

Human Resources will provide appropriate training for this purpose.

SECTION 6: THE RECRUITMENT PROCESS

The Council's recruitment process should be followed for all appointments.

The process should also be applied to "acting up" appointments where they are planned and expected to be for a protracted period (for example, to provide maternity or secondment cover). Services can make "local" internal arrangements to cover unexpected absences that need to be filled quickly. For acting up appointments to teaching posts, such arrangements should be carried out in accordance with the local agreement on 'Temporary Promotion'.

Note: Any proposal to make an appointment out with the normal recruitment and selection procedure must, in the first instance, be discussed with Human Resources.

Vacancy arises

It is essential that recruiters take time at the initial stages of the process to consider whether the job needs to be filled or changed to meet future requirements and consider how the job fits into the overall workforce plan for delivery of the Service. This could include considering changing the post to a Modern Apprenticeship or traineeship where appropriate.

Such an analysis should include establishing whether:

- (a) the vacancy requires to be filled immediately, or at all
- (b) changes in work practices, organisational structure or technology have altered the nature of the job (in which case there may be pay and grading implications)
- (c) there are likely to be any changes in the future, which require the job-holder to have different or additional skills

Having analysed the vacancy, and outlined the outcomes and requirements of the job, the recruiter then needs to produce an up-to-date **job profile**.

Writing the job profile

The job profile needs to adequately describe the knowledge, skills and behaviours needed to perform the job effectively as it will be used to:

- Attract people with the relevant cultural and technical fit for the role
- Provide objective criteria which can be used by the applicant to demonstrate how they meet the requirements of the role and by recruiting managers in making evidence based, objective recruitment decisions
- Frame the interview questions and inform the use of additional selection tools
- Provide the basis for induction into the role, setting expectations of what's required, identification of development needs as well as managing individual performance in the role

If there is no existing job profile, recruiters must write one before proceeding to the next stage of the process.

Training on how to write an effective job profile is available as an Online Interactive Learning (OIL) module and further assistance can be sought from Human Resources. Once recruiters have made any changes or completed a job profile, it should be forwarded to the HR Business Partner so that it can be assessed for job evaluation consistency purposes to ensure that the correct grade is applied. A job evaluation questionnaire would require to be completed for new posts or where a substantive change was being made to an existing post.

Redeployment Skillsbank

Prior to seeking authority to fill and advertise a vacancy, recruiters must first consult the Redeployment Skillsbank to ascertain whether the vacancy may be suitable (with a reasonable amount of retraining if necessary) for any employee requiring redeployment. Authority must first be given by the Establishment Control Board for the filling of a post by a redeployee (see next section below).

If a potentially suitable redeployee is identified then recruiters must follow the process outlined in the Redeployment Policy. **Recruiters can only proceed to advertise a vacancy after it is established that the vacancy will not present a suitable redeployment opportunity (and only after the Establishment Control Board has given authority for the filing of the post – see next section below).**

In the case of teaching posts, where excess staffing exists, the relevant Service Manager in the Education Service must consider whether the job can be filled through the compulsory transfer of teaching staff **before** proceeding to advertisement. A Workforce Change form (available from the e-mail address under the next section below) still requires to be completed, even though teaching posts are exempt from the Establishment Control Board process.

Recruiters will then need to seek approval to fill and advertise the vacancy in accordance with approval arrangements – see next section on ‘Authority to fill vacancies’.

Authority to fill vacancies – Establishment Control Board

The Establishment Control Board is the body that decides whether or not a vacancy can be filled. All requests to fill vacancies or extend fixed term contracts (or for business cases) require detailed justification regarding the need for them to be granted and the financial case for doing so. This is done on the Workforce Change form available from the e-mail address below. Each request with the exception of exempt posts (details of which are available from the e-mail address below) will be scrutinised by the Establishment Control Board prior to any approval to proceed.

Requests (with the exception of agency posts) for the following require to be sent to WorkforceChange@aberdeencity.gov.uk

The Establishment Control Board meets on a monthly basis and will consider issues relating to all establishment issues covering:-

Approval of vacancies: If a post is not considered to be exempt, approval to fill and advertise a post may be given at the next available Establishment Control Board following detailed scrutiny by the Board.

Increases/Decreases in hours: These requests will be considered for approval by the Interim Head of Human Resources.

Extensions to Fixed Term contracts/Secondments: These requests must be passed to the Establishment Control Board in sufficient time for the appropriate notice to be given to employees, if any request for an extension is refused by the Board.

Higher Graded duties: The Higher Graded Duties form requires to be completed for all Higher Graded Duties. These requests will be considered for approval by the Interim Head of Human Resources.

Business Cases for grade changes and creation/deletion of posts: The current business case must be completed in the normal manner along with the workforce change form and will be considered at the next available Establishment Control Board.

Attracting applicants

Assuming authority is given for the filling of a vacancy, recruiters will then need to determine the most appropriate form of advertising taking into account the job and the current employment market. Some of those available are:

- Internal only
- Website only
- Local/national newspapers
- Specialist or professional publications/websites
- Community access points
- Local schools, colleges, universities and careers service centres

All vacancies are advertised on myjobscotland, the Scottish local government recruitment portal. Applicants apply online using the myjobscotland website. External positions will also be advertised on the Job Centre Plus website and using the Council's social media channels, as appropriate.

Requests to advertise in specialist publications should be made at the outset as some planning is required to ensure that the advertisement is carefully timed in relation to the varying publication dates.

Writing a job advert

Recruiters are able to write separate job adverts for both myjobscotland and when advertising in external publications. If no wording for myjobscotland is received, the HR Service Centre will use the detail in the job profile to word the advert.

Advertising should reflect a corporate, but modern style and image which promotes the Council as an employer of choice and attracts a high standard of applicants. In terms of Best Value, the cost of advertising jobs against the return of suitable applicants when advertising externally needs to be balanced.

A well written job advert should do the following:-

- give an impression of what the job involves
- give an overview of the type of person who would perform well in the role
- direct applicants towards the Council's website and/or myjobscotland where they can receive more information about the post and the Council's vision, values, priorities etc.
- project a positive image of the Council
- highlight some of the benefits of working for the Council

Access to specific information about the vacancy (i.e. job profile) is available on myjobscotland therefore it is not always necessary to go into detail in the advert itself.

Guidance has been produced for applicants and this is available on the recruitment portal. This guidance describes the type of people the Council wants and lets applicants know that through their application form and at interview (should they reach that stage) that they will be expected to demonstrate how they meet the job requirements.

Recruiters can request help with writing a job advertisement from Human Resources.

Job application form

The job application form provides relevant information for assessment purposes.

By using the national recruitment portal, the Council utilises an online application process for all its vacancies.

For equal opportunities monitoring purposes, personal data is asked for separately and will not be available to the panel members drawing up the shortlist.

Applicants are required to state on the application form any relationship with any senior officer or Elected Member of the Council. Standing Order 48, of the Council's Standing Orders, sets out the procedure for dealing with job applications from relatives of Councillors and prescribed officers. Recruiters must observe this procedure at all times. Applicants for teaching vacancies should also state any relationship with a Parent Council member. Where there is any uncertainty the recruiter should contact the HR Service Centre for clarification.

Recruiters must restrict circulation of applications to the selection panel and **not** pass applications to a third party without the applicant's knowledge and consent.

Selecting for interview

The Chair of the shortlisting/interview panel will be a fully trained recruiter (who has undergone the Council's recruitment and selection training). They will oversee the selection process and ensure that it is carried out fairly in accordance with the Council's procedure and guidance. The other panel members should also be fully trained recruiters. However, if this is not the case, until such time as those yet to be trained have undergone training they must familiarise themselves with the content of this guidance (in particular the legal and equality duties) and should

undertake the equality Online Interactive Learning module, before becoming involved in shortlisting and interview panels.

Recruiters should screen application forms against the job requirements set out in the job profile. Following this, they will be able to prepare a shortlist for interview and a reserve list if appropriate.

Who shortlists?

In order to assist objectivity and ensure consistency and confidentiality, the short-listing process should be undertaken by the **same** panel members who will be conducting the interview. A minimum of two people should carry out short-listing (and interviewing) although the ideal number is three. When deciding on the panel, the chairperson should be mindful of its composition in terms of the gender and race of panel members for reasons related to equality and diversity.

(NB separate provisions exist for Chief Officer posts where the panel will comprise Elected Members).

How to Shortlist

- Assess the evidence in the application form against the job requirements set out in sections 5, 6 and 8 of the job profile. Applications forms should **not** be compared against each other.
- Compile a shortlist from those candidates who meet **all** of the minimum requirements (as detailed in sections 5, 6 and 8 of the job profile)

NB: The **guaranteed job interview scheme** is applicable for any applicant who considers they have a disability as defined by the Equality Act 2010 and who meets all the minimum requirements of the job. Where an applicant has stated on their application form that they wish to be considered under this scheme, recruiters must select them for interview if they meet all of the minimum job criteria.

- It is recommended that recruiters restrict shortlists for interview as far as possible. A typical number is 5 to 6 candidates per post. **If the list of candidates who meet the minimum job requirements is excessively lengthy, it may be necessary to weight some of the requirements as being more important and re-evaluate the shortlist on this basis**

What happens if there are no suitable candidates?

- The vacancy should be re-advertised if **none** of the applicants satisfactorily meet the minimum criteria for the role.
- A choice can be made to re-advertise the vacancy if it is felt that the response has been insufficient to identify a suitable pool of applicants. In this case all applicants should be informed that the job will be re-advertised and of any action they should take.

In certain circumstances, for example the application of the Council's policy on the Compulsory Transfer of Teachers, applicants may be guaranteed interviews.

Recording reasons for non-selection and informing unsuccessful applicants

Recruiters must record the reason for not selecting each applicant at this stage in the Talentlink system. In this regard, the selection panel should jointly agree who does not meet the requirements for the post and amend the applicant status on the recruitment portal accordingly.

This must be completed objectively for feedback purposes and in order to assess the quality of the applicants attracted to the job.

Once recruiters have recorded the reasons for non-selection, they should notify the HR Service Centre that this action has been taken. The HR Service Centre in turn will then instigate the next stage in the process, including sending notification emails to the unsuccessful applicants.

The interview process

The interview is the principal method by which recruitment decisions are made (although assessment centres are used for certain posts). It can be vulnerable to bias (whether conscious or unconscious) but a properly structured interview can have significant predictive power of a candidate's future performance.

The interview, when conducted by trained recruiters, provides an important opportunity to obtain further relevant information and to assess the abilities and behaviours of candidates against the agreed job profile.

Arranging the interviews

Recruiters will complete an interview details form providing information on the interview arrangements including date(s), times, location, interview structure and whether any additional selection methods are to be applied. On receipt of this form the HR Service Centre will set up the interview slots on Talentlink and send the invitation e-mails to the shortlisted candidates.

NB: Candidates should be given at least 7 calendar days' notice of the interview date. To ensure this is possible, recruiting managers should ensure interview arrangement information is sent to HR Service Centre as soon as possible to allow time to process the request.

In some cases, for example overseas candidates, it may be more appropriate and cost effective to consider interviewing the candidate using alternative facilities, such as video conferencing/Skype.

Checking requirements

The standard e-mail inviting applicants to interview, asks interviewees to bring along:

- a) evidence of any appropriate qualifications or diplomas they may have referred to in their application form for verification purposes. This also applies to membership of any professional bodies, statutory registration details and practising certificates or their equivalents.
- b) documentary evidence that they can legally live and work in the UK.

- c) their driving licence where the job profile states this as a requirement. Candidates are also made aware that, if they become the preferred candidate, they will be required to obtain a code from the DVLA to allow the Council to check the details of their driving licence. If the post involves the requirement for an LGV licence (formally referred to as HGV), the candidate will be advised that they will be required to sign a mandate so that their licence details will be registered by a third party source to allow real time information to be supplied.

Interview location

Recruiters should conduct the interviews in as private and convenient a location as possible and ensure that there will be no interruptions (e.g. phone calls, maintenance work).

Composition of interview panel

- For reasons of consistency and fairness **the interview panel should comprise the same people who were involved in the short-listing.**
- Normally, the interview panel will include the person who will hold line management responsibility for the successful candidate along with another officer with whom the job-holder would have a functional relationship.
- **The Chair of the panel will be a fully trained recruiter (who has undergone the Council's recruitment and selection training). They will oversee the selection process and ensure that it is carried out fairly in accordance with the Council's procedures and guidance.** The other panel members should also be fully trained recruiters. However, if this is not the case, until such time as those yet to be trained have undergone training they must familiarise themselves with the content of this guidance (in particular the legal and equality duties) and should undertake the equality Online Interactive Learning module, before becoming involved in interview panels.
- On occasion, an interview panel member may be in a position where their ability to remain impartial could be compromised e.g. having a personal relationship with or being related to a candidate (this will have likely been identified at the shortlisting stage). Where there is any doubt, they should **not** participate in the interview process.
- For reasons of legal accountability, it will not normally be the case to include someone on the selection panel who is not an employee of Aberdeen City Council. Any proposal to do so must first be discussed with Human Resources. The exception to this is for appointments to teaching jobs where there is a legal requirement to include certain individuals who are not employees of the Council (see below) and for the appointment of Chief Officials which has Elected Member involvement.
- When planning, the interview panel should meet in advance of the interviews to agree:
 - the roles of the panel members (e.g. who will chair the panel)
 - the structure and format of the interview
 - the interview questions and who will ask them and the order they will be asked. (see section on question design below for more information about this)

Teaching Posts

Selection Panels for teaching appointments (referred to as the appointment committee in School Boards legislation) will be made up as follows. For Head Teacher and Depute Head Teacher posts they will be undertaken in accordance with the 'Parental Involvement in Head Teacher and Deputy Head Teacher Appointments (Scotland) Regulations 2007:

Job Title	With Parent Council	No Parent Council
Head Teacher	<ul style="list-style-type: none"> • One or two senior managers (i.e. at Service Manager level or above) • Head Teacher–another school • Local or other Elected Member (see note below) • Sufficient Parent Council members to ensure that they form at least a third of the panel (where they wish to attend) 	<ul style="list-style-type: none"> • One or two senior managers (i.e. at Service Manager level or above) • Head Teacher–another school • Local or other Elected Member (see note below)
Depute Head Teacher	<ul style="list-style-type: none"> • One or two senior managers (i.e. at Service Manager level or above) • Head Teacher (chair) • Local or other Elected Member (see note below) • Sufficient Parent Council members to ensure that they form at least a third of the panel (where they wish to attend) 	<ul style="list-style-type: none"> • One or two senior managers (i.e. at Service Manager level or above) • Head Teacher (chair) • Local or other Elected Member (see note below)
Principal Teacher/Faculty Head (Secondary)	<ul style="list-style-type: none"> • Head Teacher of the school • Senior Management Team member • Principal Teacher-another school 	<ul style="list-style-type: none"> • N/A
Principal Teacher (Primary)	<ul style="list-style-type: none"> • Head Teacher of the school • Management Team member • Principal Teacher-another school 	<ul style="list-style-type: none"> • N/A
Secondary Teacher	<ul style="list-style-type: none"> • Head Teacher of the school • Senior Management Team member • Appropriate Principal Teacher 	<ul style="list-style-type: none"> • N/A
Primary/Special Teacher	<ul style="list-style-type: none"> • Head Teacher of the school • A minimum of one Management Team member (from another school if 	<ul style="list-style-type: none"> • N/A

	necessary)	
Relief Teacher (Secondary)	<ul style="list-style-type: none"> • 2 Senior Management Team members • Principal Teacher/Faculty Head of the subject-any school 	<ul style="list-style-type: none"> • N/A
Relief Teacher– (Primary/Special Schools)	<ul style="list-style-type: none"> • 3 Senior Management Team members – any school 	<ul style="list-style-type: none"> • N/A

Note:

A rota will be established to allow elected members in multi-member wards an equal opportunity to be involved in the appointment of Head Teachers and Depute Head Teachers for schools in their ward. The rota will be managed by officers for the associated school group with each member chosen at random and put into the rota for that academic year.

Once a member has been involved in an appointment, they will no longer be eligible for other appointments until all other members have had the opportunity to be involved, within an election cycle.

If a member is on the rota to participate in an appointment process but is unavailable, then the next member on the rota will be selected. The original member will remain on the rota.

For Head Teacher and Depute Head Teacher posts, all members of the panel are entitled to vote. It should be noted that the chair of the panel will have the casting vote in the event of panel members voting equally for different candidates. Appointment panels should aim where possible to reach a consensus on the best candidate for the post. A record should be kept of the way each panel member has voted.

The inclusion of a “peer” for promoted teaching post interviews is designed to enable a moderating role while providing valuable staff development opportunities. Selection panels for appointments to Roman Catholic Schools will additionally include a Church representative who is also entitled to vote

Conducting the interview

Question design

Questions will be derived from the job profile and will sufficiently test candidates to ensure that they adequately meet the selection criteria and are suitable for the role and responsibilities of the job. Both technical and behavioural questions should be covered.

Recruiters must avoid asking any questions which could be considered as discriminatory, relating to someone’s personal life, family commitments or domestic obligations. During the interview, recruiters must avoid asking questions about a candidate’s health or disability. Where such a question is asked by a panel member, another member of the panel **must** intervene and inform the candidate that they should disregard and not answer the question.

The selection panel should agree the set of questions they will ask all candidates. These should relate both to the requirements of the job and any issues prompted by the candidate's application. Members of the selection panel should be prepared to follow up a candidate's response to a question if necessary.

At least one question should be asked in relation to health and safety requirements, ensuring its relevance to the job.

Asking behavioural questions

In addition to the job specific 'technical' questions, recruiters need to ensure that candidates align with and have the ability to make a positive contribution to the vision, values and aims of the organisation.

These questions will need to be sufficiently generic in nature to enable "external" candidates to compete with those already working in local government and also to ensure that those with limited or no work experience are able to talk about their experience in terms of transferable skills.

By adopting a behavioural interview style based on a relevant job situation, candidates will be able to give real life examples of how they have carried out a task/approached a situation in the past. This will be a good indicator of how they will behave/perform when faced with similar challenges/situations in the future.

For example:

- Tell me about a time when you've delivered excellent customer service.
- Give me an example of when you utilized a strength that you brought to your team.
- Tell me about the last creative idea that you implemented at work.

Similarly, recruiters should avoid asking hypothetical questions such as "*What would you do if....?*", "*How would you respond to....?*" and "*How would you deal with....?*" as these will tend to lead to hypothetical answers.

So that recruiters can assess the candidates against the requirements of the role, they need to get real examples about how candidates have actually behaved, not what they may do in theory. Supplementary questions are encouraged to gain a deeper insight into the actions and behaviours of a candidate.

Gathering evidence of competence

Using behaviour-based interviews will enable candidates to demonstrate the behaviours necessary for the job. The extent to which candidates will be expected to demonstrate competence in the core duties and responsibilities listed above will depend on the role and type of job.

The behaviours listed in the Performance Review and Development Scheme Guidance (published on The Zone) provide the type of behaviours candidates will need to be able to demonstrate at interview for jobs at all levels.

The need for consistency

The interview structure and content must be applied consistently to all candidates. Albeit, supplementary questions and/or questions about an individual application are both permitted and encouraged to ensure as much evidence is available to support the selection decision.

The structure should be designed to test each candidate's suitability in respect to the job-related criteria set out in the job profile and the desired organisational behaviours. The interview should allow for sufficiently detailed discussion to enable the interview panel to reach a decision.

Presentations

In cases where the job involves the delivery of presentations, it may be appropriate for candidates to give a brief presentation as a means of testing their ability to perform this role. If so, recruiters must notify candidates with details of the presentation topic at the time of inviting them for interview. They should also be asked whether they require visual aid equipment or software (and this should be made available where requested).

For Head Teacher and Depute Head Teacher appointments the interview will, as a matter of course, include a presentation as well as set and follow-up questions.

Tests

Candidates must be informed if they are to be required to perform any tests and if preparation is required for these tests. Sufficient time should be provided to allow candidates to prepare. Where the use of a test is planned, advice is provided in the next section below.

Other selection techniques

The selection process should only utilise properly validated tools and techniques. A considerable range of selection tools and techniques are available to recruiters apart from the selection interview. For example, occupational tests may be useful when assessing the keyboard skills of a candidate whose job function requires this.

Skill-based tests are often used in the selection of craft and semi-skilled workers. Psychometric tests are often used in the selection of senior staff and require to be administered by a trained assessor. Team exercises and assessment centres are other available selection tools.

If recruiters are considering using any selection method in addition to the traditional selection interview then they must be able to demonstrate the rationale for using that method. The proposed supplementary selection method needs to be **fair, consistent and valid**.

The results derived from this method should act as guidance **only** and should complement other techniques. Such supplementary methods should not be used in isolation and care must always be taken to ensure that any used are **not discriminatory**, specifically with reference to candidates who fall within protected characteristic groups as defined in the Equality Act 2010.

Further advice on the matter of using supplementary selection tools and techniques is available from Human Resources.

How long should interviews last?

There is no minimum recommended time for interviews, although a typical behavioural interview will range from 30 to 45 minutes. For more senior posts and/or where a presentation is required of a candidate, more time may be necessary.

For reasons of courtesy and equity, it is essential that candidates are allocated the same length of interview time to ensure that they have an equal opportunity to demonstrate how they meet the requirements for the role. As such, care should be taken to ensure that interviews do not over-run and that candidates are seen on time.

The exception would be where someone with a disability requires additional time due to the nature of his or her disability (e.g. where they have a signer or interpreter present). This should be accounted for in advance and when setting up the interview times.

Applicants' questions

The interview also provides an opportunity for candidates to ask questions about the organisation and the job for which they are applying. Recruiters should plan the interview in such a way so as to ensure that there is sufficient time for applicant questions - typically towards the end of the interview.

Recruiters should attempt to anticipate any questions that may arise and have the information to hand. In the event that the applicant questions are causing the interview to over-run, the chair of the panel will curtail this part of the process.

Closing the interview

At the end of each interview, each candidate should be told about the Council's checking requirements and when and how to expect a decision.

Safer recruitment

For roles within care services the Council has a responsibility to carry out safer recruitment and selection for people who work with service users in these sectors. Before a job offer can be made recruiters should remind candidates, should they reach preferred candidate status, that they will be required to sign a declaration that they consider themselves to be both physically and mentally fit to carry out the role (see declaration form at Appendix 1).

The interview invitation e-mail will have already provided an explanation of the Council's checking requirements.

Using interview assessment forms

The recruitment process must be objective and accurately documented. Any recruiter can be affected by bias and/or prejudice therefore it is essential that panel members are constantly aware of this.

For this purpose, it is recommended that recruiters use interview assessment forms in conjunction with the job profile to ensure objectivity (see form at Appendix 2). Using an assessment form will help recruiters to deliberate systematically and concentrate on relevant facts and information rather than subjective feelings and unsubstantiated general impressions. The form enables recruiters to record the questions asked, the candidate responses, the overall assessment of each candidate, including a recommendation to appoint or not.

The completed forms will help recruiters justify the choice of candidate if the selection panel's decision is questioned, and can also be used to inform feedback to the unsuccessful candidates. Recruiters should record adequate information about each candidate on the assessment form. Upon completion of the selection process, recruiters should scan and e-mail the documentation in relation to the preferred candidate to the HR Service Centre and retain confidentially the documentation for the

unsuccessful candidates for a period of 6 months. In the event of an enquiry or complaint being lodged, the details on the assessment form can be used to demonstrate how a selection decision was arrived at showing what was taken into account.

Recruiters should be aware that any information held about an individual is subject to the Data Protection Act 1998. Therefore, all information recorded must be justified, relevant to, and necessary for, the recruitment and selection process itself.

Making the selection decision

Selecting the most suitable candidate

When making the decision, the panel needs to objectively determine the candidate who meets all of the job profile requirements and demonstrates that they have the necessary skills, expertise and behaviours to be successful in the role and deliver on organisational objectives. The selected candidate will then become the 'preferred candidate'.

The chair of the panel is responsible for conducting this discussion and for ensuring that each person on the panel has an opportunity to contribute.

As panels normally comprise officers of different seniority it can be useful for the least senior officer to voice an opinion first. Where the most senior ranking officer leads, there is a danger that less senior officers may not wish to contradict his or her opinion.

Confirming 'Preferred Candidate' status

Once the selection decision has been made the chair of the panel will telephone the 'preferred candidate' to inform them that they have 'preferred candidate' status and that the necessary employment checks will now require to be undertaken.

To manage the preferred candidates expectations of what is involved, the chair should endeavour to provide information on the various pre-employment checks required for the post, any information the candidate might be asked to provide for these and an estimated timeline.

The chair should make it clear to the candidate that a formal job offer will only be made on the receipt of satisfactory pre-employment checks and that the preferred candidate should avoid terminating their current employment until such checks have been made.

Undertaking pre-employment checks

The chair of the panel will arrange to take up the necessary reference(s) which require to be satisfactory (see section below on references).

Depending on the post it may also be necessary to undertake a Disclosure check, PVG check, obtain a signed declaration of fitness for work and for certain posts undertake a medical check.

In addition, the chair will need to ensure that the candidate has the right to live and work in the UK (checking and copying the appropriate document – see later section on Asylum and Immigration Act 1996), has checked their qualifications/professional memberships and undertaken any other necessary checks related to the post e.g. driving licence, HAVs etc. Further details on employment checks appear later in this document. Advice can be obtained from the HR Service Centre.

It may also be necessary to discuss 'reasonable adjustments' to duties, working arrangements or premises in relation to a 'preferred candidate' with a disability.

No job offer (or discussion of start date) must be made until **all** the relevant pre-employment checks have been undertaken and been deemed satisfactory.

Making the job offer

Once **all** the necessary pre-employment checks have been carried out and are deemed satisfactory, the chair of the panel can then telephone the 'preferred candidate' and make them the job offer. It is then the candidate's decision on whether they wish to verbally accept the job offer.

Informing the unsuccessful applicants

Once the recruiter has updated Talentlink with the outcome of the interviews and informed the HR Service Centre of this, the HR Service Centre will arrange to e-mail the unsuccessful candidates using the standard template on Talentlink.

For all internal candidates, it is advisable that recruiters endeavour to convey the decision to unsuccessful interviewees verbally and offer feedback at a later date (see later in this Section under 'Providing feedback').

Formalising the appointment

Completing the appointment form and issuing the employment contract

On receiving verbal acceptance of the job offer the recruiting manager will notify the HR Service Centre who will complete the appropriate appointment form. The HR Service Centre will then prepare and issue a statement of the main terms and conditions of employment, including all those required by statute.

The successful candidate is asked to return the signed acceptance of the offer within one week of receipt of the documentation.

As part of on-boarding, recruiters are expected to maintain regular contact with their preferred candidate(s) during this pre-employment stage to ensure they are kept up-to-date with what is happening and mitigate any concerns or potential withdrawal from the process due to time delays.

Paying relocation expenses

New employees to the Council may be eligible to claim financial assistance under the Council's Relocation Policy (see policy on the Zone under AskHR) if they are required to relocate to the area as a direct result of taking up the appointment. It should be noted that the policy only applies to specific posts as pre-determined by the appropriate Directorate in conjunction with the HR Service. A list of qualifying posts is held in each Directorate by the Business Manager or equivalent.

Providing feedback

Unsuccessful candidates may feel disappointed and for this reason it is recommended that feedback is offered. It is important that feedback is given honestly and with a developmental focus – outlining both where the candidate did well and where they could improve for future. The selection panel should decide which member of the panel is best placed to provide feedback to candidates.

In the case of internal candidates, feedback should be offered as a matter of course. This will help to alleviate possible de-motivation and provide the individual with valuable insights into how they can develop their application and/or interview technique for future. In the case of external candidates, you should provide feedback where it is requested.

References

There is no distinction in this guidance between internal and external appointments.

For **all** appointments, **no** job offer should be made, without first having received the appropriate amount of satisfactory written reference(s). Two references are required for jobs associated with 'safer recruitment' and one reference for all other posts. More information on this can be obtained from the HR Service Centre.

Reference(s) should **not** be provided by any member of the selection panel. Where this proves difficult, the chair of the selection panel should contact Human Resources for advice.

When should references be obtained?

The chair of the panel decides when completing the Recruitment Advertising Request Form at the beginning of the recruitment process whether to take the reference(s) up themselves or whether to request the HR Service Centre to do this on their behalf.

Reference(s) will be obtained once a preferred candidate has been identified and this can be done by telephoning and completing the appropriate reference template or by e-mailing the template. The template is available from the HR Service Centre.

In the case of posts where any kind of driving licence is required these have a specific reference template which includes questions pertinent to driving and must be in writing.

Testimonials produced by candidates from previous employers or personal contacts should **not** be regarded as a substitute for references, and as such should be disregarded.

Checking the validity of the reference

One referee should be the candidate's current line manager. Where this is not possible, a previous line manager will suffice.

Where an individual is unable to provide a reference from a current or previous line manager, i.e. a school leaver/graduate who has not had previous employment, then a reference from a suitable alternative source such as an educational reference (e.g. Teacher or Tutor) should be sought.

Information obtained from a reference should always be treated as confidential. However, due to our obligations under the Data Protection Act 1998, recruiters may be

required to provide a candidate with a copy of a reference provided by their referee(s) on request. This is explained to referees within the reference request letter. Similarly, recruiters will be required to disclose such information to a statutory agency or employment tribunal if there is a complaint alleging discrimination.

Safer Recruitment - Fitness for Work Declaration

Under Regulation 9 of the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 the Council is under a duty to ensure that those employed within the provision of care services are fit to be in that role.

The regulations define those who are not fit to be employed in the provision of a care service as:-

“A person who is not physically and mentally fit for the purposes of the work for which the person is employed in the care service”

To comply with this requirement recruiters need to obtain a signed statement (see declaration form at Appendix 1) from the preferred candidate prior to making a job offer to confirm that they consider themselves to be physically and mentally fit for the purposes of such work. This statement should be attached to the job profile of the post applied for. This requirement does not apply to teaching appointments.

Medical Checks

Medical checks are routinely carried out at ‘preferred candidate’ stage for specific posts which have been identified as having this requirement. It may also be that in exceptional circumstances there are adequate reasons to justify referring the preferred candidate for a medical check (which will require completion of an on-line questionnaire in the first instance). If a medical check is required, recruiters should arrange this with the HR Service Centre.

In these circumstances, no offer of employment must be made until confirmation of a satisfactory medical check has been received, with the candidate remaining at preferred candidate stage until this has been completed.

Declaration of criminal convictions

The Council’s **Recruitment of Ex-offenders Policy Statement** (see Appendix 3) seeks to promote equality of opportunity for ex-offenders applying for employment with the Council.

The policy statement indicates the following:

The Council 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, experience and behaviours.

The following procedure explains how this is applied to the recruitment and selection process:

Recruitment and selection procedure

- ◆ all candidates invited for interview (except those for PVG posts) are required to complete a criminal convictions declaration form and bring it with them to their interview in a sealed envelope (see the forms at Appendices 4 and 5). Only the form for the preferred candidate will be viewed by the recruiters
- ◆ for jobs regarded as being 'excepted', the shortlisted candidates are required to declare 'spent' convictions (subject to rules) as well as 'unspent' convictions. 'Excepted' jobs include Solicitors, Accountants and City Wardens. For jobs regarded as being 'non-excepted', applicants are only required to disclose any unspent convictions they may have
- ◆ the recruiters will assess the relevance of any declared convictions for the preferred candidate against the nature of the work the job-holder would be required to do and the circumstances in which the work is carried out e.g. a theft conviction may relate to positions where the job-holder is required to handle money
- ◆ where the conviction is relevant, the following points need to be carefully considered
 - the length of time since the offence occurred
 - the preferred candidate's age at the time of the offence
 - whether the applicant has a pattern of convictions
 - the nature and background to the offence
 - whether their circumstances have changed since the offence was committed
- ◆ if it is unclear from the information provided on the declaration form whether the conviction is relevant or not (e.g. this will often be the case in a "breach of the peace" offence) then the recruiters will need to contact the preferred candidate for more detailed information about the offence. This should be done in the day(s) following the interview.
- ◆ the criminal record of a preferred candidate to an 'excepted' post must be checked via **Disclosure Scotland** prior to an offer of employment. Details of the disclosure checking process is detailed below
- ◆ if an employee is found to have concealed an unspent conviction following appointment, a thorough investigation should take place to (a) find out why the person failed to disclose the offence (b) assess the relevance of the conviction not disclosed and (c) consider the person's employment record before taking any action under the Council's disciplinary policy and procedure.

Disclosure checking process

Once the preferred candidate is selected for an 'excepted' post, they will be required to complete a disclosure application form, which should then be forwarded to the external body (currently Disclosure Scotland) for checking purposes. This checking process does not apply to 'non-excepted' posts.

The preferred candidate will be informed of the level of disclosure required (i.e. basic or standard), and the reason(s) for this when asked to complete the disclosure application form.

A recruitment decision will then be made on the preferred candidate's suitability for the job applied for based on the relevance of the disclosure information contained in the certificate issued and the nature of the job. For clarification purposes it may be the case that, prior to a decision being taken, further discussion on the conviction(s) may be needed with the preferred candidate.

Protecting Vulnerable Groups Scheme (PVG)

If a post involves 'regulated work' with children or protected adults or both, the preferred candidate will require membership of the PVG Scheme. These posts are also 'excepted' under the Rehabilitation of Offenders Act. A preferred candidate for such a post is required to provide evidence of PVG membership. The Council will arrange for them to complete the appropriate disclosure form in order to obtain a PVG Scheme Update from Disclosure Scotland. The cost is met by the Council. The Scheme Update will advise if any issues have come to light since the last check. If the Scheme Update indicates that information has come to light since the last check and the recruiter wishes to obtain further information, a full PVG Scheme Record will be required, at an additional cost. As mentioned above, shortlisted candidates for PVG posts are not required (under the Council's recruitment process) to complete a Criminal Convictions Declaration Form, with all necessary information in relation to convictions included in the PVG Scheme Record.

The recruiter will consider the information on the PVG record with the recruitment decision then made in accordance with the paragraph above.

Protecting Vulnerable Groups (PVG) Checks for Volunteers within the Council

On occasion, Council Services have opportunities for unpaid volunteers. Where a volunteer role involves regulated work with children and or vulnerable adults a PVG check will be required. The Service engaging the volunteer will determine whether there is a requirement for a PVG check for the particular role and, if so, will notify the HR Service Centre so that the relevant documentation can be completed.

When the HR Service Centre receives notification from a Service that a volunteer will require a PVG check, they will arrange for the relevant PVG application form, to be sent to the volunteer for completion and return.

Once the check has been undertaken and the result received and verified, the HR Service Centre will record it and inform the Service. **The volunteer can only commence the role once a PVG check has been carried out and has been deemed satisfactory by the Service.**

When the volunteering role ends the Service will notify the HR Service Centre who will then remove the individual's details from where it is recorded.

Full details on volunteering in the Council can be found in the Volunteering Policy and/or the Education and Children's Services Volunteering Framework (on the Zone) and in the Zone pages on volunteering.

Relevant legislation

Asylum and Immigration Act 1996

Under Section 8 of the Asylum and Immigration Act 1996, an employer is guilty of a criminal offence if it employs someone who is not legally entitled to work in the UK, or has the right to do the work on offer. To meet their responsibilities under the law, recruiters have a duty to ask potential employees to produce specific original documentation for checking and copying purposes. To avoid discrimination on racial grounds, this requirement applies to **all** candidates. The Council has in place guidance

for managers on Employing Foreign Nationals (available on the Zone under AskHR) to explain what documents recruiters must ask potential employees to produce in order to establish that they can legally work in the UK. The guidance also explains what steps recruiters must take to satisfy themselves that any documents produced actually belong to that person. It is important that recruiters read the guidance and understand their legal responsibilities in this regard.

Rehabilitation of Offenders Act 1974

To comply with this legislation, the Council only asks about convictions, which are defined as 'unspent' in terms of the Act. This is **unless** the nature of the position i.e. an excepted post, is such that recruiters are entitled to ask questions about most if not all of an individual's criminal record i.e. 'spent' convictions (subject to rules) and 'unspent' convictions. An advisory note is attached to the two versions of the Criminal Convictions Declaration Form to provide shortlisted candidates with assistance in completing the appropriate form.

It is imperative that at the time of making an application, candidates are informed that they will, where the job applied for is excepted, have to disclose information about spent convictions (subject to rules) as well as unspent convictions.

The following classes of employment and occupations are regarded as being excepted although it is only the shortlisted candidates for non-PVG posts who require to complete a Criminal Convictions Declaration form (with the required criminal convictions information being included in the PVG Scheme Record for PVG posts):

- ◆ Appointment to any post providing accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training to people aged under 18. Such posts include teachers, school caretakers, youth and social workers, child minders;
- ◆ Any employment or other work which is concerned with the provision of care services to vulnerable adults and which is of such a kind as to enable the holder of that employment, or the person engaged in that work, to have access to vulnerable adults in receipt of such services in the course of his or her normal duties;
- ◆ Employment concerned with the provision of social services which involves access to the young, the elderly, alcohol or drug misusers, the chronic sick or disabled;
- ◆ Admission to any office or employment involving the administration of justice, including police officers, probation officers and traffic wardens;
- ◆ Admission to certain professions which have legal protection including solicitors, registered teachers, chartered or certified accountants, doctors or nurses;
- ◆ Any occupation concerned with the management of an abortion clinic or the carrying on of a private hospital or nursing home;
- ◆ Any occupation concerned with the carrying on an establishment for which registration is required by Section 37 of the National Assistance Act 1948 or Section 61 of the Social Work Act 1968.

The majority of excepted posts are those, which are deemed to be undertaking 'regulated work' with children and/or protected adults. Definitions of a child and a protected adult can be found in the PVG guidance on the Zone.

Police Act 1997

Part V of the Police Act 1997 includes measures that enable all organisations to obtain criminal record information about prospective employees and volunteers from a centralised source, currently Disclosure Scotland.

Three types of disclosure certificate can be issued depending on the nature of the post. These are basic, standard and enhanced disclosures. Enhanced disclosures are not used for employees. A synopsis of each can be found in the 'Guidance on the Recruitment of Ex-offenders' (see appendix 7).

Protection of Vulnerable Groups (Scotland) Act 2007

The 2007 Act makes provision for disclosures related to regulated work and comprises a Protection of Vulnerable Groups membership scheme (PVG Scheme). A copy of the Council's PVG guidance is on the Zone.

Further Advice

Following appointment to the job, recruiters should retain the 'Criminal Convictions Declaration Form' of the successful candidate with the original application form and place these in the appointee's personal file.

If an employee is found to have deliberately concealed an unspent conviction (or spent conviction(s) (subject to rules) for excepted posts) following appointment, a thorough investigation will take place to a) find out why the person did not disclose the offence b) assess the relevance of the conviction and c) consider the person's employment record before taking any action in terms of the Council's disciplinary policy and procedure.

SECTION 7: POLICY ON THE EMPLOYMENT OF PEOPLE WITH DISABILITIES

The Council, as an equal opportunity employer, is fully committed to improving work and career opportunities for people with disabilities. Appendix 6 of these Guidelines details the positive steps which will be taken to achieve this objective and thereby provide a foundation and focus for maintaining good employment practices within the Council.

SECTION 8: COMPLAINTS PROCEDURE

While the Council seeks to ensure that the recruitment and selection of employees provides equality of opportunity for all applicants, it has to be recognised that, occasionally, an unsuccessful applicant may feel aggrieved by failure to be shortlisted or appointed.

Following the advice contained earlier on 'providing feedback' and on 'ensuring effective communication' may well reduce such possibilities.

NB The following procedure is designed to enable external applicants to make a complaint. Guidance for external applicants is included in the provided correspondence. Internal applicants may also use this procedure or alternatively raise a grievance under their respective grievance procedure.

Who should the complaint be lodged with?

The complaint should be put in writing and sent to the Director responsible for the Service the post is in.

Acknowledging the complaint

The Director should acknowledge receipt of the written complaint **within 5 working days** of receiving it. Where the complaint has been made orally, the complainant will be asked to make the complaint in writing to the relevant Director.

Who investigates the complaint?

If the complaint concerns the conduct of the interview or the selection panel, the Director will nominate an 'independent' officer with no prior involvement in the recruitment process to investigate. All members of the selection panel are expected to co-operate fully with the investigation.

If the complaint is more concerned with questioning the decision of the panel, then it may be appropriate for the chair of the panel to provide a response to the Director as they will have kept a record of the reasons why they were unsuccessful.

In either case, the response to the complaint is made to the Director who initiated the investigation.

An HR Adviser will provide advice as necessary.

How should the investigation be carried out?

All necessary enquiries, including an examination of appropriate documents, will be made to ensure that the complaint is fully investigated. Where the complaint contains insufficient detail, clarification will be sought from the complainant.

Responding to the complaint

Upon completion of the investigation, the findings of the investigating officer will be reported to the relevant Director and a response made **within 14 days of the receipt of the complaint**. Should this not be possible, the complainant will be informed of the investigation's progress.

What if the complaint is justified?

Where the complaint is found to be justified, the Head of Human Resources (or nominee) shall advise the Director on the appropriate course of action. Legal advice may also be necessary if the actions of the selection panel render the Council vulnerable to employment tribunal proceedings.

Keeping a record

A written record of all complaints received in respect of recruitment and selection must be kept confidentially within each Service.

SECTION 9: Pensions Auto Enrolment

Pensions – Auto-enrolment

Safeguards - Duty on Employers

Under the Auto-enrolment regulations there is a duty on employers to apply safeguards to individuals. The safeguards are intended to protect individuals, meaning there are certain things the employer must not do, both before a person starts working for them and once that person is a member of a pension scheme with that employer.

The safeguard in relation to the recruitment process is as follows:-

‘The employer must not ask any questions or make any statements that either states or implies that an applicant’s success will depend on whether they intend to opt out of the pension scheme. This is known as prohibited recruitment conduct.’

Such a question or statement (whether verbal or written) could arise in the course of any one of the following:

- During the process of advertising the job or inviting job applications
- During the interview or other selection process
- During the process of asking for information (including any information requested from referees or others) in relation to an application
- Providing information about employment
- Whilst informing on terms or conditions of employment

Those involved in recruitment and selection must therefore comply with the above.

SECTION 10: LAW RELATING TO THIS DOCUMENT

The Council has a responsibility to ensure that there is no unlawful discrimination in its recruitment and selection procedures and that equality of opportunity forms an integral part of the process. To this end, it is important that all employees directly involved in recruitment and selection are familiar with and take account of relevant employment and anti-discriminatory legislation.

Whilst this area is covered in some depth as part of the Council's recruitment and selection training, the relevant legislation includes:

Equality Act 2010

Data Protection Act 1998

Health and Safety at Work etc Act 1974

Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975; and the Amendment Orders of 2013, 2015 and 2016

Local Government and Housing Act 1989

Local Government (Scotland) Act 2003

Employment Act 1990

Asylum and Immigration Act 1996

SECTION 11: OVERVIEW OF THE RECRUITMENT and SELECTION PROCESS



Issue No.	Date reviewed	Author of review	Post Title	Date of next review
14	October 2017	Keith Tennant	Team Leader – Policy and Performance	April 2020

CARE SERVICES – FITNESS FOR WORK DECLARATION

Position Applied for:

Under Regulation 9 of the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 (hereinafter referred to as SSI 2002/114) Aberdeen City Council (hereinafter referred to as ACC) is under a duty to ensure that it shall not employ any person in the provision of care services unless that person is fit to be employed.

The regulations state that the under-noted persons are unfit to be employed in the provision of a care service:—

- A person who is not physically and mentally fit for the purposes of the work for which the person is employed in the care service;

The Scottish Commission for the Regulation of Care (hereinafter referred to as the “Care Commission”), have the power under the Regulation of Care (Scotland) Act 2001, to further the improvement of the quality of care services in Scotland.

The Care Commission have requested that ACC, as a requirement of its recruitment processes to employ individuals for the purposes of providing care services, procure a statement from potential employees to confirm that they consider themselves to be physically and mentally fit for the purposes of such work.

Please sign below if you consider yourself to be physically and mentally fit for the purposes of providing the care services as set out in the attached job profile.

Please note that Aberdeen City Council reserves the right to request access to a candidate’s GP; in the form of a preferred candidate check.

Please be advised that, under the Data Protection Act 1998, all correspondence from GPs shall be retained only for as long as is necessary by ACC and shall be kept within the strictest of confidence at all times.

Signature _____

Name : _____

Date: _____

Interview Structure / Assessment Form

Name of Applicant:	Vacancy Ref:
Date of Interview:	Service:
Interview Panel Members:	

- **Introduce Self and Panel**
- **Set the Scene** - this should include an outline of how the interview will be conducted and an overview of service/team/vacancy.
- **Questions should be structured and follow a logical sequence.** Question(s) will depend on the level of post.

Assessment Areas	Response	Comment
Questions		
1.		
2.		
3.		

Question		Response	Comment
4.			
5.			
6.			
Supplementary Selection Methods (Presentation / word processing etc)			
Candidates Questions			

- Inform candidate of when they are likely to learn of the outcome of interview.

Has validity of appropriate qualifications/diplomas and right to work in the UK been checked? yes no

Overall assessment and comments:

Recommendation: Reject/Appoint (Please delete as appropriate)

ABERDEEN CITY COUNCIL

RECRUITMENT OF EX-OFFENDERS

Policy Statement

<p>1. The Council 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 and the Protection of Vulnerable Groups (Scotland) Act 2007, for the purposes of assessing applicants' suitability for employment purposes. The Council undertakes to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of convictions or other information revealed.</p>	<p>Section 122 of the Police Act 1997</p> <p>Protection of Vulnerable Groups (Scotland) Act 2007</p> <p>The Rehabilitation of Offenders Act 1974</p>
<p>2. This policy statement is made available to all Disclosure applicants at the outset of the recruitment process.</p>	<p>Best Practice, based on model Policy from Disclosure Scotland</p>
<p>3. The Council is committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. It ensures that no applicant or member of staff is subject to less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation or offending background or is disadvantaged by any condition which cannot be shown to be relevant.</p>	<p>The Council's Diversity and Equality Policy.</p> <p>Expectation of Scottish Ministers</p>
<p>4. The Council 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, experience and behaviours.</p>	<p>The Council's Diversity and Equality Policy</p>
<p>5. The Council will request a Disclosure only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Basic or Standard Disclosure under the 1997 Act or a PVG Scheme Record under the 2007 Act is applicable for the position in question. Where a Disclosure is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that it will be subject to a Disclosure and that the Council will request the individual, selected as the preferred candidate, to undergo an appropriate Disclosure check.</p>	<p>The Police Act 1997</p> <p>Protection of Vulnerable Groups (Scotland) Act 2007</p> <p>Disclosure Scotland Code of Practice (Section 122 of Part V of the Police Act 1997)</p>
<p>6. Where a Standard Disclosure forms part of the recruitment process, the Council will request all shortlisted candidates to provide details of their criminal record, subject to rules, by completing a Criminal Convictions Declaration Form. Where a Basic Disclosure forms part of the recruitment process shortlisted candidates will be required to complete a Criminal Convictions Declaration Form, providing details of unspent convictions. In both cases, only the form for the preferred candidate will be looked at by the appointment panel. Where membership of the PVG Scheme is a requirement of a post, applicants will not be required to complete a Criminal Convictions Declaration Form, with all relevant criminal record information contained on the PVG certificate.</p>	<p>Rehabilitation of Offenders Act 1974</p> <p>Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions (Scotland) Amendment Order 2015</p>
<p>7. In line with the Rehabilitation of Offenders Act 1974, the Council will only ask about convictions which are defined as "unspent" in terms of that Act, unless the nature of the position is such that it is legally entitled to ask questions about an individual's entire criminal record, subject to rules. All the shortlisted candidates (excluding those applying for PVG posts) will be asked to complete a Criminal Convictions Declaration Form and take this with them to their interview in a sealed envelope. Only the form completed by the preferred candidate will be viewed and vetted by the appointment panel to consider any relevant convictions and the individual's suitability for the post.</p>	<p>Rehabilitation of Offenders Act 1974</p> <p>Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015</p> <p>Police Children & Young Person's Protection of</p>

		Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015.
8.	The Council undertakes to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned. Failure to reveal information that is directly relevant to the position sought could affect an individual's application for employment or lead to their dismissal. Members of any appointment panel will take account of the differing interests and circumstances of each appointment, when making a final decision on the preferred candidate.	Rehabilitation of Offenders Act 1974
9.	The Council undertakes to discuss any matter revealed in a certificate ¹ under the 1997 Act or a Scheme Record issued under the 2007 Act with the subject of that Disclosure before considering withdrawing preferred candidate status.	Disclosure Scotland Code of Practice
10.	The Council will ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. It will also be ensured that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders Act 1974).	The Council's Guidance on Managing Recruitment and Selection Rehabilitation of Offenders Act 1974
11.	The Council undertakes to make every subject of a Disclosure aware of the existence of the Code of Practice, a copy of which can be obtained from the Disclosure web site by following this link https://www.mygov.scot/disclosure-code-of-practice/	Disclosure Scotland Code of Practice
	HAVING A CRIMINAL RECORD WILL NOT NECESSARILY EXCLUDE AN INDIVIDUAL FROM WORKING WITH ABERDEEN CITY COUNCIL. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF THE OFFENCES COMMITTED OR OTHER INFORMATION CONTAINED ON A DISCLOSURE CERTIFICATE OR PROVIDED DIRECTLY TO THE COUNCIL BY A POLICE FORCE.	The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (safer recruitment) Rehabilitation of Offenders Act 1974

¹ The Council is only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by a police force.

IN CONFIDENCE

ABERDEEN CITY COUNCIL

CRIMINAL CONVICTIONS DECLARATION FORM (NON-EXCEPTED POST)

Candidate ID:		Advert Reference:	ABC0
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PLEASE COMPLETE THIS FORM AND BRING IT WITH YOU WHEN YOU ATTEND FOR INTERVIEW. THIS SHOULD BE GIVEN TO THE CHAIR OF THE INTERVIEW PANEL.

THIS FORM MUST BE COMPLETED/SIGNED EVEN IF YOU HAVE NO CONVICTIONS TO DECLARE.

IF YOU HAVE ANY QUESTIONS ON THE COMPLETION OF THE FORM OR REQUIRE IT IN LARGE PRINT PLEASE CONTACT THE HR SERVICE CENTRE ON (01224) 523939 or e-mail AskHR@aberdeencity.gov.uk

REHABILITATION OF OFFENDERS ACT 1974

The provisions of the Rehabilitation of Offenders Act 1974 make it unlawful for employers or prospective employers, to take into account offences in relation to which the person concerned is deemed to be rehabilitated. As a shortlisted candidate you **must** complete the appropriate sections of this form including signing and dating it, then place it in a sealed envelope, and bring it along with you to your interview to hand to the interview panel. It is emphasised that ex-offenders will only be assessed on their ability to do the job applied for and convictions will only be taken into account if relevant to the job. Please read the attached Advisory Note, produced by Disclosure Scotland (or go to their website for more details).

- (a) If you have unspent convictions or unspent cautions or if you have a court appearance pending please supply details below. An additional sheet can be submitted if required. This must be folded and sealed within this form.
- (b) If you have no previous convictions, or if you do not have a court appearance pending go straight to the DECLARATION section and sign and date accordingly.

If you are in any doubt as to the correct answers to be given, it is recommended that that you take advice from a suitable person e.g. Solicitor, Trade Union Representative, Citizen's Advice Bureau or go to the Disclosure Scotland website;

<https://www.mygov.scot/organisations/disclosure-scotland/>

Date	Court	Details of Offence	Sentence

FORMER NAMES & ADDRESSES

Name	Address	Date from - to

DECLARATION

- I have read the advisory note attached.
- I have not withheld any information, which may affect my application for appointment.
- I understand that false information or omissions may lead to my dismissal.

(The Council may verify the information supplied above).

Signature : _____ Date: _____

ADVISORY NOTE

The length of a Rehabilitation Period depends on the sentence given. For a custodial sentence, the length of time actually served is irrelevant, the rehabilitation period is decided by the original sentence and commences on the date of conviction. SENTENCES OF MORE THAN THIRTY MONTHS CAN NEVER BECOME SPENT. Other sentences become spent after fixed periods from the date of conviction. Here are some examples:

TABLE A - REHABILITATION PERIODS FOR MAIN SENTENCES

Sentence	Rehabilitation period	Rehabilitation period (under 18)
A sentence of imprisonment or youth custody or corrective training for a term exceeding six months but not exceeding thirty months.	10 yrs	5 yrs
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	10 yrs	5 yrs
A sentence of imprisonment or youth custody for a term not exceeding six months	7 yrs	3½ yrs
A sentence of dismissal from Her Majesty's service.	7 yrs	3½ yrs
Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence in respect of a conviction in service disciplinary proceedings.	5 yrs	2½ yrs
A fine or any other sentence subject to rehabilitation under the 1974 Act, not being a sentence to which table B below or section 5(3) to (8) applies.	5 yrs	2½ yrs

Offending committed by those under the age of 18

Where a person under the age of 18 is convicted in a criminal court, the protections given to spent convictions under the 1974 Act apply. For certain sentences, (as in [Table A above](#)), the rehabilitation period is reduced by half where the offender is under 18 at the time of conviction. In addition, table B below provides details of certain sentences which are only available to young offenders which have their own specified rehabilitation periods.

TABLE B - REHABILITATION PERIODS FOR CERTAIN SENTENCES CONFINED TO YOUNG OFFENDERS

Sentence	Rehabilitation period
A sentence of borstal training	7 yrs
A variety of armed forces offences committed by young individuals, including offences committed by civilians	3 to 7 yrs

4.2.4. There are also rehabilitation periods associated with a number of other sentences used in Scottish courts.

TABLE C - REHABILITATION PERIODS FOR A NUMBER OF MISCELLANEOUS SENTENCES AVAILABLE TO SCOTTISH COURTS

Sentence	Rehabilitation period	Rehabilitation period (under 18)
Absolute Discharge	6 months	6 months
Conditional discharge	1 yr. or date of order (the longer of)	1 yr. or date of order (the longer of)
Community Order/Service Community Order	5 yrs	2½ yrs
Referral Order		Length of order
An Order extending period for which a youth offender contract has effect		Length of order
An Order under section 1(2A) of the Street Offences Act 1959	6 months	6 months
A variety of Order imposed on those mainly under 18		1 yr. from date of conviction or length of Order (the longer of)
An Order for custody in a remand home, approved school Order, Attendance centre Order, A secure Training Order		Length of Order plus 1 yr.

Detention & Training Orders		Length of Order plus 1 yr. or 5 yrs from date of conviction, depending on age of offender
Hospital Order	5 yrs or length of Order plus 2 yrs (the longer of)	5 yrs or length of Order plus 2 yrs (the longer of)

All UNSPENT convictions will be disclosed on a higher level certificate.

For any Unspent Convictions

- An employer can legally ask you to disclose unspent convictions,
- If asked by an employer, or asked when applying for certain college or university courses, or if asked when taking up certain voluntary roles you have to disclose them,
- They will be disclosed on all higher level disclosures,
- There could be consequences if you fail to disclose unspent convictions when asked. For example, an employer could withdraw an employment offer if they discover you have an unspent conviction you did not disclose when asked.

The Rehabilitation of Offenders Act 1974 allows most convictions to be considered as SPENT after a specific period of time (see Tables above). Most jobs are covered by the Rehabilitation of Offenders Act 1974 but some are exempt.

Some SPENT convictions will be always disclosed. These are convictions for offences which appear in Schedule 8A of the remedial order, which are offences which must always be disclosed even when spent (“always list”).

Some SPENT convictions will be disclosed if they are for offences which appear in Schedule 8B of the remedial order, which are offences that will be disclosed even when spent (“rules list”) for 15 years from the date of conviction for convictions received when the person was 18 years old or over or 7.5 years for convictions received when the person was less than 18 years old.

For any spent conviction on the “always list”

- An employer can legally ask you to disclose any spent conviction for an offence on the “always” list.
- If asked by an employer, or asked when applying for certain college or university courses, or if asked when taking up certain voluntary roles you have to disclose them.
- They will be disclosed on all higher level disclosures
- There could be consequences if you fail to disclose these spent convictions when asked, for example an offer of employment may be revoked if spent convictions on the “always list” are not disclosed.

For any spent conviction on the “rules list”

- You do not have to disclose any such conviction and cannot be prejudiced or subjected to any liability by not disclosing that conviction until if and only if the higher level disclosure is sent and contains the spent conviction.
- It is at the point when a higher level disclosure, which contains information regarding a spent conviction for an offence on the Rules List, is sent to a registered person (i.e. the person who countersigned the disclosure application), that the individual will be liable to self-disclose.
- They will be disclosed on all higher level disclosures if less than 15 years or 7.5 years old.
- When the employer receives the higher level disclosure containing spent conviction information, they will be able to take this into account when deciding on whether to interview the individual and/or deciding whether to employ them. However, they will not be able to prejudice the person for not disclosing their spent conviction when applying for the position.

For any spent conviction for an offence not on the “always list” or “rules list”

- An employer should not be asking you to disclose any spent convictions for offences not on the “always list” or “rules list”.
- If asked by an employer, or asked when applying for certain college or university courses, or if asked when taking up certain voluntary roles you do not have to disclose them.
- They will not be disclosed on a higher level disclosure.

IN CONFIDENCE

CRIMINAL CONVICTIONS DECLARATION FORM (EXCEPTED POST)

Candidate ID:		Advert Reference:	
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PLEASE COMPLETE THIS FORM AND BRING IT WITH YOU WHEN YOU ATTEND FOR INTERVIEW. THIS SHOULD BE GIVEN TO THE CHAIR OF THE INTERVIEW PANEL.

THIS FORM MUST BE COMPLETED/SIGNED EVEN IF YOU HAVE NO CONVICTIONS TO DECLARE.

IF YOU HAVE ANY QUESTIONS ON THE COMPLETION OF THE FORM OR REQUIRE IT IN LARGE PRINT PLEASE CONTACT THE HR SERVICE CENTRE ON (01224) 523939 or e-mail AskHR@aberdeencity.gov.uk

REHABILITATION OF OFFENDERS ACT 1974

The post for which you have applied is defined as exempted employment under the terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2013, and by virtue of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015 you are required to disclose unspent convictions, unspent cautions or 'spent convictions which must always be disclosed'. You are not required to disclose spent convictions which 'are subject to rules'. Please read the attached Advisory Note, produced by Disclosure Scotland (or go to their website for more details).

As a shortlisted candidate you **must** complete the appropriate sections of this form including signing and dating it, then place it in a sealed envelope, and bring it along with you to your interview to hand to the interview panel. It is emphasised that ex-offenders will only be assessed on their ability to do the job applied for and convictions will only be taken into account if relevant to the job.

- (a) If you have unspent convictions, unspent cautions or 'spent convictions which must always be disclosed' or if you have a court appearance pending please supply details below. An additional sheet can be submitted if required. This must be folded and sealed within this form.
- (b) If you have no previous convictions, or if you do not have a court appearance pending go straight to the DECLARATION section and sign and date accordingly.

If you are in any doubt as to the correct answers to be given, it is recommended that that you take advice from a suitable person e.g. Solicitor, Trade Union Representative, Citizen's Advice Bureau or go to the Disclosure Scotland website; <https://www.mygov.scot/organisations/disclosure-scotland/>

Date	Court	Details of Offence	Sentence

FORMER NAMES & ADDRESSES

Name	Address	Date from - to

DECLARATION

- I have read the advisory note attached.

- I have not withheld any information, which may affect my application for appointment.
- I understand that false information or omissions may lead to my dismissal.

(The Council may verify the information supplied above).

Signature : _____ Date: _____

ADVISORY NOTE

The length of a Rehabilitation Period depends on the sentence given. For a custodial sentence, the length of time actually served is irrelevant, the rehabilitation period is decided by the original sentence and commences on the date of conviction. SENTENCES OF MORE THAN THIRTY MONTHS CAN NEVER BECOME SPENT. Other sentences become spent after fixed periods from the date of conviction. Here are some examples:

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Community Order/Service Community Order	5 yrs	2½ yrs
Referral Order		Length of order
An Order extending period for which a youth offender contract has effect		Length of order
An Order under section 1(2A) of the Street Offences Act 1959	6 months	6 months
A variety of Order imposed on those mainly under 18		1 yr. from date of conviction or length of Order (the longer of)

An Order for custody in a remand home, approved school Order, Attendance centre Order, A secure Training Order		Length of Order plus 1 yr.
Detention & Training Orders		Length of Order plus 1 yr. or 5 yrs from date of conviction, depending on age of offender
Hospital Order	5 yrs or length of Order plus 2 yrs (the longer of)	5 yrs or length of Order plus 2 yrs (the longer of)

All UNSPENT convictions will be disclosed on a higher level certificate.

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For any spent conviction on the “always list”

- An employer can legally ask you to disclose any spent conviction for an offence on the “always” list.
- If asked by an employer, or asked when applying for certain college or university courses, or if asked when taking up certain voluntary roles you have to disclose them.
- They will be disclosed on all higher level disclosures
- There could be consequences if you fail to disclose these spent convictions when asked, for example an offer of employment may be revoked if spent convictions on the “always list” are not disclosed.

For any spent conviction on the “rules list”

- You do not have to disclose any such conviction and cannot be prejudiced or subjected to any liability by not disclosing that conviction until if and only if the higher level disclosure is sent and contains the spent conviction.
- It is at the point when a higher level disclosure, which contains information regarding a spent conviction for an offence on the Rules List, is sent to a registered person (i.e. the person who countersigned the disclosure application), that the individual will be liable to self-disclose.
- They will be disclosed on all higher level disclosures if less than 15 years or 7.5 years old.
- When the employer receives the higher level disclosure containing spent conviction information, they will be able to take this into account when deciding on whether to interview the individual and/or deciding whether to employ them. However, they will not be able to prejudice the person for not disclosing their spent conviction when applying for the position.

For any spent conviction for an offence not on the “always list” or “rules list”

- An employer should not be asking you to disclose any spent convictions for offences not on the “always list” or “rules list”.
- If asked by an employer, or asked when applying for certain college or university courses, or if asked when taking up certain voluntary roles you do not have to disclose them.
- They will not be disclosed on a higher level disclosure.

EMPLOYMENT OF PEOPLE WITH DISABILITIES***POLICY STATEMENT*****INTRODUCTION**

The Council, as an equal opportunity employer, is fully committed to improving work and career opportunities for people with disabilities. To achieve this objective and thereby provide a foundation and focus for maintaining good employment practices, the following positive steps have been taken:-

1. DIVERSITY & EQUALITIES MONITORING

Diversity & Equalities Monitoring has been introduced for the purpose of a positive framework within which **all** candidates for Council vacancies are given every opportunity to demonstrate their abilities.

2. RECRUITING PEOPLE WITH DISABILITIES

The Council appreciates the difficulties that can be experienced by people with disabilities in seeking employment and will therefore guarantee to interview all applicants with a disability who meet all of the **minimum** essential criteria for the job for which they are applying and assess their suitability solely in terms of their abilities.

3. CONSULTING EMPLOYEES WITH DISABILITIES

The Council's commitment towards people with disabilities not only relates to prospective employees but equally involves commitment towards existing employees. In this respect, employees with disabilities will be consulted on a regular basis about their development needs and potential to ensure that their skills and abilities are being most effectively used.

4. RETENTION OF EMPLOYEES WHO BECOME DISABLED

The Council will ensure that every reasonable effort will be made to retain employees who develop a disability.

5. DEVELOPING AWARENESS OF DISABILITY ISSUES

All employees whose work involves them in recruiting, training, managing and making practical arrangements (e.g. premises) for employees will be kept fully aware of disability issues by way of training, presentations, circulars etc, so that the Council's commitments in this regard are effectively put into practice.

6. REVIEW OF PROGRESS

The Council will regularly review the progress being made on improving work and career opportunities for disabled people so that opportunities and problem areas can be identified and pursued.

GUIDANCE ON THE RECRUITMENT OF EX-OFFENDERS

1. INTRODUCTION

- 1.1 The Policy Statement on the Recruitment of Ex-Offenders and the Recruitment and Selection Guidelines make reference to the procedure to be followed when making an appointment to posts that are excepted and non-excepted under the Rehabilitation of Offenders Act, 1974 (Exclusions & Exceptions) (Scotland) Amendment Order 2013.
- 1.2 This guidance document aims to provide further detailed information on the recruitment of ex-offenders.

2. LEGISLATION

2.1 Rehabilitation of Offenders Act 1974

- 2.1.2 Under the Rehabilitation of Offenders Act 1974, it is unlawful for an employer to take into account offences in relation to which the person concerned is deemed to be rehabilitated i.e. the conviction is regarded as spent.
- 2.1.3 The Recruitment and Selection Guidelines give details on the declaration of criminal convictions, stating that each ex-offender should be assessed on his/her ability to perform the job in question and that their convictions should only be taken into account if they are relevant to the job.
- 2.1.4 There are exceptions in relation to the Act and in such cases an ex-offender will have to disclose information about spent convictions, (subject to rules), as well as unspent convictions

2.2 Police Act 1997

- 2.2.1 Part V of the Police Act 1997 includes measures that enable all organisations to obtain criminal record information about prospective employees, students on placement and volunteers from a centralised source, namely Disclosure Scotland.
- 2.2.2 Disclosure Scotland functions within the Scottish Criminal Records Office (SCRO) for the purpose of issuing criminal record Disclosures under the Act.
- 2.2.3 Access to criminal record information is intended to provide those making recruitment and appointment decisions with additional information to enable them to determine whether the past behaviour of a person suggests that they are unsuitable for a particular position.
- 2.2.4 The availability of the disclosure information should not, however, be regarded as a substitute for any of the full range of existing pre-appointment checks which recruiters should undertake, including taking up

references and enquiring into the person's previous employment history. The availability of disclosure information should therefore be seen as complimentary to the Council's recruitment practice.

2.2.5 Three types of disclosure certificate can be issued depending on the nature of the position; these are basic, standard and enhanced disclosures.

- Individuals, or the Council with the individual's approval, can apply for a Basic disclosure, for any purpose.
- Standard disclosures relate to specified occupations, professions and positions, for example for Solicitor, City Warden and Accountant (as per the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2013).
- Enhanced disclosures continue to be available, but do not relate to Council posts

2.3 Protection of Vulnerable Groups (Scotland) Act 2007

2.3.1 Protecting Vulnerable Groups Scheme (PVG)

The Protecting Vulnerable Groups membership scheme delivers on the provisions outlined in the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007:

- helps to ensure that those who undertake 'regulated work' with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour
- strikes a balance between proportionate protection and robust regulation

2.3.2 The PVG Scheme provides a registration system for all those who work with children and vulnerable adults in the UK that would confirm that there is no known reason why an individual should not work with these client groups.

2.3.3 The PVG Scheme is managed and delivered by Disclosure Scotland. This includes taking decisions, on behalf of Scottish Ministers, about who should be barred from working with vulnerable groups.

2.4 Code of Practice

2.4.1 As a registered body i.e. a person or organisation likely to ask the 'prescribed question' under the Rehabilitation of Offenders Act 1974, or will act on behalf of groups or individuals asking the 'prescribed question', the Council is expected to comply with a Code of Practice, drawn up by the Scottish Government. The Code of Practice governs the use of the information provided by the Disclosure process. The 'prescribed question' concerns asking about details of all convictions, irrespective of whether

they are spent convictions (subject to rules), or unspent convictions under the Rehabilitation of Offenders Act.

3 EXCEPTED POSTS

- 3.1 Certain kinds of employment, occupations and professions are excepted or excluded from the provisions of the Rehabilitation of Offenders Act, by virtue of The Rehabilitation of Offenders Act 1974 (Exclusions & Exceptions) (Scotland) Amendment Order 2013 which overrules the employment rights an ex-offender would otherwise have in respect of spent convictions. In such cases, organisations are legally entitled to ask applicants the 'prescribed' question (see paragraph above for details of the 'prescribed question').
- 3.2 For example, the Council can ask about spent convictions, (subject to rules), if recruiting to posts such as accountant, or solicitor.
- 3.3 Posts which are excepted from the 1974 Act will require a PVG Record or a Standard Disclosure. Prospective appointees to posts that involve 'regulated work' will require to hold membership of the PVG Scheme. Preferred candidates for those occupations, positions and professions listed in the 2013 Order (excluding PVG posts) will require to complete a Criminal Convictions Declaration Form and a Standard Disclosure will be obtained.

4 CONSIDERING THE RELEVANCE OF A CRIMINAL HISTORY RECORD

- 4.1 The nature of an excepted post is such as to necessitate extreme caution in appointing to them anyone with a previous conviction. In this regard, each case requires to be dealt with on its own individual merits, including detailed consideration of such factors as:
- The type of post;
 - The extent of job supervision;
 - The precise nature of the convictions (s);
 - The age of the offender at the time of the offence
 - When the conviction(s) occurred, and;
 - Whether a pattern of related or similar offence is evident;
 - Whether the conviction or other information revealed is relevant to the post in question.
- 4.2 Services whose establishments include posts within other excepted categories e.g. Solicitors or Accountants, should ensure that the candidate holds a valid practising certificate.

5 RISK ASSESSMENT

- 5.1 Although a comprehensive post risk assessment exercise was initially undertaken to establish which Council posts required a disclosure, it is recognised that this type of assessment should be continual through

regular reviewing and monitoring of posts e.g. when a post becomes vacant.

- 5.2 When amendments or additions to the list of approved posts occur then the HR/Payroll System should be updated by Services accordingly.
- 5.3 A bi-annual audit assessment will also be undertaken by the HR Service where Services will be requested to contribute to the assessment by providing data on posts which require a “disclosure” and the appropriate level of check.

This type of practice will aim to ensure that the list of posts requiring a “disclosure” is reviewed regularly and updated.

6 OVERSEAS APPLICANTS

- 6.1 Applicants falling into this category include UK residents, whether British Nationals or not, with recent periods of overseas residence or no previous UK residence.
- 6.2 Due to the unavailability of a checking service by Disclosure Scotland for such applicants, it is important for Recruiting Officers to note that the onus should be on the applicant to obtain proof of his/her suitability for a post. Applicants should request the police force from their country to provide details of their criminal history record.
- 6.3 The Recruiting Officer concerned should then verify the preferred candidate’s proof of suitability by contacting the Chief Constable (or equivalent) of the appropriate country by phone, fax or e-mail. This practice should minimise potential recruitment difficulties in this area.

7 PROSPECTIVE EMPLOYEES

- 7.1 Processing “disclosure” applications through Disclosure Scotland, forms part of the Council’s agreed Recruitment Procedure. A “disclosure” should be sought after a person has been selected as the most suitable person to fill a post (i.e. the preferred candidate). The preferred candidate should be informed that an offer of appointment will be subject to a satisfactory criminal record check and advised of the normal timescale attached to processing a “disclosure”.
- 7.2 **Under no circumstances should an employee commence employment before a satisfactory disclosure is received from Disclosure Scotland unless discretion has been granted to permit an occupational group to commence work (and where conditions will be attached to this type of practice) within a particular Service due to resourcing difficulties.**
- 7.3 The preferred candidate will be advised by the recruiting manager as to which type of disclosure is required for the post in question and will be

asked to complete the appropriate “disclosure” application form. The form should be signed by an authorised counter-signatory registered with Disclosure Scotland.

8 ACTION AFTER RECEIVING A “DISCLOSURE”

- 8.1 Once the recruiting manager receives a “disclosure”, they should make a final judgement on the appointment to the post and then advise the Preferred Candidate.
- 8.2 It will not be appropriate for Disclosure Scotland to determine whether or not a particular conviction or pending case is relevant in the circumstances of the individual concerned. The nature and extent of the information provided by Disclosure Scotland will depend on the type of “disclosure” requested by the Service. In addition, disclosure information provided will now include records relating to driving offences due to the wider access of information available.

Legislation now allows for an appeal process if a candidate feels there is a spent conviction included on a PVG Record or Disclosure Certificate that should be removed as it is not relevant to the post for which they have applied. The appeal must be lodged within 10 days to a Sheriff. The counter signatory’s copy of the disclosure is retained by Disclosure Scotland for ten working days from the date of the disclosure. If the applicant does not appeal the information the counter signatory’s copy will be released.

- 8.3 Where the information provided by Disclosure Scotland is not consistent with that provided by a candidate or existing employee, the counter-signatory should draw the discrepancy to the attention of the recruiting panel. The prospective employee or existing employee should be contacted and asked for an explanation. Where the person believes the information to be incorrect, the counter-signatory should request Disclosure Scotland to re-check its earlier assessment.
- 8.4 If the individual concerned admits failure to disclose a previous conviction or where the disclosure confirms a previously disputed conviction record, then the matter should be discussed with the HR Service. Thereafter, the matter will be dealt with in accordance with the guidance under ‘excepted posts’ and ‘persons who should be checked by Disclosure Scotland’. In addition, the seriousness of the failure to disclose and the continued suitability of the prospective employee or existing employee will need to be investigated and assessed thoroughly.
- 8.5 The disclosure outcome details (i.e. proceed or do not proceed) should be logged on to the HR/Payroll system and the recruitment assessment form should be completed by the recruiting manager and returned to the HR Service Centre.

9 HANDLING OF DISCLOSURE INFORMATION

- 9.1 The information provided by Disclosure Scotland is confidential. It must be used only to judge the suitability or otherwise of a person for the post in question.

10 EDUCATION AND AWARENESS

- 10.1 Directors should ensure that the advice contained within these guidelines is circulated to all officers with recruiting responsibilities (or those officers who are potentially involved in recruitment matters).
- 10.2 Further information on the details contained within this guidance document may be obtained from the HR Service.

11 LEVELS OF DISCLOSURES

- 11.1 **Protecting Vulnerable Groups Record**
Applicants for posts that require PVG membership must present a PVG Scheme Record when applying, and a PVG Scheme Update will be obtained for the preferred candidate. If the PVG Scheme Update identifies that information has come to light since the last record was issued a decision has to be made by the recruiting manager as to whether a full PVG Scheme Record should be sought.

- 11.2 **Basic disclosures**
These contain details of unspent convictions according to the Rehabilitation of Offenders Act 1974 or will state if there are no such convictions. It will ordinarily only be issued to individuals on request when they are seeking paid or unpaid employment but with their approval can be issued to employers or prospective employers.

On the basis of a risk assessment, it may be appropriate to seek a basic disclosure from an individual in relation to the nature of the post, and where the duties of the post are not covered by PVG or fall into the category of a standard disclosure.

- 11.3 **Standard Disclosures**
These are available in respect of occupations, professions and positions exempted under the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2013. As appropriate, the Disclosure provided by Disclosure Scotland will contain details of both spent convictions, (subject to rules), and unspent convictions or if there are no convictions. .
- 11.4 **Enhanced Disclosures**
These are also available in respect of those seeking certain positions exempted under the Rehabilitation of Offenders Act. However, they do not apply to employment with the Council.