



# **Recruitment and Selection**

## **GUIDANCE**

Issue 16 – December 2020

# **Section 1**

## **Recruitment and Selection Overview**

## 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 our customers.

Effective recruitment and selection depend 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.

### **1.1 Core Principles**

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- Ensuring that opportunities for internal recruitment are given high priority
- 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 their recruitment decisions 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.**

## 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
- Individual requirements are accommodated when requested, wherever possible
- Interview questions are prepared in advance and are not discriminatory
- Stereotypical assumptions about applicants are avoided

It is important to be mindful of barriers that women can face in recruitment and selection e.g. gendered issues related to caring responsibilities. Recruiters should not therefore make assumptions about the type of work pattern a candidate may wish, with the Council being positive about flexible working having in place a range of 'smarter working' options; they must also ensure that no unlawful discriminatory questions are asked in the recruitment and selection process e.g. concerning childcare; and ensure that they do not gender stereotype in relation to job roles.

People and Organisational Development can provide further training or guidance on Diversity and Equality where required.

## 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.

## 4. ENSURING EFFECTIVE COMMUNICATION

Recruiting Managers 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.

## 5. TRAINING

All employees and Elected Members involved in recruitment and selection processes 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 and selection guidance 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 this guidance 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.

People and Organisational Development will provide appropriate training for this purpose.

## 6. THE RECRUITMENT PROCESS

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

This guidance should also be applied to "acting up" appointments where they are planned and expected to be for a considerable 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 People and Organisational Development.

### **6.1 Vacancy Arises**

When a vacancy or project role arises in your team, there are a number of options available instead of recruiting to the role 'as is' and People and Organisational Development can support you in deciding which is the most appropriate option for you.

#### **Option 1 - Not Filling the Vacancy**

Firstly, you should determine if you really need to fill the vacancy left by the employee leaving. You should explore options such as:

- Digital solutions or automation to replace the tasks undertaken by the employee
- Removing non-statutory or non-essential tasks from service delivery

- Distributing tasks to others within the team
- Reviewing your team structure

Not filling the vacancy allows a cost saving to be made and contributes to supporting your Cluster, Function and the organisation's need to reduce costs.

### **Option 2 - Creating an Apprenticeship Opportunity**

People and Organisational Development can support you in exploring the potential for the role becoming an apprenticeship opportunity. Apprenticeships bring many benefits, they attract new talent, address skills gap, re-skill existing staff, nurture talent and bring diversity to the organisation. Apprenticeships combine work and training, gaining practical skills, knowledge and experience and a nationally recognised qualification. The Apprenticeship Programme consists of Foundation, Modern and Graduate Apprenticeship opportunities and is part of our commitment to developing the younger workforce. For further information, please see

<https://peopleanytime.aberdeencity.gov.uk/opportunities-hub/apprenticeships/>

### **Option 3 - Creating a Developmental Role**

Some roles have a requirement for essential statutory qualifications to be in place from day 1. However, for some roles, these could be developed in time. To allow a wider pool of applicants to be considered for your vacancy, you should remove as many barriers as possible to recruitment. By including specialist knowledge, skills, experience and qualifications in the job profile and job advert reduces the talent pool that you can reach and have access to, thus potentially reducing your chances of filling the role or getting your best candidate.

Instead of specifying within the job profile that a candidate must have specific qualifications, knowledge, skills, experience to be shortlisted for the role, you could instead, add into the job profile and job advert that these can be achieved on-the-job, even specifying within a specific time period. This can then be included in an Introduction and Development Plan of any successful candidate.

Including all elements of the existing job profile, but making them developmental within a reasonable time frame, will not have an impact on the job evaluation or pay grade of the role. However, you would need to be mindful that tasks in the team may need to be shifted temporarily until the employee is fully developed and able to cover the full remit of the role. Therefore, careful management of this is required and advice from the Talent Team is available.

### **Option 4 - Redesigning or Creating a new role**

When considering your vacancy, you may determine that certain elements of the job profile are no longer required. For example, a specific qualification / skill is no longer required as the tasks that require it can either be stopped or reallocated.

If this is the case, an amended job profile should be developed and submitted to People and Organisational Development who will confirm whether the changes will impact on the job evaluation score for the role. If the changes are significant, a new job evaluation will have to be undertaken to determine any pay grade implications. This may also require the completion of a business case. People and Organisational Development can provide advice on these elements.

## **6.2 Approval to Fill Vacancies**

It is necessary to seek approval to fill vacancies. The vacancy approval process may change depending on the needs of the organisation but will usually require, as a minimum, input from the Chief Officer of the recruiting cluster, Chief Officer – Finance and Chief Officer – People and Organisational Development.

The process is set out on the [Managing Vacancies](#) page of People Anytime where requests to recruit can also be made.

## **6.3 Internal Recruitment (Re.cr.uit scheme) vs. External Recruitment**

The Council is committed to developing and utilising its existing workforce. As a result, most jobs will be advertised and recruited to internally wherever possible. The Retaining Employees. Changing Roles. Using Internal Talent (re.cr.uit) scheme has been developed to enable this. Therefore, please make reference to the next relevant guidance document for the process you are following. Any element that applies to both processes can be found in this document.

- **Section 2 Recruitment and Selection – Re.cr.uit Only**
- **Section 3 Recruitment and Selection – External Only**

## **6.4 Interview Location**

Recruiting Managers 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).

Virtual interviews using Microsoft Teams are also possible as a digital alternative to face-to-face interviews.

## **6.5 Composition of Interview Panel**

- For reasons of consistency and fairness **the interview panel should be consistent for all steps of the process.**
- 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 trained recruiting manager (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 have completed recruitment and selection training. 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 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 People and Organisational Development. 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)

## **6.7 Teaching Posts**

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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:

<b>Job Title</b>	<b>With Parent Council</b>	<b>No Parent Council</b>
<b>Head Teacher</b>	<ul style="list-style-type: none"> <li>• One or two senior managers (i.e. at Service Manager level or above)</li> <li>• Head Teacher–another school</li> <li>• Local or other Elected Member (see note below)</li> <li>• Sufficient Parent Council members to ensure that they form at least a third of the panel (where they wish to attend)</li> </ul>	<ul style="list-style-type: none"> <li>• One or two senior managers (i.e. at Service Manager level or above)</li> <li>• Head Teacher–another school</li> <li>• Local or other Elected Member (see note below)</li> </ul>
<b>Depute Head Teacher</b>	<ul style="list-style-type: none"> <li>• One or two senior managers (i.e. at Service Manager level or above)</li> <li>• Head Teacher (chair)</li> <li>• Local or other Elected Member (see note below)</li> <li>• Sufficient Parent Council members to ensure that they form at least a third of the panel (where they wish to attend)</li> </ul>	<ul style="list-style-type: none"> <li>• One or two senior managers (i.e. at Service Manager level or above)</li> <li>• Head Teacher (chair)</li> <li>• Local or other Elected Member (see note below)</li> </ul>
<b>Principal Teacher/Faculty Head (Secondary)</b>	<ul style="list-style-type: none"> <li>• Head Teacher of the school</li> <li>• Senior Management Team member</li> <li>• Principal Teacher-another school</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Principal Teacher (Primary)</b>	<ul style="list-style-type: none"> <li>• Head Teacher of the school</li> <li>• Management Team member</li> <li>• Principal Teacher-another school</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Secondary Teacher</b>	<ul style="list-style-type: none"> <li>• Head Teacher of the school</li> <li>• Senior Management Team member</li> <li>• Appropriate Principal Teacher</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Primary/ Special Teacher</b>	<ul style="list-style-type: none"> <li>• Head Teacher of the school</li> <li>• A minimum of one Management Team member (from another school if necessary)</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Relief Teacher (Secondary)</b>	<ul style="list-style-type: none"> <li>• 2 Senior Management Team members</li> <li>• Principal Teacher/Faculty Head of the subject-any school</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

<b>Relief Teacher– (Primary/Special Schools)</b>	<ul style="list-style-type: none"> <li>• 3 Senior Management Team members – any school</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
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**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.

## **6.8 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 guiding principles 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 Capability Framework 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 behaviors. The interview should allow for sufficiently detailed discussion to enable the interview panel to reach a decision.

- **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.

## **6.9 Additional Selection Tools**

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The selection process should only utilise properly validated tools and techniques. A considerable range of selection tools and techniques are available to recruiting managers to supplement the selection interview. These include:

**Presentations** - In cases where the role 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, candidates should be advised of 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 undertake 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.

Occupational tests may be useful when assessing e.g. 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.

**Assessment Centres** - For certain roles including senior roles, assessment centres including a range of selection tools can be developed. Please contact the Talent Team within People & Organisational Development for further information.

If recruiting managers are considering using any selection method in addition to a 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.

## **6.9 How long should interviews last?**

There is no minimum recommended time for interviews, although a typical behavioral 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.

## **6.10 Using Interview Assessment Forms**

The recruitment process must be objective and accurately documented. Any recruiting manager 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 panel members 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. Recruiting Managers 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.

Recruiting Managers should be aware that any information held about an individual is subject to the Data Protection Act 2018. Therefore, all information recorded must be justified, relevant to, and necessary for, the recruitment and selection process itself.

## **6.11 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.

## **6.12 Medical Checks**

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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 online questionnaire in the first instance). If a medical check is required, recruiting managers 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.

## **6.13 Declaration of Criminal Convictions**

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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 the Policy is applied to the recruitment and selection process:**

- 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.

## **6.14 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.

## **6.15 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 recruiting manager will consider the information on the PVG record with the recruitment decision then made in accordance with the paragraph above.

## **6.16 Checks for Volunteers within the Council (PVG)**

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.



## 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](#) 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 People Anytime.

## **Further Advice**

Following appointment to the job, recruiting managers 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.

## 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 this guidance 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.

## 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.

### **8.1 Who should the complaint be lodged with?**

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

### **8.2 Acknowledging the complaint**

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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.

### **8.3 Who investigates the complaint?**

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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.

A People and Organisational Development Adviser will provide advice as necessary.

## **8.4 How should the investigation be carried out?**

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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.

## **8.5 Responding to the complaint**

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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.

## **8.6 What if the complaint is justified?**

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Where the complaint is found to be justified, the Chief Officer – People and Organisational Development (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.

## **8.7 Keeping a record**

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

# **9. PENSION AUTO ENROLMENT**

## **9.1 Safeguards - Duty on Employers**

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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.

## **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 2018
- 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
- Scottish Schools (Parental Involvement) Act 2006
- Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002

**Section 2**  
**Recruitment and**  
**Selection – Re.cr.uit**  
**Scheme**

## 1. OVERVIEW

### 1.1 Re.cr.uit Scheme Overview

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Aberdeen City Council's workforce plan outlines the need for the organisation to make savings and to develop a flexible, agile workforce by having the ability to move employees from areas of reduced demand, to areas of growth or sustained need. The purpose of the Re.cr.uit scheme is to provide a mechanism to move internal resource to where it is needed based on an employee's "fit" to a role, ultimately leading to an option to delete vacant posts from the organisation's establishment to achieve financial savings. Re.cr.uit aims to enable employees to move more flexibly between roles across the organisation, resulting in the retention of internal talent and the movement of staff across the organisation where required. Re.cr.uit also aims to support managers in filling vacancies internally quickly and more easily. In implementing this new approach, it is expected that all roles (excluding teaching vacancies) will be advertised internally and managed by the scheme, thus reducing the need for external recruitment.

### 1.2 Scope

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The Re.cr.uit scheme includes recruitment to all vacancies, short term projects and secondment opportunities, redeployment and opportunities for re-training, apprenticeships, or traineeship roles. All roles (excluding teaching vacancies) will be included in the scheme in the first instance, and only where all internal options have been exhausted should roles be advertised externally.

There may be instances where vacancies are not advertised or applied for as outlined below. For example, some internal only jobs may be advertised and the application process via Talentlink / My Job Scotland. Any divergence from the re.cr.uit scheme will be done with advice from the Talent Team and the principles of Re.cr.uit will still apply

The Temporary Movement of Staff Protocol sits alongside the Re.cr.uit scheme guidance.

Re.cr.uit operates Council-wide and all employees have the opportunity to join the scheme. Employees are separated into four categories based on their current circumstances and this determines their priority in accessing internal opportunities.

### 1.3 Priority Categories

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Employees joining **Re.cr.uit** will be assigned a priority status depending on their current employment situation:

- **Priority 1** - employees on redeployment. This means they no longer have or are no longer able to undertake their substantive role either through displacement or on medical grounds. The reason for redeployment does not affect their priority

status. Recruiting managers will consider any aligned employees from this category first and must complete the selection processes for this category before they consider any aligned employees from priority category 2.

- **Priority 2** - Employees who are at risk of being displaced due to service restructure or redesign. To classify as priority 2, an employee must have been formally advised that it is proposed their role will be disestablished. Recruiting managers will not consider any aligned employees from this category until they have confirmed that there are no suitable employees from priority category 1. Recruiting managers must complete the selection processes for this category before they see any aligned employees from priority category 3.
- **Priority 3** - employees who join Re.cr.uit to be considered for and aligned to different roles in the organisation. These include those looking for a career-change those seeking promoted posts and those seeking other opportunities. Recruiting managers will not consider any aligned employees from this category until they have confirmed that there are no suitable employees from priority categories 1 and 2.
- **Priority 4** - relief / casual workers and agency workers working with the council; employees of arms-length or partner organisations. Recruiting managers will not consider any aligned priority 4 individuals until they have confirmed that there are no suitable employees from priority categories 1, 2 and 3.

## **1.4 The Alignment Process**

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The re.cr.uit scheme is based on the principle that there are three main elements to an individual's "fit" to a role:

- Technical skills, knowledge and ability. This may include the qualifications, technical training and workplace experience which enables an individual to have the knowledge and skills to do a particular role.
- Personality and preference fit. This is the behavioural element of a person's fit to a role. For example, someone who has an inherent preference for and strength in negotiation and networking may be well-suited to a role in sales.
- Environmental / other factors. This could include grade, workplace location, working pattern and general environment which are requirements for an individual or match their personal circumstances and needs.

The re.cr.uit scheme factors all of these into its alignment process as they are all included within the 'individual profile' that employees complete to join the scheme. However, the theory also suggests that unlike environmental factors and personality or preference fit which are more "in-built", technical skills, knowledge and ability can be developed and learned on the job, rather than being required from day 1 in a role. Therefore, the alignment process for re.cr.uit is configured as follows:

- Technical skills, knowledge and ability = 40% weighting
- Personality and preference fit = 60% weighting
- Environmental / other factors = not part of weighting, but will be inclusion / exclusion factors. (This means that if an individual has stated they need a role to

be within certain grade boundaries, they will not be considered for alignments for roles outwith those boundaries).

To be aligned to a role, an individual must match with the environmental / other factors and also have an overall percentage match of at least 70%. This means that personality and preference fit will have a higher weighting on the selection decision, and at the same time, technical skills, knowledge and ability will also contribute to any alignment.

## **1.5 Role of the Substantive Manager**

The substantive manager's role is to:

- provide an environment where employees are encouraged to seek alternative opportunities in the Council if they so wish.
- support any development an employee is looking for where it supports their career progression or any job / career change within the organisation.
- identify any handover periods necessary during an employee's transition into a new role and
- agree and record in writing any decision to hold a substantive post for a period of time for an employee who is moving elsewhere.
- maintain regular contact with an employee who moves role to undertake a project or secondment in another area of the council, to provide team / service updates.

## **1.6 Role of the Recruiting Manager**

The recruiting manager's role is to:

- work with the Talent Team to identify the specific needs of the role, team and service.
- be as open and flexible as possible to ensure the role and work activity is adapted to allow internal employees to be considered, appointed and be developed on-the-job.
- use external recruitment only as a last and final resort.
- work with the employee and substantive manager to support any handover or transition periods that the employee or substantive service needs, as well as being open to any qualifying period where an employee can opt to return to their substantive role.
- complete the Introduction and Development Plan with the employee and responsible for meeting them on at least a weekly basis for the first 12 weeks.
- provide honest and constructive feedback to the new employee about their performance and development and responsible for highlighting any serious issues to the Talent Team.

## **1.7 Role of People and Organisational Development**

People and Organisational Development will:

- support managers in designing and job evaluating roles and devising appropriate recruitment plans.
- be responsible for managing the digital system for re.cr.uit and will work with recruiting managers to ensure their vacant roles and opportunities are suitable for the re.cr.uit scheme.
- be the main contact for managers and employees in terms of details on the system and their accuracy.
- run shortlisting reports and prepare the shortlists available to recruiting managers to enable interviews to be arranged.

## 2. GUIDANCE FOR EMPLOYEES

### 2.1 Using the System

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The re.cr.uit scheme is a digital tool which can be accessed from any council or personal device (such as mobile or tablet). For employees who do not have access to a digital device, please contact the Talent Team who will be able to support you.

As detailed in section 1.4 of this guidance, there are 4 priority categories within the re.cr.uit scheme. Priority 1 is the highest priority status and priority 4, the lowest priority status. The priority status level is taken into account when aligning individuals to jobs within the system.

The process for employees is as follows:

Employees who wish to join the re.cr.uit scheme will receive an email asking them to sign into the online portal to complete an individual profile and also to complete the online working preferences assessment (OPQ32 psychometric questionnaire). **Please note** that Priority 1 employees may also be managed under the redeployment procedure which will involve additional steps and support from People and Organisational Development.



Employees complete the online working preferences assessment (OPQ32 psychometric questionnaire) and the individual profile



As vacancies or opportunities arise and where an employee has an alignment of 70% or above, they will be contacted and asked to register interest in the role. (This may not be the case where there is a high volume of potential candidates).



Where an employee registers interest, it will trigger an email with interview and selection process details and these will take place accordingly. There may, in some instances, be selection processes prior to interview.



Selection process outcome will be confirmed to employees, and any pre-employment checks (if required) undertaken



Where successful, start dates for the trial period will be agreed with the substantive manager, employee and recruiting manager (as well as any transition / handover).



Successful Employee starts trial period and an introduction & Development Plan developed



If the trial period is successful, the employee will be confirmed in post. If not, the employee may return to their substantive role.

## **2.2. Requesting Feedback**

There may be instances where employees join the scheme as they have seen a role they are interested in being advertised. We endeavour to run alignments as soon as possible after the closing dates indicated on recruitment adverts. If an employee does not receive notification that they have been shortlisted for a vacancy, they may contact the Talent Team to request further information and feedback.

If employees unsuccessful following an interview process, they may request feedback from the recruiting manager.

## 3. GUIDANCE FOR SUBSTANTIVE MANAGERS

### **3.1 Accommodating Employees on Projects or Secondments**

The recruit scheme covers short-term project and secondment opportunities. This in turn may result in further short-term resourcing requirements. Where an employee has been aligned to a project or secondment opportunity, it is likely that you will need to complete a secondment agreement, an agreement between your service, the employee and the new service which sets out the terms of the secondment including start date, end date and other details of the secondment. Further information about our secondment procedure is available on [people anytime](#).

All efforts should be made to accommodate an employee to undertake project or secondment work. This work is beneficial for the employee in terms of learning and development but is also beneficial to the organisation in getting priority tasks completed.

### **3.2 Trial Period - Holding a Vacancy**

Substantive managers must hold an employee's role for a period of 4 weeks to allow the employee to complete a 4 week trial of the new role (there may be a need for this to be extended if an employee's trial period is longer than 4 weeks due to leave or sickness – though this will be agreed in discussion with People and Organisational Development), which includes an option to return to their substantive role should this be required. For an employee, this approach creates a supportive and encouraging environment to have a practical opportunity to trial a role that they have been aligned to, with the security of their substantive role to return to, if it is determined that the role is not suitable in practice.

For the substantive manager, whilst this may be challenging, it demonstrates our corporate commitment to the principles of our workforce plan to develop our existing workforce. It also highlights that you value your employee and emphasises our whole-council, one-team approach to working.

In some exceptional circumstances, it may not always be possible or appropriate to hold substantive roles, particularly where there is an immediate, statutory need in the service. If this is the case, please contact the Talent Team for advice.

On some occasions, trial periods may need to be extended but an extension will require approval from the substantive manager and cannot be guaranteed.

During the period where a role is being held to allow a trial period to take place, the substantive manager may submit a request to recruit, but the role cannot be advertised until the outcome of the trial period is confirmed.

### **3.3 Agreeing a Start Date for the New Role**

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The substantive manager and recruiting manager should discuss a mutually agreeable start date for the employee in their new role.

An option that substantive managers may wish to explore is to offer a transition period to accommodate a handover from the employee to others in the team. This transition period would allow the employee to gradually reduce hours in their substantive role and increase hours in the new role over a period of time. During that time, there should be a knowledge capture and sharing exercise undertaken to allow the employee's knowledge, skills and experience to be handed over to others in team.

### **3.4. Handing Information to the New Line Manager**

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The substantive line manager should ensure that all relevant employee information is confirmed to the new line manager. CoreHR will be updated to reflect the change in line manager for annual leave, absence, CR&D. If the employee is being managed under supporting attendance, disciplinary or performance management policies, then the relevant information should be provided to the new line manager, in order to continue to manage the process.

## 4. GUIDANCE FOR RECRUITING MANAGERS

### 4.1 Using the System

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The process for recruiting managers is as follows:

Recruiting managers will need to be set up on the re.cr.uit system to be able to log in to the manager portal.



Separate to the re.cr.uit system, recruiting managers will submit a request to recruit via an online questionnaire on People Anytime and will be asked to select their specific needs.



A People and Organisational Development Advisor may contact the recruiting manager to discuss the request and support them to make adjustments to the role to ensure it is suitable for re.cr.uit.



The vacancy will then be entered into the re.cr.uit system and also advertised for a minimum of 7 days internally.



Once the advert has closed, the Advisor will run alignments to the vacancy from those in the re.cr.uit system. This will be done using priority 1 employees first and will move on to next priorities should there be no-one suitable.



The Advisor will provide the recruiting manager with a shortlist of employees who have registered interest in the role. The Advisor may also send a list of suggested questions for some employees based on their OPQ32 profile. Again, this will be done using priority 1 employees first and will move on to next priorities should there be no-one suitable.



The recruiting manager will set up interviews in the re.cr.uit system and invite shortlisted employees to the selection interview. There may be instances where managers need to undertake selection processes prior to interview and the Talent Team will provide advice in this area.



The recruiting manager will update the re.cr.uit system with the preferred candidate information. The recruiting manager will also verbally advise employees and make the offer of feedback.



The Advisor will send details to the HR Service Centre and any pre-employment checks (if required) will be completed and the recruiting manager will be advised about when they can begin to arrange the start date of the trial period (in discussion with the employee and their substantive manager).



The recruiting manager will develop the introduction and development plan and will, after the trial period, either confirm the employee in post or make the decision that they should return to their substantive role (this decision should be taken in discussion with People and Organisational Development).

## **4.2 Advertising the Vacancy Internally**

In addition to vacancies being included in the **re.cr.uit** scheme, all vacancies will continue to be advertised internally through our internal jobs pages on People Anytime. Adverts will be posted for a minimum of **7 days**.

There are also further options for promoting internal vacancies which include:

- Promotion on Yammer on the intranet
- Direct contact to teams / email cascades
- Inclusion in toolbox talks
- Posters / leaflets at depots, schools and other locations

During your discussion meeting with the Talent Team, specific internal advertising needs can be discussed and bespoke solutions identified and co-ordinated.

## **4.3 Setting the Job Requirements**

Prior to advertising the role, you will also be asked to select the requirements of the role that will be used for the re.cr.uit system alignment process. This will include:

- Up to 4 elements from the technical skills, knowledge and ability list (this should reflect the job profile and job evaluation as per your previous conversation with the Talent Team)

- Up to 4 'capabilities' which are used for the workplace preferences assessment
- The environmental / other factors required (e.g. working hours and pattern)

You may be asked for these at the request stage of the recruitment process but the Talent Team will also be able to support you with this and may discuss your choices further to ensure they are the best fit to what you need and to allow flexibility for employees.

#### **4.4 Registering Employee Interest and the Shortlisting Process**

Employees who are aligned to a role will receive an email and given 5 days to register interest in the role. Those employees who register interest will be provided as a shortlist to recruiting managers who will be able to schedule selection interviews.

The shortlisting process will be undertaken using the re.cr.uit system. Employees who meet the environmental / other factors as well as having a 70% or more alignment to the role will be shortlisted for a role, by priority order. Priority 1 employees will be provided first to recruiting managers. Where there are no employees who meet the environmental / other factors and have more than 70% alignment to a role, the Talent Team will automatically progress to the next priority category.

If the list of employees who meet the minimum job requirements is excessively lengthy, it may be necessary to attach weighting to some of the requirements and re-evaluate the shortlist on this basis. An Advisor will contact the recruiting manager and discuss options with you.

#### **4.5 The Selection Interview**

**4.5.1. Purpose** - The purpose of the selection interview is:

- for the employee to learn more about the role and the team.
- to determine if any gaps identified by the alignment scheme can be met with reasonable support and development. The recruiting manager needs to be confident that the employee can and will be successful in all required elements of the role in future.
- to identify any further adjustments to the role that may be required and any support and development the employee may need.

The selection interview may also need to be a competitive process, should there be more than one aligned candidate.

**4.5.2. Arranging the Selection interview** - Recruiting managers will schedule and organise their own interviews through the re.cr.uit system. This includes any requested changes or times. Recruiting managers will be asked to allocate a specific date and time for each candidate and should confirm:

- Location (or if virtual, advise that they will receive a virtual meeting invitation)
- Format
- Any other requirements or needs (e.g. additional selection methods or pre-prepared tasks)

Employees should be given at least 7 calendar days' notice of the interview (although this can be shortened with both parties' agreement). This is to give appropriate preparation time and to accommodate diaries.

Every effort should be made to accommodate employees who are on leave or unable to make the interview date or time, by re-arranging within a reasonable time frame.

### **4.5.3. Question Design in Re.cr.uit**

As per section 1 of this guidance document, questions should be derived from the requirements set out in the job profile and should sufficiently test candidates to ensure they adequately meet the selection criteria and are suitable for the role and responsibilities of the role. Technical questions can be asked where required but the focus should remain on the flexibility and developmental aspects of the role wherever possible. To support with this, People and Organisational Development may provide recruiting managers with some suggested questions based on the workplace preferences questionnaire that candidates complete based on the capabilities selected by the recruiting manager at the start of the process.

## **4.6 Selecting a Preferred Candidate**

If there is no competitive process, the panel needs to determine only if the employee could meet any development gaps within a reasonable time frame with sufficient support and development.

If there is a competitive process, the panel needs to objectively determine which candidate has the fewest development gaps and could fill any development gaps within the quickest time frame, with sufficient support and development.

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.

Once the decision has been made, the chair of the panel will advise the successful employee to inform them that they are the "preferred candidate" only and that any pre-employment checks (if required) will need to be undertaken.

To manage the employee's expectations, the chair should endeavour to provide information on the various pre-employment checks required for the role, any information the candidate might be asked to provide for these and an estimated timeline.

The chair should make it clear that a formal job offer will only be made on the receipt of satisfactory pre-employment checks and will also be subject to the trial period (please refer to section 4.11).

#### **4.7 Advising Unsuccessful Candidates**

It is advised that you confirm the outcome of the process, as quickly as possible after your preferred candidate (if any) has been advised. You should make an offer to provide feedback at a later date. 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 in future. The selection panel should decide who is best placed to provide the feedback.

#### **4.8 Pre-Employment Checks**

As the re.cr.uit scheme is an internal selection process, most normal pre-employment checks do not apply (e.g. references), with the exception of where the role requires a check as part of safer recruitment or is subject to PVG membership.

#### **4.9 Agreeing a Start Date**

Once all pre-employment checks are completed (if applicable), the recruiting manager will be advised that a formal offer can be made. Whilst it is recognised that managers will often wish the new employee to start as quickly as possible, it may not always be possible and we need to take a collaborative one-team approach to minimise disruption caused by the movement of internal employees. It is advised, therefore, that you liaise with the employee and their substantive line manager to agree a start date.

The recruiting manager may agree a transition or handover period in advance of a formal start date. This may mean that the employee slowly decreases hours in the substantive post, while increasing hours in the new post, over a period of time.

The recruiting manager must place the employee's substantive role on hold for the duration of the trial period, usually 4-weeks. This will allow the employee to return to their substantive role where they / the recruiting manager determine that the role is not suitable.

#### **4.10 The Trial Period**

On moving to a new role via re.cr.uit, every employee will normally have a four-week trial period. This trial period is intended to be supportive to both the employee and the new manager. For the employee, a trial period allows them to confirm whether the role is suitable, particularly in cases where it is a complete career change. With the security of being able to return to a substantive role, employees can trial a new role to see if it is the correct career move without risk. For managers, the trial allows the employee to have an initial 'settling in' period to the new role and gives assurance that the employee is a good fit for the role and for the team. It allows for the identification of further development gaps and needs and the Introduction and Development Plan (see section 4.15), can be started and amended as required.

## **4.11 The Introduction and Development Plan**

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The Introduction and Development Plan will normally cover an employee's first 12 weeks in the new role. The purpose of the Introduction and Development Plan is to hold a record of all the development areas identified to enable an employee to be able to fully undertake all aspects of the new role and progress against these development areas.

The Plan will:

- record the structured and planned weekly meetings between the employee and manager, where they have an open and honest discussion about the employee's experience in the new role, the manager's expectations as well as the employee's performance and development needs and suitability to the role.
- be developed using data provided from the alignment process as well as an employee's self-assessment against the organisation's Capability Framework. The employee and manager will work together to identify any development gaps and create a plan to address these both over the first 12-weeks and in the longer-term. An employee's previous CR&D may also be used to support this discussion wherever relevant.
- re-introduce employees to the organisational Guiding Principles and support them to learn how these apply in the new role.

### **4.11.1. Introduction and Development Plan - Differing Durations**

The recruiting manager can, in very exceptional circumstances, choose to shorten the Introduction and Development Plan period. i.e. where an employee is moving into a role that is very similar to the role to their substantive role and where minimal development gaps have been identified. The recruiting manager should still endeavour to meet the employee on a regular basis to ensure that any support needs are identified and that there is open conversation with the employee about what they might require.

In exceptional circumstances, a longer period may be required. This could be as a result of absence, annual leave, transition / handover periods or to allow for further development time. If you are planning an extension of the Introduction and Development Plan, you should contact the Talent Team for advice.

## **4.12 Dealing with Unsatisfactory Performance**

If during the Introduction and Development Plan period (but after the 4 week trial period duration), either the manager or the employee is concerned with progress and / or wishes to terminate the arrangement, please contact People and Organisational Development for advice.



**Section 3**  
**Recruitment and**  
**Selection – External Only**

## 1. ATTRACTING APPLICANTS

Where approval is given to advertise a vacancy externally after all internal options have been exhausted, recruiting managers will need to determine the most appropriate form of advertising taking into account the role and the current employment market. Some of those available are:

- Websites (ACC and myjobscotland)
- Generic and specialist jobs boards
- Social Media
- Specialist or professional publications/websites
- Community access points
- Local schools, colleges, universities and careers service centres
- Local/national newspapers online or in-print

As a minimum, all vacancies will be advertised on My Job Scotland, the Scottish local government recruitment portal. Applicants apply online using the My Job Scotland website. External roles 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.

## 2. WRITING A JOB ADVERT

Recruiting Managers can create specific 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.

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 detail about the role and the Council's vision, values and priorities.
- 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 and so it is not always necessary to go into detail in the advert.

For supporting in creating adverts please contact the Talent Team in People and Organisational Development.

## 3. JOB APPLICATIONS

For the majority of our roles, the council uses a standard online job application form, which 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 is not available to the selection panel members.

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. Recruiting Managers 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.

For some roles recruiting managers can ask applicants to submit a curriculum vitae (cv) and supporting statement outlining how they meet the requirements of the role.

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

## 4. SELECTING FOR INTERVIEW

**The Chair of the shortlisting/interview panel will be a fully trained recruiting manager (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 have undertaken recruitment and selection training. 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 Learning module, before becoming involved in shortlisting and interview panels.

Recruiting managers 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.

### 4.1 Who Shortlists?

In order to assist objectivity and ensure consistency and confidentiality, the shortlisting process should be undertaken by the **same** panel members who will be conducting the interview. A minimum of two people should carry out shortlisting (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).**

## 4.2 How to Shortlist

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- Assess the evidence in the application form against the job requirements set out in 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 the job profile)
- It is recommended that recruiting managers restrict shortlists for interview as far as possible. A typical number is 5 to 6 candidates per role. **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**
- **NB: Please remember the guaranteed interview scheme**

### 4.2.1. Guaranteed Interview Scheme

**The Council has a number of guaranteed interview schemes for roles as outlined below. Should any of them apply to the role you are recruiting for, candidates will have an option to tick a box on their application form indicating that they wish to be considered under one of the schemes.**

#### All Jobs

1. As a Disability Confident employer, we offer a guaranteed interview for applicants who have a disability as defined by the Equality Act 2010 and who meet the criteria set out in the job profile.
2. We offer a guaranteed interview for looked after young people, those that are in continuing care or are a care leaver up to the age of 29 and who meet the criteria set out in the job profile.

#### Modern Apprenticeships (not craft / trades)

1. As a Disability Confident employer, we offer a guaranteed interview for applicants who have a disability as defined by the Equality Act 2010 and who meet the criteria set out in the job profile.
2. We offer a guaranteed interview for applicants who are aged between 16 and 24 who are resident in the Aberdeen City boundary or have attended a secondary school in Aberdeen City and who meet the criteria set out in the job profile.
3. We offer a guaranteed interview for looked after young people, those that are in continuing care or are a care leaver up to the age of 29 and who meet the criteria set out in the job profile.
4. We offer a guaranteed interview for “New Scots”<sup>\*\*</sup> aged between 16 and 24 and who meet the criteria set out in the job profile.
5. We offer a guaranteed interview for all those who have undertaken a Foundation Apprenticeship with Aberdeen City Council up to a maximum of two years ago and who meet the criteria set out in the job profile.

#### Apprenticeships (craft / trades)

1. As a Disability Confident employer, we offer a guaranteed interview for applicants who have a disability as defined by the Equality Act 2010 and who meet the criteria set out in the job profile.
2. We offer a guaranteed interview for looked after young people, those that are in continuing care or are a care leaver up to the age of 29 and who meet the criteria set out in the job profile.
3. We offer a guaranteed interview for "New Scots"\* aged between 16 and 24 and who meet the criteria set out in the job profile.

\*"New Scots" are defined as refugees and asylum seekers who are in Scottish communities and include those who have been granted refugee status or another form of humanitarian protection, people seeking asylum, those who have been refused asylum, and those whose application has been refused but who remain in Scotland. Please note that eligibility to work in the UK is dependent on legal status and all applicants must have the right to live and work in the UK.

### **4.3 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 role 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.

### **4.4 Reasons for Non-Selection & Informing Unsuccessful Applicants**

Recruiting Managers 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 to assess the quality of the applicants attracted to the job.

Once the reasons for non-selection have been recorded, the HR Service Centre should be advised that this action has been taken. The HR Service Centre will then send notification emails to the unsuccessful applicants.

## 5. 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 recruiting managers, provides an important opportunity to obtain further relevant information and to assess the abilities and behaviours of candidates against the agreed job profile.

Please refer to section 1 of this guidance document for guidance on conducting interviews.

### 5.1 Arranging the Interviews

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Recruiting Managers 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 interview slots on Talentlink and send 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 undertake the selection process using virtual interviews on e.g. Microsoft Teams.

### 5.2 Checking Requirements

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

- 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.
- documentary evidence that they can legally live and work in the UK.
- 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.

## **6. 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.

## **7. MAKING THE SELECTION DECISION**

### **7.1 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.

### **7.2 Confirming 'Preferred Candidate' Status**

Once the selection decision has been made the chair of the panel should contact the 'preferred candidate' to confirm the 'preferred candidate' status and advise that the necessary employment checks will now be undertaken.

To manage the preferred candidates expectations, the chair should provide information on the various pre-employment checks required for the role, 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.

### **7.3 Undertaking Pre-Employment Checks**

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

Depending on the role, 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 should 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.

### **7.4 Making the Job Offer**

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

### **7.5 Informing Unsuccessful Applicants**

Once the recruiting manager has updated Talentlink with the interview outcomes and informed the HR Service Centre of this, the HR Service Centre will arrange to e-mail unsuccessful candidates using Talentlink.

For all internal candidates, it is recommend that recruiting managers confirm the outcome to unsuccessful candidates verbally and offer feedback later. (see later in this Section under ‘Providing feedback’).

## 8. FORMALISING THE APPOINTMENT

### **Completing the appointment form and issuing the employment contract.**

On receiving verbal acceptance of the job offer the recruiting manager should 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, recruiting managers are expected to maintain regular contact with their preferred candidate(s) during this pre-employment stage to ensure they are kept up-to-date and mitigate any concerns or potential withdrawal from the process due to time delays.

## 9. PAYING RELOCATION EXPENSES

New employees to the Council may be eligible to claim financial assistance under the Council's Relocation Policy (see policy on [People Anytime](#)) 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 roles as pre-determined by the specific Cluster.

## 10. 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 performed 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.

## 11. REFERENCES

For **all external** 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 People and Organisational Development for advice.

## **11.1 When Should References Be Obtained?**

The chair of the panel decides when completing the [Request to Recruit Form](#) at the beginning of the recruitment process whether to take the reference(s) up themselves or whether the HR Service Centre will do this.

Reference(s) will be obtained once a preferred candidate has been identified and this is usually done using a standard reference template by email. The template is available from the HR Service Centre.

In the case of roles 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.

## **11.2 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 2018, recruiting managers 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, recruiting managers will be required to disclose such information to a statutory agency or employment tribunal if there is a complaint alleging discrimination.



## APPENDIX 1

### 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

<b>Name of Applicant:</b>	<b>Vacancy Ref:</b>
<b>Date of Interview:</b>	<b>Cluster:</b>
<b>Interview Panel Members:</b>	

- **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.			
<b>Supplementary Selection Methods (Presentation / word processing etc)</b>			
<b>Candidates Questions</b>			

- 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 behaviors.</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.</p> <p>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</p>	<p>Rehabilitation of Offenders Act 1974</p>

	<p>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 (Exclusions and Exceptions) (Scotland) Amendment Order 2015 Police Children &amp; Young Person's Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2015.</p>
8.	<p>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.</p>	<p>Rehabilitation of Offenders Act 1974</p>
9.	<p>The Council undertakes to discuss any matter revealed in a certificate<sup>1</sup> 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.</p>	<p>Disclosure Scotland Code of Practice</p>
10.	<p>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).</p>	<p>The Council's Guidance on Managing Recruitment and Selection  Rehabilitation of Offenders Act 1974</p>
11.	<p>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 <a href="https://www.mygov.scot/disclosure-code-of-practice/">https://www.mygov.scot/disclosure-code-of-practice/</a></p>	<p>Disclosure Scotland Code of Practice</p>
	<p>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.</p>	<p>The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (safer recruitment)  Rehabilitation of Offenders Act 1974</p>

<sup>1</sup> 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)**

<b>Candidate ID:</b>		<b>Advert Reference:</b>	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](mailto: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: \_\_\_\_\_

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 FORTY-EIGHT MONTHS ARE EXCLUDED SENTENCES AND THE CONVICTION WILL NOT BECOME SPENT AFTER A SPECIFIC AMOUNT OF TIME. Other sentences become spent after fixed periods from the date of conviction (see tables below).

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 below). 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.

## **Tables of disclosure periods of previous convictions & alternatives to prosecution in Scotland under the Rehabilitation of Offenders Act 1974 ("the 1974 Act")**

Footnote<sup>1</sup>

**Important Note:** This is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act in Scotland. Anyone in doubt should seek their own legal advice.

### **Custodial Sentences**

#### **Disclosure periods for custodial sentences**

<b>Sentence length</b>	<b>18 or over on date of conviction</b>	<b>Under 18 on date of conviction</b>
<b>Up to (and including) 12 months</b>	Length of sentence plus 2 years	Length of sentence plus 1 year
<b>Over 12 months &amp; up to (and including) 30 months</b>	Length of sentence plus 4 years	Length of sentence plus 2 years

### Disclosure periods for custodial sentences

Sentence length	18 or over on date of conviction	Under 18 on date of conviction
<b>Over 30 months &amp; up to (and including) 48 months</b>	Length of sentence plus 6 years	Length of sentence plus 3 years
<b>Over 48 months</b>	This is an excluded sentence and the conviction will not become spent after a specific amount of time. A review mechanism will be available in due course for relevant sentences over 48 months.	This is an excluded sentence and the conviction will not become spent after a specific amount of time. A review mechanism will be available in due course for relevant sentences over 48 months.

### Non-custodial sentences

#### Disclosure periods for non-custodial sentences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Absolute discharge</b>	Zero	Zero
<b>Admonishment</b>	Zero	Zero
<b>Bond of caution</b>	6 months, or length of caution period, whichever is the longer	3 months, or length of caution period, whichever is the longer
<b>A fine or compensation order</b>	1 year	6 months

## Disclosure periods for non-custodial sentences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Community Payback Order, Drug Treatment &amp; Testing Order and Restriction of Liberty Order</b>	12 months or length of order, whichever is the longer	6 months or length of order, whichever is the longer
<b>Adjournment/Deferral after conviction</b>	Until relevant sentence <sup>2</sup> given	Until relevant sentence given
<b>An order under section 61 of the Children and Young Persons (Scotland) Act 1937</b>	N/A	12 months
<b>Ancillary Orders<sup>3</sup></b>	Length of order	Length of order
<b>An endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road Traffic Offenders Act 1988</b>	5 years	2½ years
<b>Any other sentence not mentioned in Table A or B or sections 5(2D), 5C to 5J</b>	1 year	6 months
<b>Mental Health Orders</b>		
<b>Hospital Direction</b>	Not a sentence under the 1974 Act (not included in disclosure certificate)	All have same disclosure periods as someone 18 or over at date of conviction
<b>Guardianship Order</b>	Zero <sup>4</sup>	
<b>Assessment/Treatment Order</b>	Until final disposal given	
<b>Interim Compulsion Order</b>	Until final disposal given	

## Disclosure periods for non-custodial sentences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Compulsion Order (CO)</b>	Length of order. After 12 months an application can be made to the MHTS <sup>5</sup> under section 164A of the MH 2003 Act <sup>6</sup> for disclosure of CO to end	
<b>Compulsion Order with Restriction Order (CORO)</b>	Length of order. If the restriction order ends and the CO remains, an application can be made to the MHTS for disclosure of the CO to end 12 months after the restriction order ends	

## Children's hearings

### Children's Hearings

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Discharge</b>	N/A	Zero
<b>Compulsory supervision order</b>	N/A	Zero

## Alternatives to Prosecution (AtP)

### Alternatives to Prosecution ( AtP)

<b>Category 1<sup>7</sup> AtPs</b>	<b>Zero</b>	<b>Zero</b>
<b>Category 2 AtPs</b>	3 months	3 months

## Service Disciplinary Offences

The 1974 Act applies to everyone convicted of a criminal offence or a service disciplinary offence (for example absence without leave) by either a civilian court (in the cases of criminal offences) or a Service Court or the Commanding Officer (in the cases of criminal or Service disciplinary offences). The same disclosure periods apply to sentences which are imposed in the service justice system as are imposed by the civilian justice system.

**Example**

A fine imposed by a Sheriff Court and a fine imposed by a Court Martial would each have the same disclosure period of a year beginning with the date of conviction.

There are certain service sentences that can only be imposed by the service justice system (e.g. sentence of dismissal from Her Majesty's service or service detention).

There are specific disclosure periods for such sentences which are set out in sections 5B and 5I of the 1974 Act.

Please see the table below.

### Disclosure periods for Service Disciplinary Offences

<b>Disposal</b>	<b>18 or over on date of conviction</b>	<b>Under 18 on date of conviction</b>
<b>A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service</b>	10 years	5 years
<b>A sentence of dismissal from Her Majesty's service</b>	7 years	3½ years
<b>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</b>	5 years	2½ years
<b>A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months</b>	7 years	7 years
<b>A custodial order under schedule 5A of the Army Act 1955 or the Air Force Act 1955</b>	7 years	7 years

## Disclosure periods for Service Disciplinary Offences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Act 1955, or under schedule 4A of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months</b>		
<b>A sentence of detention for a term exceeding 6 months but not exceeding 30 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006</b>	5 years	5 years
<b>A sentence of detention for a term not exceeding 6 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006</b>	3 years	3 years
<b>A custodial order under any of the schedules of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 mentioned above, where the maximum period of detention specified in the order is 6 months or less</b>	3 years	3 years
<b>A custodial order under section 71AA of the Army</b>	3 years	3 years

## Disclosure periods for Service Disciplinary Offences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Act 1955 or Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is 6 months or less</b>		
<b>A service community order, or an overseas community order, under the Armed Forces Act 2006</b>	5 years	2½ years or the length of the order whichever is the longer
<b>A community supervision order under schedule 5A of the Army Act 1955 or the Air Force Act 1955 or under schedule 4A of the Naval Discipline Act 1957</b>	1 year or the length of the order, whichever is the longer	1 year or the length of the order, whichever is the longer
<b>An order under section 211 of the Armed Forces Act 2006</b>	<p>Where the person was 15 years of age or older at the date of the conviction</p> <ul style="list-style-type: none"> <li>• 5 years if the order was for a term exceeding 6 months</li> <li>• 3½ years if the order was for a term of 6 months or less</li> </ul>	<p>Where the person was 15 years of age or older at the date of the conviction</p> <ul style="list-style-type: none"> <li>• 5 years if the order was for a term exceeding 6 months</li> <li>• 3½ years if the order was for a term of 6 months or less</li> </ul> <p>Where the person was under 15 years of age at the date of the conviction Length of the order plus 12 months</p>

## **Footnotes**

1. These are the disclosure periods that apply in accordance with Part 2 of the Management of Offenders (Scotland) Act 2019.
2. A "relevant sentence" is any sentence other than an adjournment or deferral, (or, where applicable, a further adjournment or deferral) imposed on the person in respect of the conviction.
3. Examples of 'ancillary orders' are, non-harassment order, supervision and treatment orders, football banning order, antisocial behaviour order, exclusion from licensed premises order, confiscation order, serious crime prevention order and an order disqualifying someone from driving.
4. Section 5J(1)(c) of the 1974 Act.
5. The Mental Health Tribunal for Scotland.
6. The Mental Health (Care and Treatment) (Scotland) Act 2003.
7. Category 1" AtPs are warnings given by a constable or a procurator fiscal and fixed penalty notices given under section 129 of the Antisocial Behaviour (Scotland) Act 2004. All others are "Category 2 AtPs".

**IN CONFIDENCE**

**CRIMINAL CONVICTIONS DECLARATION FORM (EXCEPTED POST)**

<b>Candidate ID:</b>		<b>Advert Reference:</b>	
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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 – DISCLOSURE SCOTLAND**

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 FORTY-EIGHT MONTHS ARE EXCLUDED SENTENCES AND THE CONVICTION WILL NOT BECOME SPENT AFTER A SPECIFIC AMOUNT OF TIME. Other sentences become spent after fixed periods from the date of conviction (see tables below).

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 below). 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.

## **Tables of disclosure periods of previous convictions & alternatives to prosecution in Scotland under the Rehabilitation of Offenders Act 1974 ("the 1974 Act")**

Footnote<sup>1</sup>

**Important Note:** This is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act in Scotland. Anyone in doubt should seek their own legal advice.

### **Custodial Sentences**

#### **Disclosure periods for custodial sentences**

<b>Sentence length</b>	<b>18 or over on date of conviction</b>	<b>Under 18 on date of conviction</b>
<b>Up to (and including) 12 months</b>	Length of sentence plus 2 years	Length of sentence plus 1 year
<b>Over 12 months &amp; up to (and</b>	Length of sentence plus 4 years	Length of sentence plus 2 years

## Disclosure periods for custodial sentences

Sentence length	18 or over on date of conviction	Under 18 on date of conviction
including) 30 months		
<b>Over 30 months &amp; up to (and including) 48 months</b>	Length of sentence plus 6 years	Length of sentence plus 3 years
<b>Over 48 months</b>	This is an excluded sentence and the conviction will not become spent after a specific amount of time A review mechanism will be available in due course for relevant sentences over 48 months	This is an excluded sentence and the conviction will not become spent after a specific amount of time A review mechanism will be available in due course for relevant sentences over 48 months

## Non-custodial sentences

### Disclosure periods for non-custodial sentences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Absolute discharge</b>	Zero	Zero
<b>Admonishment</b>	Zero	Zero
<b>Bond of caution</b>	6 months, or length of caution period, whichever is the longer	3 months, or length of caution period, whichever is the longer
<b>A fine or compensation order</b>	1 year	6 months

## Disclosure periods for non-custodial sentences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Community Payback Order, Drug Treatment &amp; Testing Order and Restriction of Liberty Order</b>	12 months or length of order, whichever is the longer	6 months or length of order, whichever is the longer
<b>Adjournment/Deferral after conviction</b>	Until relevant sentence <sup>2</sup> given	Until relevant sentence given
<b>An order under section 61 of the Children and Young Persons (Scotland) Act 1937</b>	N/A	12 months
<b>Ancillary Orders<sup>3</sup></b>	Length of order	Length of order
<b>An endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road Traffic Offenders Act 1988</b>	5 years	2½ years
<b>Any other sentence not mentioned in Table A or B or sections 5(2D), 5C to 5J</b>	1 year	6 months
<b>Mental Health Orders</b>		
<b>Hospital Direction</b>	Not a sentence under the 1974 Act (not included in disclosure certificate)	All have same disclosure periods as someone 18 or over at date of conviction
<b>Guardianship Order</b>	Zero <sup>4</sup>	
<b>Assessment/Treatment Order</b>	Until final disposal given	
<b>Interim Compulsion Order</b>	Until final disposal given	

## Disclosure periods for non-custodial sentences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Compulsion Order (CO)</b>	Length of order. After 12 months an application can be made to the MHTS <sup>5</sup> under section 164A of the MH 2003 Act <sup>6</sup> for disclosure of CO to end	
<b>Compulsion Order with Restriction Order (CORO)</b>	Length of order. If the restriction order ends and the CO remains, an application can be made to the MHTS for disclosure of the CO to end 12 months after the restriction order ends	

## Children's hearings

### Children's Hearings

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Discharge</b>	N/A	Zero
<b>Compulsory supervision order</b>	N/A	Zero

## Alternatives to Prosecution (AtP)

### Alternatives to Prosecution ( AtP)

<b>Category 1<sup>7</sup> AtPs</b>	<b>Zero</b>	<b>Zero</b>
<b>Category 2 AtPs</b>	3 months	3 months

## Service Disciplinary Offences

The 1974 Act applies to everyone convicted of a criminal offence or a service disciplinary offence (for example absence without leave) by either a civilian court (in the cases of criminal offences) or a Service Court or the Commanding Officer (in the cases of criminal or Service disciplinary offences). The same disclosure periods apply to sentences which are imposed in the service justice system as are imposed by the civilian justice system.

**Example**

A fine imposed by a Sheriff Court and a fine imposed by a Court Martial would each have the same disclosure period of a year beginning with the date of conviction.

There are certain service sentences that can only be imposed by the service justice system (e.g. sentence of dismissal from Her Majesty's service or service detention).

There are specific disclosure periods for such sentences which are set out in sections 5B and 5I of the 1974 Act.

Please see the table below.

### Disclosure periods for Service Disciplinary Offences

<b>Disposal</b>	<b>18 or over on date of conviction</b>	<b>Under 18 on date of conviction</b>
<b>A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service</b>	10 years	5 years
<b>A sentence of dismissal from Her Majesty's service</b>	7 years	3½ years
<b>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</b>	5 years	2½ years
<b>A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months</b>	7 years	7 years
<b>A custodial order under schedule 5A of the Army Act 1955 or the Air Force Act 1955</b>	7 years	7 years

## Disclosure periods for Service Disciplinary Offences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Act 1955, or under schedule 4A of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months</b>		
<b>A sentence of detention for a term exceeding 6 months but not exceeding 30 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006</b>	5 years	5 years
<b>A sentence of detention for a term not exceeding 6 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006</b>	3 years	3 years
<b>A custodial order under any of the schedules of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 mentioned above, where the maximum period of detention specified in the order is 6 months or less</b>	3 years	3 years
<b>A custodial order under section 71AA of the Army</b>	3 years	3 years

## Disclosure periods for Service Disciplinary Offences

Disposal	18 or over on date of conviction	Under 18 on date of conviction
<b>Act 1955 or Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is 6 months or less</b>		
<b>A service community order, or an overseas community order, under the Armed Forces Act 2006</b>	5 years	2½ years or the length of the order whichever is the longer
<b>A community supervision order under schedule 5A of the Army Act 1955 or the Air Force Act 1955 or under schedule 4A of the Naval Discipline Act 1957</b>	1 year or the length of the order, whichever is the longer	1 year or the length of the order, whichever is the longer
<b>An order under section 211 of the Armed Forces Act 2006</b>	<p>Where the person was 15 years of age or older at the date of the conviction</p> <ul style="list-style-type: none"> <li>• 5 years if the order was for a term exceeding 6 months</li> <li>• 3½ years if the order was for a term of 6 months or less</li> </ul>	<p>Where the person was 15 years of age or older at the date of the conviction</p> <ul style="list-style-type: none"> <li>• 5 years if the order was for a term exceeding 6 months</li> <li>• 3½ years if the order was for a term of 6 months or less</li> </ul> <p>Where the person was under 15 years of age at the date of the conviction Length of the order plus 12 months</p>

## Footnotes

1. These are the disclosure periods that apply in accordance with Part 2 of the Management of Offenders (Scotland) Act 2019.
2. A "relevant sentence" is any sentence other than an adjournment or deferral, (or, where applicable, a further adjournment or deferral) imposed on the person in respect of the conviction.
3. Examples of 'ancillary orders' are, non-harassment order, supervision and treatment orders, football banning order, antisocial behaviour order, exclusion from licensed premises order, confiscation order, serious crime prevention order and an order disqualifying someone from driving.
4. Section 5J(1)(c) of the 1974 Act.
5. The Mental Health Tribunal for Scotland.
6. The Mental Health (Care and Treatment) (Scotland) Act 2003.
7. Category 1" AtPs are warnings given by a constable or a procurator fiscal and fixed penalty notices given under section 129 of the Antisocial Behaviour (Scotland) Act 2004. All others are "Category 2 AtPs".

## APPENDIX 6

### ABERDEEN CITY COUNCIL

## 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

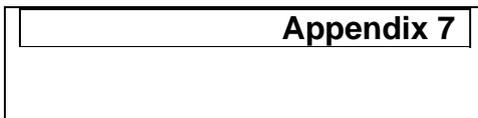
All employees whose work involves them in recruiting, training, managing and making practical arrangements (e.g. premises) for employees will be kept fully aware of disability issues by way of training, presentations, circulars etc, so that the Council's commitments in this regard are effectively put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