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## **Blue Triangle (Glasgow) Housing Association Ltd**

### **Recruitment of Ex- Offenders Policy**

**HR 003 REV 1**

**Insert Date**

### **Our Mission Statement**

***“Blue Triangle exists to support, accommodate and assist vulnerable people achieve better lives.”***

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**Revision history**

<b>Rev No.</b>	<b>Rev. Date</b>	<b>Consultation Requirements (See Section 4 – Consultation)</b>	<b>Lead Officer</b>	<b>Committee</b>	<b>Approved by COM</b>
1	Oct 2016	N/A	LD	HR	8 December 2016

**Chairman**

Signed: 

**Dated: 8 December 2016**

**Chief Executive Officer**

Signed: 

**Dated: 8 December 2016**

## **Section 1 Introduction**

### **1.1 Rationale for the policy**

The Association ensures that all applicants are appointed in accordance with its policy and procedures on recruitment and selection. This policy requires all applicants to be selected on merit and in accordance with relevant legal and good practice guidance.

The Code of Practice is published by Scottish Ministers under section 122 of Part V of the Police Act 1997. The Code of Practice identifies obligations which registered bodies, counter signatories and other recipients of disclosure information issued under the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007.

### **1.2 Risk assessment statement**

This policy relates to a high area of risk within the Association because most of its employees undertake regulated work with service users who are deemed to be vulnerable. This policy is designed to clarify the decision making and risk assessment principles behind the consideration of employing an individual who has previous criminal convictions.

### **1.3 Policy context**

The Association works in an area of social care where many of its employees have daily contact with vulnerable homeless people of all ages and backgrounds. It is essential that the Association complies with the sector's safer recruitment standards and makes the appropriate balanced decisions on the appointment of individuals who have previous criminal convictions.

## **Section 2 Legal and regulatory standards**

### **2.1 Legal framework**

The Police Act 1997

Protection of Vulnerable Groups (Scotland) Act 2007

### **2.2 Regulatory standards: the Scottish Housing Regulator (SHR) (Governance and Financial Management)**

#### **Regulatory standard 4**

The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

### **2.3 OSCR (Office of the Scottish Charity Regulator)**

Not applicable

## **2.4 The Scottish Social Housing Charter Indicators**

Not applicable

## **2.5 Regulatory standards for housing support: the Care Inspectorate**

**Standard 3.5:** You know that the provider's staff and managers are all recruited and selected through a process which includes criminal records checks where required.

## **Section 3 Policy content**

### **3.1 Principles**

The Association complies fully with the Code of Practice issued by Scottish Ministers and the legislation surrounding the treatment of individuals who are subject to Disclosure Scotland checks.

The Association undertakes not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.

The Association is committed to equality of opportunity, following practices and providing a service that is free from unfair and unlawful discrimination. The Association ensures that no applicant or member of staff is subject to less favourable treatment on the grounds of offending background. The Association actively promotes the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates, including those with criminal records.

The Association must, however, operate in accordance with the law relating to disclosures in respect of ex-offenders as it is required to obtain criminal convictions checks for specific posts within the Association.

Having a criminal conviction will not necessarily debar an applicant from working with the Association.

### **3.2 Procedure**

The Association will use a Disclosure Scotland check only where this is considered proportionate and relevant to the particular position or type of regulated work. This will be based on a thorough risk assessment of the position or work and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure under the Police Act 1997 or a Scheme Record under the 2007 Act is applicable.

Where a disclosure application or request is deemed necessary, individuals will be made aware that the position or work will be subject to a Disclosure Scotland check and that the nature of the position or work entitles the Association to ask about spent or unspent convictions.

The Association will ask individuals to complete a criminal record self-declaration form. The Association will stress to individuals that they should be honest in their response. The form, and the information contained therein, will only be seen by those who need to see it as part of the decision making process. Failure to reveal information that is directly relevant to the position applied for could lead to withdrawal of an offer of appointment.

At interview, or under separate discussion, the panel undertakes to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant to the position or work concerned.

The Association undertakes to discuss any matter revealed in a Disclosure Scotland certificate issued under the Police Act 1997 or a Scheme Record issued under the 2007 Act with the subject of that disclosure before a decision is made.

Relevant factors are:

- If the conviction is relevant to the position being filled
- The seriousness of the offence
- The length of time since the offence took place
- If the applicant has a pattern of offending behavior

If it can be reasonably confirmed that the applicant's circumstances have changed since the offending took place.

The Association ensures that all of those involved in the decision making process have been suitably trained to identify and assess the relevance and circumstances of disclosure information. It also ensures that they have received appropriate guidance and training about providing work for ex-offenders.

## **Section 4 Consultation**

Section 54 of the Housing (Scotland) Act 2001 stipulates a requirement of RSLs to consult their tenants on policies and procedures which significantly affect their tenants. BTHA has no tenants but considers this a right which should be given to its service users/residents. The occupancy agreement that we use, therefore, includes a clause which indicates our commitment to consult with service users/residents.

By doing this, we are promoting an open and positive approach to whistleblowing. This, in turn, promotes confidence amongst service users and other customers that we are publicly accountable and managed in line with quality standards.

The regulatory standards (Care and Housing) also stipulate that service providers should have robust consultation processes in place in order to comply. This means that if there are proposals or policies which could significantly impact on service users/residents such as those in relation to housing management, repairs and maintenance or more strategic changes that we endeavour to notify service users/residents of this and listen to any concerns. The main vehicle for this will be our service users/residents' forum.

We also operate a policy on consulting with staff and taking feedback on board. Service users/residents and staff will not be consulted on all policies – an assessment will be made at policy review as to what level of consultation (if any) will take place.

## **Section 5 Monitoring and review link with KPIs**

Policies will be reviewed on a three yearly cycle by the Committee of Management according to a policy programme provided on an annual basis at the start of the financial year. All policy reviews will take into account our equality impact assessment toolkit requirements. Committees will report on performance to committee of management at the end of the year. We use a small number of key performance indicators (KPIs) which monitor critical success factors. Our policy monitoring framework tracks any policies which impact on KPIs. Other policies may have indicators which are monitored at departmental level.

The policy and its implementation will be reviewed by the Committee of Management

The COM will be advised of all incidents of whistleblowing through the normal reporting framework and any improvement actions as a result will also be taken to the relevant Committees and/or COM.

## **Section 6 Publishing and availability of policy**

This policy is available in electronic format or hardcopy to all staff, service users, Committee members and other customers, as appropriate.

## **Section 7 Accessibility**

We are committed to promoting accessible services that address the needs of individual service users and employees, as appropriate. For example, our policies can be provided in other formats such as in larger print or in audio-format.

## **Section 8 Other relevant policies and procedures**

The Association has a wide range of policies covering corporate services (covers the entire association) and operational services (covers only specific operational areas). It is important that this policy is not viewed in isolation but consideration is given to the wider context in which it operates.

## **Section 9 Complaints**

We follow the Model Complaints Handling System that has been developed by the Scottish Public Services Ombudsman (SPSO). This is a comprehensive procedure that allows for complaints to be dealt with in either one of two stages.

Complaints must be dealt with in line with set timescales so that complaints are dealt with quickly.

If still dissatisfied after Stage 2 has been completed, a dissatisfied customer can take their complaint to the SPSO.

Any service user wishing to complain should ask for a copy of our complaints procedure. A service user, alongside their right to complain to the SPSO, can also complain to the Care Inspectorate, the Local Authority or other commissioner of the

service, and they may have the right to complain to the Scottish Housing Regulator. To take their complaint further, a service user generally needs to go through our internal complaints procedure in the first instance.

## **Section 10 Equality Impact Assessment**

Equality Impact Assessments are required when developing or amending or reviewing policies. This is to ensure that the impact of any policy is understood in terms of EO requirements.