**Recruiting People with Convictions Policy**

The purpose of this policy is to provide assurance to applicants, staff and volunteers and guidance to those making recruitment decisions of our organisations process in assessing whether any conviction information provided to us, either through self-disclosure or in a disclosure certificate impacts on a person’s ability to carry out the role that they have applied for or which they hold within our organisation. It is important to recognise that having a criminal record does not necessarily mean that someone cannot work or volunteer for our organisation.

Our organisation treats all applicants fairly and consistently in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended). We do not differentiate between paid and unpaid roles when applying the criteria detailed in this policy, the assessment is based entirely on the requirements of the role and any information shared with us either through self-disclosure or contained in a disclosure certificate. The level of disclosure which we will access will be the appropriate level for the role (basic, standard, enhanced or PVG).

**Self-Disclosure**

We operate a fair recruitment process and will ensure anyone applying for, or holding a role in our organisation is given the opportunity to discuss any unspent convictions which they are required to tell us about.

As part of our recruitment process, the self-disclosure form should be completed and returned with application form. The form should be returned in a separate sealed envelope and will only be opened if the candidate is provisionally offered the role subject to the outcome of the disclosure. Any self-disclosure forms for unsuccessful candidates will be securely destroyed without being opened.

The rules around what you need to disclose are complex and it may be difficult to know what should and should not be disclosed. We should, therefore, only be told about unspent convictions, using the Self Disclosure form that has been provided to you. You should not tell us about any convictions which were gained before the age of 12, those which are spent and any which are not considered appropriate to disclose subject to exceptions. There is a guidance document in Appendix 2 (the link to all appendices can be found at the bottom of the Self Disclosure form) which will give you detailed information on how long a conviction is considered unspent and a table of disclosure periods in Appendix 5. If you are in doubt, you can seek legal advice (at your own expense) or you can withhold the conviction information until the appropriate level of disclosure is received.

Appendices 3 and 4 list offences that are made available for a longer period of time for roles which require a standard, enhanced or PVG disclosure. The offences in Appendix 3 are made available on the disclosure certificate for an extended timeframe (a minimum of 15 years for those aged 18 or over at the date of conviction

and 7½ years for those under 18 at the date of conviction) with the opportunity to appeal for removal after the extended timeframe has passed.

The offences in Appendix 4 are made available on the disclosure certificate for at least the time that they are unspent and then an extended timeframe (up to a maximum of 15 years for those aged 18 or over at the date of conviction and 7½ years for those under 18 at the date of conviction) with the opportunity to appeal for removal once in the extended timeframe from becoming spent under normal circumstances until the extended timeframe has passed. After this time the offence will no longer be disclosed.

Once in post, any member of staff or volunteer who gains any new convictions, must complete the self-disclosure form in Appendix 1 and return it to :-

Club volunteer/employee – Your Club Child Wellbeing and Protection Officer

Cricket Scotland employee – Line Manager

It is important to note that failing to follow this ongoing self-disclosure process may result in disciplinary action and could ultimately result in dismissal.

**Disclosure Certificate**

In order to ensure there is no bias in our recruitment decisions, accessing the disclosure certificate will be the final part of our recruitment process and will only be requested when we have provisionally offered the role, subject to a satisfactory disclosure.

When we receive our copy of your disclosure certificate, we will compare it to the self-disclosure form which you have completed. If there are any differences between the details on the two documents, we will arrange to discuss this with you. We will not make any judgement on the reasons that information differs prior to our discussion as we understand that the rules around what information you should share with us is complex.

**How We Will Use Disclosed Information**

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

Where information has been detailed on the self-disclosure form but is not shared on the disclosure certificate, we must always disregard this information as this means that you have provided information that you were not required to share.

We do, however, need to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or those who use our services. In order to

ensure we carry out a fair and consistent practice when we assess any conviction or vetting information, we will take into account the following criteria:-

Is the conviction relevant to the position being offered?

How serious was the offence?

How long is it since the offence took place?

Is there a pattern of offending behaviour?

Have the personal circumstances changed since the time of the offending behaviour?

How has the person become rehabilitated?

Is the person barred from the type of regulated work we need them to do?

If we determine that the disclosed information is relevant to the role, we will withdraw the job or volunteering role offer. For those already in post, this may result in disciplinary action and could ultimately result in dismissal. The reason(s) for our decision will be fully explained.

**Appeals**

If you feel that the risk assessment has not been carried out appropriately or that our decision is unfair, you have the right to appeal. Appeals should be made in writing to:

Clubs – Appeals must be lodged within 3 months of the original decision and should be sent to the Club Secretary. Appeals will be considered by a selected group of the general club committee (who may decide to appoint ex officio member(s) with relevant experience). The appeal will normally take place within 14 days of the appeal being lodged.

Cricket Scotland (CS) - Appeals must be lodged within 3 months of the original decision to the CS Lead Officer for Child Wellbeing and Protection. Appeals will be considered by the CS Child Wellbeing and Protection Committee. The appeal will normally take place within 14 days of the appeal being lodged.