

Glasgow Life

Recruitment of People with Previous Convictions Policy.

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1. Introduction

Glasgow Life believes everyone should have an equal chance. We do not allow unfair treatment or discrimination. We focus on finding people with the right skills, talents, and potential. We welcome applications from everyone and choose who to interview based on their skills, experience, and qualifications.

Glasgow Life is committed to equal opportunities and fair treatment in all areas of employment and volunteering regardless of:

- The 9 protected characteristics, as stated in the Equality Act 2010:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
- Socio-economic status or background.
- Previous convictions (unless the vacancy is exempt under the Rehabilitation of Offenders Act).
- Politics of trade union activity.
- Any other reason that is not justified during recruitment or employment.

2. Due to the nature of Glasgow Life’s work, some roles require a higher-level disclosure check. These checks allow access to sensitive information about individuals. Glasgow Life uses disclosure checks under Section 122 of the Police Act 1997.

The Scottish Ministers have issued a Code of Practice that outlines the responsibilities of organisations, countersignatories, and others who receive higher-level disclosures. Glasgow Life fully complies with this Code of Practice and all relevant disclosure legislation.

3. The higher-level disclosure checks are issued by Disclosure Scotland on behalf of the Scottish Ministers under the Police Act 1997 (“the 1997 Act”) and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”). Please note that the Disclosure (Scotland) Act 2020 introduced changes to how disclosure information is managed. We will ensure any checks are carried out in line with the most up-to-date legal requirements.

There are two types of higher-level checks:

- Level 2 and Level 2 barred list checks (under the Police Act 1997).
- Scheme record checks (under the Protection of Vulnerable Groups Act 2007) as amended by the Disclosure (Scotland) Act 2020.

4. Glasgow Life will only request a higher-level disclosure check from Disclosure Scotland when it is necessary for a specific role or type of regulated work. We will base this decision on a thorough risk

assessment of the role and in line with the relevant legislation, which determines whether the following apply:

- A Level 2 or Level 2 with barred list check under the Police Act 1997, or
- A scheme record under the Protection of Vulnerable Groups (Scotland) Act 2007 (the PVG scheme) as amended by the Disclosure (Scotland) Act 2020.

5. Individuals will be made aware that:

- The nature of the role or work allows us to ask about unspent convictions and certain spent convictions. Further information on unspent and spent convictions can be found on the Disclosure Scotland website.
- If a Level 2 or Level 2 with barred list check disclosure is required, the role or work will be subject to this check by Disclosure Scotland.
- If a scheme record under the PVG scheme is required, the role or work will be subject to this check by Disclosure Scotland.

6. For positions requiring a Disclosure Scotland check, job adverts will include a statement confirming that a Disclosure or PVG check will be requested if the individual is offered the role. Glasgow Life will discuss any information revealed in a Level 2 or Level 2 with barred list disclosure (under the 1997 Act) or a PVG scheme record (under the 2007 Act) with the individual before making any recruitment decision.

7. We will ask individuals to complete a criminal conviction self-declaration form, where they must disclose any unspent convictions

8. The Rehabilitation of Offenders Act 1974 allows some criminal convictions to become 'spent', or ignored, after a set period, called a 'rehabilitation period'. After this period, and with certain exceptions, individuals do not usually need to disclose these convictions when applying for jobs or volunteering roles.

The length and type of sentence decide the rehabilitation period and whether a conviction can become 'spent'. This means that an individual may be entitled to withhold information on a criminal conviction on the grounds that it's 'spent' or forgotten following a period of rehabilitation as detailed under the Act. However, under specific rules (the Order), there are situations where both 'spent' and 'unspent' convictions must still be disclosed. Any individual who applies for a post covered by this Order is not entitled to withhold information about previous convictions on the grounds that they're 'spent' or forgotten.

9. Having a criminal record will not automatically prevent an individual from working with Glasgow Life. The decision will depend on the nature of the role and the circumstances surrounding the offences.

The Rehabilitation of Offenders Act 1974 was introduced to protect people with previous convictions who have not re-offended for a certain period from being discriminated against when applying for jobs. Unless a position is exempt from the Act, we are not allowed to discriminate based on spent convictions.

10. To protect vulnerable groups, such as children and young people, employees or volunteers applying for positions that involve regular work with these groups are exempt from the Rehabilitation of Offenders Act for those roles. This means Glasgow Life can ask individuals to disclose both spent and unspent convictions for these positions.
11. We will encourage individuals to be honest when completing their criminal conviction self-declaration form and ask that it is returned confidentially to a designated person within our organisation. We guarantee that only those involved in the recruitment decision-making process will see this form.

Individuals are not required to self-declare any other spent convictions, regardless of the role they are applying for. If a higher-level disclosure from Disclosure Scotland includes information about a spent conviction for an offence not mentioned above, the individual will not be penalised for not declaring it.

12. We ensure that all staff involved in recruitment decisions at Glasgow Life are properly trained to understand and assess the relevance and circumstances of offences. They also receive training on the laws relating to the employment of individuals with convictions, such as the Rehabilitation of Offenders Act 1974.
13. At interview, or in a separate discussion, we ensure an open and fair conversation about any offences or other matters that may be relevant to the role. This discussion will follow the 'central conversation' approach outlined in the 'Scotland Works For You' guidance. Failure to disclose information directly relevant to the role may result in the withdrawal of the job offer.
14. We will discuss any information revealed in a Disclosure check with the applicant before withdrawing a conditional job offer. Any offences revealed in the Disclosure must be discussed with the applicant before finalising the offer. Only convictions relevant to the role will be considered. Past convictions that are spent, long ago, and do not affect an individual's ability to perform the role safely and competently will not prevent them from being offered a position.