

Recruit With Conviction

Recruit With Conviction Ltd is a Scottish social enterprise specialising in smoothing pathways to safe, suitable and sustainable employment for people with convictions.

Recruit With Conviction is funded through the delivery of training, research and consultancy services to public private and third sector partners.

The core work of Recruit With Conviction is the facilitation of professional workshops for recruiters and the community justice workforce and the development of local networks which build bridges between labour market supply and demand sides for people with convictions. Each workshop we undertake acts as an action research contribution to our wider knowledge base. We have facilitated such workshops throughout Scotland and England with hundreds attending each year.

Other research activities include the Study With Conviction action research project with Scottish Tertiary Education Partners in 2015/16 and transnational research such as our Learning in Prisons project 2012-2015.

The principle of automatic removal of the convictions of children & young people is welcomed and consideration should be given to the submission by the Centre for Youth & Criminal Justice in regard to such convictions.

We recognise the development of the Bill prior to this stage and would again refer to our previous pre-bill submission in regard to the principles of the Bill.

This has been supplemented by the following concerns as to the longer-term accessibility and potential impacts of the future Disclosure system as detailed within the Bill.

Widening of membership

While the need to ensure the safety of the vulnerable is accepted as paramount the increased use of Disclosure in recruitment will detrimentally impact on those with previous convictions and their access to employment even when passed as a fit person.

It is understood that this has not been the intention however it has been our experience through work with those using the current PVG systems that recruiting staff show significant concerns over new applicants where information is disclosed.

This “offender stereotype” anxiety leads to many recruiting staff perceiving risk as far outweighing any potential benefits as they do not have the requisite understanding of the individual and their convictions. This normally results in those with any disclosure of information not being offered employment and undermines the principles of Fair Work in Scotland.

For applicants who have information to disclose there is a belief that any conviction disclosure will be a bar and individuals will self-de-select from forms of regulated work. The increased use of the regulatory system will further impact on those seeking employment as it will be the expectation that a greater number of occupations will no longer be accessible due to the requirements of membership.

Access to information

Under the terms of the General Data Protection Regulation (2018) the ability for individuals to access their own information from Police Scotland has been made free of charge allowing for individuals to with specialist support to understand the information held and any likely disclosure in terms of employment. This core principle of free access to data held will be lessened by the payments required for membership and will act as a barrier to those seeking employment.

It is welcomed that access for volunteers through the existing systems to allow for free membership is continued, however the issues raised of those seeking work with the vulnerable are lessened by a full understanding of what information will be disclosed prior to application.

The access to non-police sensitive information should therefore be free at the point of access to those who are not seeking vexatious or criminal advantage as a maintenance of the rights of individuals to their information.

Removal of historic convictions

The current system for possible removal of historic conviction information as detailed within the 2015 amendments to the PVG (Act) 07 while welcome has not been viewed as successful. The management of these processes is seen as overly complex and not accessible to those who it is intended to benefit.

The low numbers of removals within the system have been documented in the Punishment in Instalments [Report](#) where of 346 first stage applications for removal only 4 have been examined with 3 retained & 1 removal.

The lack of understanding by individuals of their rights of protection from historic offences is not understood and although the bill has the intention of improving this system there are concerns over both any administration process and the independence of those making such decisions.

Delays of information

Due to the nature of increasing the scope of occupations involved in the system and the processes detailed there is a concern that this is likely to result in delays in receiving information by employers.

While this is again understood as not being intentional and difficult to manage any delays of receipt of clearance are very likely to be viewed by employers as a reason for further investigation or concerns over an applicant. Our experience with employers has been that this is most likely to lead to removal of employment offers as questions have been raised and the perception of risks are consequently higher.

Independent verification & appeals

The objective use of Other Relevant Information within the current PVG process and developments within the Bill are accepted as a methodology for a more proportionate response to the use of conviction information.

The planned use of an independent verifier allows for a distanced viewpoint on initial ORI, appeals both against decisions & historic removals is an important step. The independence of this must however be maintained and be clearly distanced from Disclosure Scotland as an agency.

The role should be further enhanced by allowing for the verifier to act as a method of evaluation of the expanded disclosure system with the consequential ability to challenge procedures as they develop.

The verification process and its associated timescales should be made clear to all those involved within the new system as a means of addressing the concerns over delays as described.

Both by providing this tangible distance and constructive oversight any concerns over the independence should be alleviated and confidence in the decision-making process a being part of a progressive approach to safety and security of the vulnerable.

In closing the Disclosure (Scotland) Bill has made a strong start to the development of a more modern approach to higher levels disclosures and we look forward to the ongoing discussions of its development.

Dughall Laing
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Recruit With Conviction
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