Livingston Swimming Club

RECRUITING PEOPLE WITH CONVICTIONS POLICY

Safeguarding Guidance Document

Introduction

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 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.

Scottish Swimming and their affiliated Clubs treat 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 in a disclosure certificate.

Self-Declaration

Scottish Swimming 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 the Scottish Swimming recruitment process, the applicant should complete a self-declaration form which will be used together with the PVG information to assess the applicants suitability to carry out the role.

The rules around what an individual needs to disclose are complex and it may be difficult to know what should and should not be disclosed. Scottish Swimming should, therefore, only be told about unspent convictions and relevant spent convictions. An individual should not tell Scottish Swimming 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.

Once in post, any member of staff or volunteer who gains any new convictions, must complete the self-declaration form again. 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.

To support the recruitment decision, it is recommended that Scottish Swimming clubs should follow this process for recruiting volunteers both for regulated and non-regulated roles.

Disclosure Certificate

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

When Scottish Swimming receive a copy of an individual's disclosure certificate, they will compare it to the self-declaration form which the individual has completed. If there are any discrepancies between the details on the two documents, Scottish Swimming will arrange to discuss this with the individual.

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Scottish Swimming will not make any judgement on the reasons that information differs prior to our discussion as we understand that the rules around what information an individual should share with us is complex. Where the Club is the recruiting body then authorised persons at Scottish Swimming will communicate as required with the Wellbeing & Protection Officer and/or Club Chairperson with regards to this information as appropriate

How we will use disclosure information

Any information disclosed with Scottish Swimming will be treated in the strictest confidence and only authorised 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 the individual, only the information which Scottish Swimming require support or guidance on.

Where information has been detailed on the self-declaration form but is not shared on the disclosure certificate, Scottish Swimming must always disregard this information as this means that the individual has provided information that they were not required to share with Scottish Swimming.

Scottish Swimming does, however, need to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or to one of our Clubs. In order to ensure we carry out a fair and consistent practice when we assess any conviction or vetting information, Scottish Swimming 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 Scottish Swimming determine that the disclosed information makes an applicant unsuitable for the role, they will withdraw the job or volunteering role offer if it is with Scottish Swimming. If the role is with one of the affiliated clubs, Scottish Swimming will provide a recruitment suitability recommendation to the Wellbeing & Protection Officer and/or Chairperson at the club. For those already in post, this may result in dismissal. The reason(s) for the decision will be fully explained to the individual.

Appeals

If an individual feels that the risk assessment has not been carried out appropriately or that the decision of Scottish Swimming is unfair, the individual has the right to appeal.

Should you wish to appeal a recruitment decision please submit your appeal in writing to Elaine Mackenzie, Director of Services e.mackenzie@scottishswimming.com within 14 days of receipt of the decision being

communicated to you clearly indicating your reasons for appeal. (R14.1 of the Scottish Swimming Governance) The appropriate appeal fee (£100) must accompany the appeal. The process will be progressed as quickly as practically possible.