

Policy on the Recruitment of Ex-Offenders

1. The Scottish Court Service complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes.
2. This policy is made available to all Disclosure applicants on our website at the outset of the recruitment process.
3. Due to the sensitive nature of the Scottish Court Service's operations we are warranted under the Rehabilitation of Offenders Act 1974 (Exclusions & Exceptions) (Scotland) Order 2003 to ask applicants whether they have any previous convictions (both spent and unspent).
4. All applicants are made aware at the initial recruitment stage that the position will be subject to a Disclosure and that the Scottish Court Service will request the individual being offered the position to undergo an appropriate Disclosure check.
5. As Disclosure forms part of the recruitment process within the Scottish Court Service, all applicants are asked to provide details of their criminal record at the application stage. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
6. Having a Criminal Record will not automatically debar you from working with the Scottish Court Service. This will depend on the nature of the position, together with the circumstances and background of your offences or other information contained on a disclosure certificate or provided to us by a police force.
7. Applicants who declare on their application that they have been **charged but not convicted** of an offence will not be sifted out for that reason. However, if you are then convicted of that offence, any offer of employment may be withdrawn.
8. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
9. We undertake to discuss any matter revealed in a Disclosure Certificate¹ with the subject of that Disclosure before considering withdrawing a conditional offer of employment.

¹ We are only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by a police force.

10. We ensure that all those in the Scottish Court Service who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders.
11. The Scottish Court Service complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997 ("the 1997 Act"), for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes. It also complies fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a [written policy](#) on these matters.
12. If you require any additional information or have any questions pertaining to this policy please contact recruitment@scotcourts.gov.uk