



Policy on Retrospective Disclosures and the Discovery of Ex-offenders working within The Marine Society & Sea Cadets

1. The Marine Society & Sea Cadets is fully committed to safeguarding the welfare of all children and young people in its care. It recognises its responsibility to take all reasonable steps to promote safe practice and to protect children from harm, abuse and exploitation.

2. In an effort to ensure the wellbeing and safety of the children (cadets) in its care the MSSC will from time to time require its employees that are appointed to a 'relevant position' (either with access to young people or to their records) to undergo a disclosure check via the Criminal Records Bureau (CRB).

The MSSC complies fully with the Code of Practice, issued by the CRB, in connection with the use of information provided to registered persons and other recipients of information for the purposes of assessing applicants' suitability for positions of trust. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

The MSSC also complies fully with the Code of Practice, issued by Scottish Ministers, in connection with the use of information provided to registered persons and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

3. We undertake to make every subject of a Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.

4. We have a written policy on the recruitment of ex-offenders, which will be made available to all Disclosure applicants at the outset of the recruitment process.

5. All existing employees must inform the Company Secretary in writing of any criminal convictions acquired during employment with the MSSC. Failure to do so may result in disciplinary action being taken.

6. All information disclosed will be treated confidentially and only viewed by those who are in a position to make any relevant decision.

7. Failure to reveal information about convictions acquired during employment with the MSSC could lead to termination of the appointment.

8. An Enhanced Disclosure will only be sought where this is considered proportionate and relevant to the particular position. This will be based on an assessment of that position.

9. Employees who unreasonably refuse or fail to complete a Disclosure Form may be subject to the organisation's disciplinary procedure which may result in dismissal under the terms and conditions of employment.

10. We undertake to discuss any matter revealed in a Disclosure with the subject of that Disclosure before deciding on the procedure to take with an employee.

11. If a Disclosure is made about an employee, which appears to be incompatible with the position held by the subject of the Disclosure, the following routine will be instigated:

a. The employee will be invited to attend an interview with the Company Secretary and/or the Lead Signatory to clarify and expand on any of the information disclosed. The Company Secretary and/or the Lead Signatory will determine the relevance of the convictions to the post and the decision will be recorded. The Company Secretary is responsible for the final decision in relation to relevant convictions.

In particular, when considering the relevance of a criminal record, an assessment will be based on:

- i. the seriousness of the offence and its relevance to the safety of service users, other employees, clients and property;
- ii. an examination of any relevant information regarding the circumstances leading up to the offence;
- iii. whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- iv. the length of time since the offence took place;
- v. the level of supervision required and available, and the ability to manage risks and provide safeguards;
- vi. whether the offence has since been decriminalised by Parliament;
- vii. whether the post involves any direct responsibility for finance or items of value;
- viii. whether the offence was a 'one-off' or part of a history of offending;
- ix. the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

b. The employee has the right to appeal to the Chief Executive Officer (provided that their offence does not legally preclude them from employment with access to young people).

c. The Chief Executive Officer is responsible for the final decision in relation to appeals. The Chief Executive Officer's decision is final.

12. Convictions that have been gained whilst in employment, which are deemed to be relevant to the post currently held may lead to dismissal from the organisation.

13. Convictions that have been gained whilst in employment (that are not disclosed) and are deemed not to be relevant to the post currently held may lead to disciplinary proceedings

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH THE MARINE SOCIETY & SEA CADETS. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES.