



Social Security Scotland  
Tèarainteachd Shòisealta Alba

# **Social Security Scotland**

## **Equality Impact Assessment Record**

### **Recruiting with Convictions policy**

Dignity,  
fairness,  
respect.

## 1. Screening

### What is the aim of the proposed activity?

The aim of this activity is to assess the impacts this policy may have on stakeholders with protected characteristics and to ensure that we mitigate any negative impacts the implementation this policy may have on our stakeholders. It is also important to design a policy which ensures a positive experience for all stakeholders throughout the recruitment process in line with our values of dignity, fairness and respect

Social Security Scotland is building a workforce to reflect the diverse nature of Scotland's population. It is important that we have an official process and policy in place for recruiting candidates with convictions and this is communicated to all candidates

### Who will it affect?

As an inclusive employer we do not want to add any further barriers for our candidates. Having an official disclosure policy and process in place for recruiting candidates with convictions and making it available to view ensures that candidates with convictions do not automatically exclude themselves from applying for our vacancies. It is imperative that this policy is completely transparent and the process of each stage is clearly defined.

The Recruiting with Convictions process and policy may have an impact on people with protected characteristics. In addition to protected characteristics, we will consider any wider people impacts, for example those from lower socio-economic backgrounds. Socio-economic status is not a protected characteristic under the Equality Act 2010, however the assessment process highlighted that this new process could potentially have an impact on candidates from the most disadvantaged socio-economic backgrounds, carers, care experienced people and those from remote areas such as island communities.

## 2. Exploratory workshop results

In assessing the impact of the updated process and policy, evidence was collated from :

- National statistics gathered by the Scottish Government or similar national bodies and various other relevant studies, reports and surveys
- Responses from organisations that support those with protected characteristics such as employability providers and third sector organisations
- Recruit with Conviction and Community Justice Scotland
- Disclosure Scotland

The evidence available indicated that the content of the proposed policy will have an overall positive impact. Implementing a Recruiting with Convictions policy and the proposed process will ensure all candidates applying for roles within Social Security Scotland, current employees and clients are aware that we do recruit candidates with convictions, how the convictions are assessed, the process and what information we require before a formal offer of employment can be confirmed. The proposed policy will also ensure no candidate will be treated unfairly on the basis of their previous convictions or other information revealed.

### 3. Data and evidence gathered

This section includes the results of the evidence gathering (including the framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or Social Security Scotland management information.

The management information included below contains aggregated figures on Social Security Scotland's recruitment campaigns drawn from a live administrative system used to manage recruitment activity. These figures are based on a data cut taken on 2 March 2021. As this management information is taken from a live system, figures may change in future data cuts due to the system being updated (e.g. if candidates are offered positions from a reserve list).

The difference in figures between 'Successful at Interview' and 'Agreed Start Date' are at times due to some candidates being successful at interview stage and being placed on a reserve list awaiting a position as the number of posts available versus successful candidates vary. Candidates are offered employment/posts based strictly on merit, so those who score highest are offered posts first, with a reserve list allowing the business areas to recruit from should another post arise within the 12 month timeframe.

This report contains management information for all campaigns in the Vacancies Online System which have been closed between 06 November 2018 - 31 December 2020 or where at least one applicant has an agreed start date in place on or before 31 December 2020, which includes a total of 225 campaigns. Campaigns receive a closed date when all actions have been completed and all successful candidates have been recruited for a position, allowing the campaign to be closed.

## Characteristics

### All

The number of job vacancies in June to August 2021 was 1,034,000, this was the first time vacancies had risen to over 1 million since records began, and is now 249,000 above its pre-coronavirus (COVID-19) pandemic January to March 2020 level.

Over 11 million people in the UK have a criminal record and people with convictions find it eight times harder to find a job, therefore we would be missing out in a huge pool of talent if we did not consider taking on candidates who have convictions.

In July 2020 it was announced that 88% of offenders released from custody between March and June who were available to work were unemployed. Research has shown that people with convictions released from prison without a job are twice as likely to re-offend, unemployment is the most significant barrier to successful re-integration and makes it harder to maintain stable accommodation or to earn money legitimately. A criminal record is rarely a single barrier to employment and intersects with other barriers such as coming from a lower socio-economic background, housing and education.

Research findings have demonstrated a strong relationship between poverty and crime, and an even stronger relationship between poverty and justice. Poverty has a direct affect on youth violence. Young people living in low income households and those growing up in deprived communities are most likely to engage in violence. Moving into early adulthood, young men who are unemployed for more than a year are more likely to be charged by the police than others.

Furthermore, those who are both unemployed for more than a year and known to the police in their teenage years have an even greater likelihood of being convicted.

Using prison address available and comparing them to Scotland's most deprived area shows there is a clear link between coming from a lower socioeconomic background. In 2019 – 2020 someone arriving at prison is three times more likely to come from the most deprived 10% of areas in Scotland and the proportion of individuals arriving in prison who report having no fixed abode has increased over the past decade.

Over 80% of employers of people with convictions have positively rated their reliability, motivation, attendance and performance. Increasing staff retention and evidence from employers such as Marks & Spencer shows that ex-offenders place a higher value on having a job because of a desire to stay out of prison. This often means ex-offenders have higher levels of loyalty and retention.

The tables included in this document include the total number of applications across all recruitment campaigns, rather than the number of unique applicants. Therefore it is possible that an individual may be counted more than once if they applied to multiple campaigns. Any numbers smaller than five have been suppressed for disclosure control purposes, with the exception of 'unknown' and 'prefer not to say' categories as they do not reveal information about any individuals.

## Age

The table below shows management information on the number and percentage of applications at each stage of recruitment by the age of the applicant.

Age <sup>1</sup>	Applied		Invited to Interview		Offer Date		Agreed Start Date	
	No of Applications	%	No of Applications	%	No of Applications	%	No of Applications	%
<b>Less than 16</b>	*	*	-	0	-	0	-	0
<b>16-19</b>	328	1.9	146	4.0	22	2.1	21	2.5
<b>20-29</b>	4,390	25.8	844	22.9	279	26.1	210	24.7
<b>30-39</b>	4,619	27.1	999	27.1	312	29.1	256	30.1
<b>40-49</b>	3,934	23.1	842	22.9	247	23.1	198	23.3
<b>50-54</b>	2,147	12.6	504	13.7	120	11.2	100	11.8
<b>55-59</b>	1,131	6.6	261	7.1	65	6.1	45	5.3
<b>60-64</b>	343	2.0	66	1.8	19	1.8	14	1.7
<b>65+</b>	24	0.1	5	0.1	*	*	*	*
<b>Unknown<sup>2</sup></b>	*	*	14	0.4	*	*	*	*
<b>All</b>	17,022	100	3,681	100	1,071	100	851	100

1. Age is calculated based on the date the individual applied for the vacancy.

2. This includes any applications where date of birth details have not been provided or where the date of birth is believed to be incorrectly entered due to an improbable age value (i.e. where applicants would be under 14 or over 80 years old).

3. \* denotes small cohorts containing numbers 1 to 4

The below table shows the most up-to-date statistics relating to the age tranches of the active working population.

<b>16-19</b>	<b>20-29</b>	<b>30-39</b>	<b>40-49</b>	<b>50-59</b>	<b>60-64</b>	<b>65 and over</b>
3.3%	20.9%	22.1%	21%	22.7%	7.3%	2.7%

People who spend time in prison are younger on average than the population of Scotland as a whole, The highest percentage of people who spend time in prison are in the age range of 25 to 39 year olds.

In 2019 – 2020 the total amount of convictions received was 75,249. The total amount of these convictions that were committed by offenders in the age range 21- 40 was 45,749.

As part of Social Security Scotland’s commitment to the Young Person’s Guarantee, we are offering 100 opportunities for young people. These will consist of Modern Apprenticeships, internships and work experience placements. We are hoping to attract candidates from under-represented backgrounds.

Due to being a part of the Young Persons Guarantee and the majority of our applicants being from candidates ages 20 – 40 years old, it is likely that we will receive applications from candidates who have convictions.

## Disability

The table below shows management information on the number and percentage of applications at each stage of recruitment by disability.

Disability/Health Condition <sup>1</sup>	Applied		Invited to Interview		Offer Date		Agreed Start Date	
	No of Applications	%	No of Applications	%	No of Applications	%	No of Applications	%
Disability/Health Condition	2,236	13.1	590	16.0	184	17.2	148	17.4
No Disability/Health Condition	9,937	58.4	2,207	60.0	802	74.9	669	78.6
Prefer not to say	4,849	28.5	884	24.0	85	7.9	34	4.0
Unknown <sup>2</sup>	-	0	-	0	-	0	-	0
All	17,022	100	3,681	100	1,071	100	851	100

1. This is based on applicants answer to the question 'Do you have a health condition or disability?'

2. This includes any applications where details on disability and health condition are not available.

The table below shows management information on the number and percentage of applications at each stage of recruitment that requested a Guaranteed Interview

Guaranteed Interview?	Applied		Invited to interview		Offer Date		Agreed Start Date	
	No of applications	%	No of applications	%	No of applications	%	No of applications	%
No	15,829	93.0	3,343	90.8	970	90.6	775	91.1
Yes	1,193	7.0	338	9.2	101	9.4	76	8.9
All	17,022	100	3,681	100	1,071	100	851	100

Just under a quarter (24%) of adults in Scotland reported having a limiting long-term health condition in 2019, one percentage point more than the year before.

In 2019, the employment rate for those classed as disabled under the Equality Act 2010 was 49.0 per cent which is significantly lower than the employment rate for non-disabled people (81.6 per cent). In 2019, the disability employment gap was 32.6 percentage points.

In 2019 – 2020 between 8% and 10% of people who spent any time in prison over the past 10 years self-identified as being disabled. On entry to prison, people are asked 'Do you consider yourself to have a disability?'. As this is a self-reported status it does not necessarily capture all the physical or mental needs of a person entering custody and should be viewed as a proxy measure only.

Social Security Scotland is committed to recruiting a workforce reflective of the Scottish population by continuing to work with external stakeholders that represent people with disabilities to make our application process more accessible to different groups.

We will support people with additional needs, making sure that appropriate adjustments are in place throughout the recruitment and pre-employment process.

## **Gender reassignment**

In the LGBT survey, 80% of respondents aged 16-64 had been in employment at some point in the 12 months preceding the survey. Trans people were less likely to have had a paid job in the 12 months preceding the survey (65% of trans women and 57% of trans men had one).

Twenty seven percent of trans respondents with a job in the preceding 12 months had not been open about their sexual orientation or gender identity with any of their colleagues at the same or a lower level. Respondents were even more likely to say that they had not been open with any senior colleagues (38%) or any customers or clients (64%).

The Gender Recognition Act 2004 allows trans people to apply for a Gender Recognition Certificate. This allows them to change the gender marker on their birth certificate following transition, bringing it in line with other documentation, and also to be legally treated in the gender in which they identify. The Act does not cover non-binary gender identities. Of the trans men and trans women respondents, 12% who had started or finished transitioning said they had a gender recognition certificate.

Transgender people applying for a disclosure can apply using a special process. This means that only Disclosure Scotland need to be told about previous gender. If people apply through this route, disclosure certificates will show their current name and will not include any previous names. Social Security Scotland acknowledge this process and have amended the policy to include advice for transgender applicants

It is essential that documentation is kept confidential and we ensure that any information disclosed as part of the pre-employment process in relation to gender reassignment (or any other confidential information) is not shared with their line manager or colleagues. Social Security Scotland will not disclose if anyone is trans or that they have transitioned or are transitioning unless it obtains their written consent to do so.

## Marriage and Civil Partnership

When applying for a Disclosure Certificate the applicant will be asked to provide their present surname and forename(s), Mother's Maiden/Family name, mother's surname at the time of her birth and any other names they have been known by. This section includes names from marriage, adoption, or changes of name by other means.

As part of our pre-employment checks, if a candidate has changed their name and provides documents where the name differs they will be required to provide a marriage certificate or proof of their name change.

## Pregnancy and Maternity

No evidence highlighted during evidence gathering.

## Race

Reflecting the characteristics of Scotland as a whole, the majority of people who spend time in prison identify as White. The proportion of individuals who spent time in prison over the last ten years and were in an ethnic group other than 'White' was between 3.7% and 4.3%; broadly in line with the profile of the Scottish population as a whole (4% on census day 2011).

The table below shows the individuals spending any time in prison and incarceration rates by ethnicity: 2019 – 2020.

	Individuals	Percentage per 1000
<b>White</b>	16,474	3.8
<b>Asian, Asian Scottish or Asian British</b>	312	2.5
<b>African, Caribbean or Black</b>	240	7.6
<b>Mixed or multiple ethnic groups</b>	78	4.5
<b>Other ethnic groups</b>	187	6.9



The table below shows the number and percentage of applications at each stage of recruitment by ethnicity

Ethnic Group	Applied		Invited to Interview		Offer Date		Agreed Start Date	
	Number of Applications	%	Number of Applications	%	Number of Applications	%	Number of Applications	%
<b>White</b>	15,536	91.3	3,431	93.2	1,006	93.9	805	94.6
<b>Ethnic Minority<sup>1</sup></b>	1,191	7.0	182	4.9	50	4.7	36	4.2
<b>Prefer not to say</b>	292	1.7	67	1.8	14	1.3	9	1.1
<b>Unknown<sup>2</sup></b>	3	0	1	0	1	0.1	1	0.1
<b>All</b>	17,022	100	3,681	100	1,071	100	851	100

1. 'Ethnic minority' includes: African, Caribbean or Black; Asian, Asian Scottish or Asian British; Mixed or Multiple Ethnic Group; Other Ethnic Group.

2. This includes any applications where details on ethnic group are not available.

## Religion and Belief

No evidence highlighted during evidence gathering.

## Sex

The table below shows the number and percentage of applications at each stage of recruitment by gender

Gender	Applied		Invited to Interview		Offer Date		Agreed Start Date	
	Number of Applications	%	Number of Applications	%	Number of Applications	%	Number of Applications	%
<b>Female</b>	9,379	55.1	2,123	57.7	647	60.4	510	59.9
<b>Male</b>	7,397	43.5	1,497	40.7	411	38.4	329	38.7
<b>Prefer not to say</b>	241	1.4	58	1.6	12	1.1	11	1.3
<b>Unknown<sup>1</sup></b>	5	0	3	0.1	1	0.1	1	0.1
<b>All</b>	17,022	100	3,681	100	1,071	100	851	100

There are approximately equal numbers of men and women in the population as a whole, but 85% of people arrested are male, around 75% of those prosecuted are male and 95% of people who go to prison are male, meaning women only make up 5% of the total prison population. Also at least one-third of the adult male population and nearly one in ten of the adult female population is likely to have a criminal record and men consistently make up the majority of people in prison.

In the period of 2019 -2020 62,126 men were convicted of a crime compared to 13,123 of women who were convicted. In both sexes the majority of the crimes were committed by people aged 21-40 years old.

These statistics suggest that due to the high number of staff we are recruiting it is probable that a percentage of the candidates will have convictions.

## **Sexual Orientation**

The Scottish Prison Service Equality Outcomes 2017-2020 (Scottish Prison Service, 2017) show that only 2.3% of the prison population identified as anything other than heterosexual. This number is far below estimates for the wider population, it has been suggested that it may be due to LGBT+ people in prisons may being reluctant to disclose their sexual orientation and/or gender identity for fear that they will face discrimination or abuse for their identity.

## **Island Communities**

No evidence highlighted during evidence gathering.

## **Caring Responsibilities**

No evidence highlighted during evidence gathering.

## **Corporate Parenting**

Looked after children and care leavers have long been over-represented in UK prisons. Research published by the Social Exclusion Unit in 2002 suggested that 27% of the adult prison population had once been in care. There is extensive research indicating that adverse family experiences, which may lead to young people being taken into local authority care, are associated with an increased risk of youth antisocial behaviour and offending. Young people who are taken into care as a teenager are also more likely to commit proven offences than those going into the system only at a younger age. Research from the UK on a small sample of 100 children, comparing children in care who had offended with those who had not, found that being a teenager on entry into care was associated with a higher likelihood of offending

In a 2019 Prison Scotland survey one quarter of prisoners indicated that during their upbringing they had been in care (25%) and of these six in ten had been in care at the age of sixteen (60%). Two thirds of those reporting were cared for in a residential home (64%). One third spent time in a secure unit (33%) and three in ten were looked after in a foster family (30%). Sixteen percent were cared for by a family member and a minority 8% specified 'other'.

As part of Social Security Scotland's Corporate Parenting Action Plan we have committed to working with Who Cares? Scotland to identify individuals who are interested in career conversations with Social Security Scotland colleagues, creating mentoring and work experience programmes along with internships for Care Leavers. We have also had discussions with

Disclosure Scotland to promote understanding of barriers to employment that care leavers may face.

As part of Social Security Scotland’s commitment to the Young Person’s Guarantee we are engaging with stakeholders who represent young people and candidates from underrepresented backgrounds which includes care leavers.

## 4. Assessing the impacts and identifying opportunities to promote equality

Characteristic Group	Potential for Positive / Negative impact	Reason for your decision	Action to mitigate negative impact
All	Overall positive impact	<p>This policy will ensure that there is an official process in place for all candidates with convictions. The policy will ensure that all candidates are aware how our organisation processes conviction information provided to us either through self-disclosure or a disclosure certificate and also how we consider the impact previous convictions may have on a person’s ability to carry out the role they have applied for.</p> <p>The policy will be made available to all candidates to view on all of our external job adverts.</p>	Please see Stage 2 for actions we will take to mitigate risks.
Age	Potential positive impact	<p>Research has shown that people in the age range of 21- 40 have the highest number of convictions and this is the age range we receive the majority of our applications from, therefore it is likely that some of these candidates may have convictions.</p> <p>Having an official policy in place and made available to our candidates inform them of our process at every stage and assure them that we do employ</p>	We will continue to engage with stakeholders to promote our vacancies and our Disclosure policy and process.

		<p>candidates with conviction and what information we require before an official offer of employment can be made.</p>	
<b>Disability</b>	Potential Positive impact		<p>We will support people with additional needs, making sure that appropriate adjustments are in place throughout the recruitment and pre-employment process</p>
<b>Gender Reassignment</b>	Potential positive and negative impact	<p>Transgender candidates may be wary of applying for our role due to requiring a Disclosure certificate and may be concerned about document showing previous names.</p>	<p>Transgender candidates can apply for their disclosure certificate directly with Disclosure Scotland, If people apply through this route, disclosure certificates will show their current name and will not include any previous names. If a candidate wishes to use the manual process for their Disclosure Scotland check , how to apply directly via Disclosure Scotland is included in our policy and our pre-employment team will accept the certificate without question.</p>
<b>Marriage or Civil Partnership</b>	No impact		
<b>Pregnancy and maternity</b>	No impact		
<b>Race</b>	Potential positive impact	<p>The majority of adults with a conviction are white but in general, minority ethnic groups appear to be over-represented in the criminal justice system compared with the White ethnic group. As our</p>	<p>We will continue to engage with third sector organisations to seek advice and feedback.</p>

		recruitment statistics show , the majority of our applicants are white but we also receive application from various Ethnic Minority groups.	
<b>Religion and belief</b>	No impact		
<b>Sex</b>	Potential positive impact	Men are more likely to have a conviction that women. At the moment the majority of our candidates who apply for our roles identify as female, having an official policy in place and advising potential candidates that we do hire people with convictions may encourage more males to apply for our roles	
<b>Sexual orientation</b>	No impact		
<b>Island Communities</b>	No impact		
<b>Caring Responsibilities</b>	No impact		
<b>Corporate Parenting</b>	Positive Impact	As part of our Young Person's Guarantee we are encouraging applications from care leavers for our Modern apprentice roles and Internships placements.  Research has shown that looked after children and care leavers are more likely to have convictions than other children, therefore candidates with this background may not consider a career with the Civil Service due to a Disclosure Certificate being required. This policy reinforces that we do hire candidates with convictions and all of the information we consider before a decision is made.	
<b>Part time Workers</b>	No impact	.	

## 5. Decision making and monitoring

### How has the Equality Impact Assessment analysis shaped the proposed activity process so far?

The Equality Impact Assessment shaped the way in which candidates can declare their conviction.

#### Current Process

A Baseline Personnel Security Standard (BPSS) clearance check is a legal requirement for all UK civil servants, part of these checks include providing a recent Disclosure Certificate. The level of disclosure required will depend on the job role.

Following a conditional job offer, our pre-employment system Amiquis will automatically request a Basic, Standard or Enhanced Disclosure check to be completed on the candidates behalf. A Basic Disclosure includes information on any 'unspent' convictions the person has. Standard and Enhanced Disclosures involve higher level checks than a Basic. The job advert will specify which level of Disclosure is required for the job role.

At the moment there is no "Recruiting People with Convictions" policy in place. There is currently an informal process in place at the moment which is:

- We do not require or encourage candidates to declare convictions until the pre-employment stage.
- If any relevant convictions appear on the candidates Disclosure Certificate, an HR manager will have a discussion with the candidate to gather more information such as the circumstances surrounding the conviction/s
- Before making a decision on whether job offer will remain or if the offer will be withdrawn the HR manager will also consider the seriousness of the offence and its relevance to other employees, clients and the role applied for, the length of time since the offence occurred, and if the offence was a one-off or if there is a pattern of offending behaviour.
- Any information disclosed is treated in the strictest confidence and only people required to see the information to help assess it will have access to it.
- If the HR manager is required to seek support or guidance from our legal department, we ensure that we do not share any information which could identify the candidate, only the information which we require support or guidance on is shared.

In the proposed policy and process candidates do not have to disclose details of their criminal convictions before a conditional job offer is made. Some candidates with previous convictions however may wish to discuss the potential impact of these on their employment with the Agency. The new process offers an opportunity to discuss any convictions at an early stage in the application process and will provide details of how to get in touch with a HR manager. This information may prevent candidates automatically excluding themselves from our job opportunities due to previous convictions. At all stages candidates will be advised that no decision will be made on an unconditional offer of employment until we receive their Disclosure Certificate, and all information is gathered. The Disclosure will be applied for the candidate on behalf of Social Security Scotland therefore candidates will not incur any costs for the Disclosure certificate. This may have a potential positive impact on candidates who come from a lower socio-economic background and may have been put off by the costs of the certificate.

## **How will the Equality Impact Assessment analysis help develop better outcomes for people and communities?**

Implementing a Recruiting People with Convictions policy and the proposed process will ensure all candidates applying for roles within Social Security Scotland, current employees and clients are aware that we do recruit candidates with convictions, how the convictions are assessed, the process and what information we require before a formal offer of employment can be confirmed.

## **How will the activity be monitored going forward?**

Monitoring and evaluation will be the responsibility of the Resourcing Team through engagement with our internal and external stakeholders, and also including appropriate feedback from candidates.

All actions will be underpinned by the most up to date legal and HR guidance to protect all parties at every stage.

## **Authorisation**

### **Declaration**

I am satisfied with the Equality Impact Assessment that has been undertaken and give my authorisation for the results to be published on the Social Security Scotland website.

**Name: James Wallace**

**Position: Deputy Director**

**Date: 24/11/2022**

## List of References

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- University of Bristol - Looked after children and youth justice (2017)
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- [Welcome to Recruit With Conviction - Recruit With Conviction](#)