



Social Security Scotland
Tèarainteachd Shòisealta Alba

Social Security Scotland Equality Impact Assessment Summary Report Recruiting with Convictions policy

Dignity,
fairness,
respect.

Background

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

Outline the purpose of the document

Social Security Scotland is proposing to introduce a Recruiting with Convictions policy which will include our decision making process and how candidates can declare their conviction.

The Scope of the Equality Impact Assessment

To assess the impact a Recruiting with Convictions policy may have on stakeholders with protected characteristics and to ensure that we mitigate any negative impacts the implementation of this policy may have on our stakeholders

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 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.

It is 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.

Key findings

By creating and implementing this policy, Social Security Scotland will ensure that our disclosure policy is applied fairly and consistently. Any information revealed which is not deemed relevant will be disregarded and will have no bearing on the outcome of recruitment selection. The selection for interview and the outcome of the interview will solely be based on skills, qualifications, knowledge and experience.

The policy has been shared with Recruiting with Conviction and Community Justice Scotland. We have had conversations with both organisations and have made changes to the wording and layout following their suggestions.

Disability

Evidence:

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.

Impact:

Potential positive impact and we will continue to will support people with additional needs, making sure that appropriate adjustments are in place throughout the recruitment and pre-employment process.

Age

Evidence:

Research has shown that people in the age range of 21- 40 have the highest number of convictions. 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. Having an official policy in place and made available to our candidates informs them of our process at every stage and assures them that we do employ candidates with convictions, and what information we require before an official offer of employment can be made.

Impact:

Potential positive impact, we will continue to engage with stakeholders to promote our vacancies and our Disclosure policy and process.

Gender Reassignment

Evidence:

The National LGBT survey states, that 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).

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.

Impact :

Potential positive and negative impact as transgender candidates may be wary of applying for our roles due to requiring a Disclosure certificate and may be concerned about document showing previous names

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.

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

Evidence :

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.

Impact :

No specific impacts were identified for this protected characteristic. 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

Evidence :

No evidence highlighted during evidence gathering

Impact :

No specific impacts were identified for pregnancy and maternity

Race

Evidence :

Reflecting the characteristics of Scotland as a whole, the majority of people who spend time in prison identify as White. However minority ethnic groups appear to be over-represented in the criminal justice system compared with the White ethnic group. The majority of our applicants are white but we also receive applications from candidates from various Ethnic Minority groups.

Impact:

Potentially positive impact and we will continue to engage with third sector organisations to seek advice and feedback.

Religion or Belief

Evidence :

No evidence highlighted during evidence gathering

Impact :

No specific impacts were identified for Religion or Belief

Sex

Evidence :

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.

Impact :

Potentially positive impact. At the moment the majority of our candidates who apply for our roles identify as female however, 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

Sexual Orientation:

Evidence :

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 being reluctant to disclose their sexual orientation and/or gender identity for fear that they will face discrimination or abuse for their identity.

Impact :

No specific impacts were identified for Sexual Orientation. As part of our pre-employment process we do not ask for candidate's sexual orientation.

Island Communities

Evidence :

No evidence highlighted during evidence gathering

Impact :

No specific impacts were identified for Island Communities

Caring Responsibilities

Evidence :

No evidence highlighted during evidence gathering

Impact :

No specific impacts were identified for candidates with Caring Responsibilities.

Corporate Parenting

Evidence :

Young people who are taken into care as a teenager are more likely to commit proven offences than those entering the system 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.

Impact:

Potential positive impact. 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.

Part-time Workers

Evidence :

No evidence highlighted during evidence gathering

Impact :

No specific impacts were identified for Parttime Workers.

Recommendations and Conclusions

This Equality Impact Assessment has identified that overall, having a Recruit with Convictions policy would have a positive impact on people with protected characteristics. It is imperative that as an organisation we continue to engage with third sector organisations to seek feedback.

The Recruit with Convictions policy should be available for all candidates to view on our website, this will ensure that our recruitment process is completely transparent.

