

STATEMENT ON CRIMINAL CONVICTIONS

WI-HR-005





1. INTRODUCTION

At SSE, we carry out background checks to ensure that we comply with our legal obligations as an employer and for the purposes of safeguarding our people, property and assets, as well as our customers and members of the public. A criminal record check is carried out for all prospective employees and for internal moves where the role demands. In line with our obligations under Ofgem licensing conditions, we will also require employees who deal with vulnerable and Priority Services Register (PSR) customers and those with significant managerial responsibility to complete an annual form to declare any charges or convictions or confirm that none have been incurred.

2. PROCESSES

2.1 PRE EMPLOYMENT BACKGROUND CHECKS

During the pre employment background screening process, unspent criminal convictions may be identified and in some limited cases, “unprotected” spent convictions, (subject to the scope of the check carried out). HR has a role to balance both the need to protect the company, its staff and the members of the public that we serve, together with our obligations under the Rehabilitation of Offenders Act 1974 in Great Britain, the Rehabilitation of Offenders (Northern Ireland) Order 1978, and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 in the Republic of Ireland. A person’s criminal record will not debar that person from appointment and suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

Background checking process

When offered a post, the candidate will be sent an invite from our third-party contractor to complete an online questionnaire. The candidate will click on a link within the email which directs them to the secure candidate portal, at which point the candidate registers and a unique login and password are emailed to them immediately. The candidate will then complete the questionnaire and upload the required documents.

Examples of the documents (which may vary depending on what the candidate can supply) include:

- Proof of Identity – (e.g., passport, birth certificate, drivers’ licence and national insurance card)

- Proof of address (UK only) – dated within the last 3 months (e.g., utility bill, bank statement, or document issued by the government or local authority)

Background checking will begin after a 48-hour data review period by the third-party contractor once the candidate has completed the online questionnaire and uploaded the required documentation. This is to ensure that they have all the relevant documents and information from the candidates for the checks to commence.

2.2 SELF DECLARATION PROCESS FOR EXISTING EMPLOYEES

SSE has an obligation under Ofgem licensing conditions to ensure that employees who deal with vulnerable and Priority Services Register (PSR) customers and those with significant managerial responsibility are fit and proper to occupy those roles.

In order to comply with our licensing obligations, all employees who as part of their role, visit or enter customers' premises or land, work with vulnerable and Priority Services Register (PSR) customers and/or have Significant Managerial Responsibility or Influence (see definition below) are required to complete an annual Self Declaration Form to disclose criminal charges and/or convictions, or confirm that none have been incurred.

Significant Managerial Responsibility or Influence means a person who plays a role in:

- a. the making of decisions about how the whole or a substantial part of a licensee's activities are to be managed or organised, or
- b. the actual managing or organising of the whole or a substantial part of those activities.

Within SSE Energy Supply Limited, Significant Managerial Responsibility includes:

- All Directors of SSE Energy Supply Limited (ESL)
- Members of the SSE ESL Executive Committee who 'play a role in the making of decisions about how the whole or a substantial part of a licensee's activities are to be managed or organised'
- Business Energy Senior Leadership Team
- Legal persons who have influence over SSE ESL due to the stake they hold.

This is in line with the terms of SSE contracts of employment and the SSE Joint Agreement which require employees to declare criminal charges and convictions incurred whilst employed at SSE. In addition, the [SSE Employee Rules](#) state that it may be considered as gross misconduct if an employee fails "to declare a criminal charge or conviction incurred whilst employed by the Company to the relevant line manager or member of the HR Team, thereby preventing investigation into how this may impact the performance of duties".

Employees must declare any charges or convictions to their line manager or a member of the HR Team as soon as they are incurred – it is not permitted to wait for the form to be issued before

making a declaration. Any charges or convictions declared on the form which have already been disclosed and acted upon will be disregarded.

Disclosures will be dealt with in keeping with our obligations under the Rehabilitation of Offenders Act 1974 in Great Britain, the Rehabilitation of Offenders (Northern Ireland) Order 1978, and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 in the Republic of Ireland. No action will be taken against employees as a result of the disclosure of offences which are not relevant to, and do not place them at or make them a risk in, the role which they perform.

Disclosure Process

On an annual basis, employees who, as part of their role, visit or enter customers' premises or land; or deal with vulnerable and Priority Services Register (PSR) customers; or are deemed by Ofgem to have 'significant managerial responsibility or influence' will be sent an invite from the New Contracts and Changes team to complete the self-declaration form. Employees will click on a link within the email which directs them to the SharePoint site where they can complete the form.

Employees will be asked to disclose any pending charges or unspent convictions. A pending charge is where someone has been charged by the police and it is currently pending further decision by the police or proceedings in court. Employees will not be asked to disclose any spent convictions. Nor will they be asked to disclose any driving related penalties which do not result in a court conviction. Any driving related penalties should be declared through the permit to drive process.

Employees who visit or enter customers' premises or land as part of their role and/or deal with vulnerable and Priority Services Register (PSR) customers will be asked to confirm that they are not currently on any Barred List with the Disclosure and Barring Service or Disclosure Scotland, or any other equivalent body. They will also be asked if they have ever been disqualified from working with children, young people or vulnerable adults.

3. LAWFUL BASES FOR PROCESSING

3.1 PRE EMPLOYMENT BACKGROUND CHECKS

SSE is required to process proof of identity data to ensure that we are complying with our legal obligations. For example, it is mandatory to check a successful applicant's eligibility to work in the UK and Republic of Ireland before employment starts and to verify identity for the purposes of the convictions check (UK on).

Before processing personal data relating to convictions as part of pre-employment screening, we will always ask for your consent. Once the convictions screening process is complete unspent criminal convictions may be identified (and in some cases, "unprotected" spent convictions, subject to the scope of the check carried out). The levels and types of check conducted by type of role can be found in the Verification and Vetting Guidelines (WI-HR-045).

3.2 SELF DECLARATION PROCESS FOR EXISTING EMPLOYEES

Ofgem introduced a set of measures to improve standards among energy suppliers and minimise industry and consumer exposure to financial risks and poor customer service. The measures are designed to:

- a. promote more responsible risk management,
- b. improve governance and increase accountability, and
- c. enhance Ofgem's market oversight.

New conditions have been added to both the electricity and gas licences requiring SSE to ensure that any individual who:

- (i) visits or enters customers' premises or land; or
- (ii) deals with vulnerable and Priority Services Register (PSR) customers; or
- (iii) is deemed by Ofgem to have 'significant managerial responsibility or influence'

is fit and proper to occupy their role. To meet these conditions and ensure we have taken all reasonable steps to safeguard our customers and members of the public, these employees will be asked to complete an annual self-declaration form.

If there is reasonable belief that any disclosures made on the self-declaration form may pose significant risk to the Company (including customers and members of the public), the case may be referred for further investigation – see section 6 below for further information.

4. WHAT HAPPENS TO THE DATA

4.1 PRE EMPLOYMENT BACKGROUND CHECKS

Scotland

Where Disclosure Scotland confirm a conviction, the third-party contractor will telephone the HR Service Team Lead for Vetting and Verification to advise the details. A certificate stating the conviction information will also be issued from Disclosure Scotland to the third-party contractor. SSE do not receive a physical copy of this certificate, only a telephone call to advise of the convictions once they are in a possession of the certificate. If the candidate would like a copy, then this can be requested from Security Watchdog.

The HR Service Centre Lead for Vetting and Verification will make the HR Manager and Resourcing Consultant aware there are anomalies. Once the HR Service Team Lead has been given the details by the third-party contractor via telephone, they will then call the HR Manager and provide details of the conviction via telephone. They will then discuss with the Hiring Manager who will then discuss with the candidate direct.

The HR Manager and Hiring Manager will apply the principles in the below section, 'Decision to Hire and Risk Assessment for Criminal convictions'. They will confirm yes to proceed or no to withdraw the offer and they will advise the candidate of the outcome.

England, Wales and Northern Ireland

Where the Disclosure and Barring Service (DBS) (England and Wales) or Access NI (Northern Ireland) confirms a conviction, the third-party contractor will notify the HR Service Centre Team Lead for Vetting and Verification of a conviction, but not any details of said conviction. The certificate is sent directly to the candidate from the Disclosure and Barring Service (DBS). This will be by email or post, selection made by the candidate at the time of completing the checks.

HR Services Team Lead for Vetting and Verification will then make the HR Manager and Resourcing Consultant aware that there are anomalies highlighted. They will then discuss this with the Hiring Manager and will contact the candidate to request a copy of the certificate. The candidate will have 1 week to provide a copy of the certificate to the Hiring Manager/HR Manager/Resourcing Consultant. The recruitment process will pause during this time. If the certificate is sent to the HR Services Team Lead for Vetting and Verification internally, then the sender must ensure that the document is encrypted. If this happens it will be saved within the secure Vetting and Verification Teams Folder and deleted after 3 months to comply with UK GDPR.

The HR Manager and Hiring Manager will apply the principles detailed in the below section ‘Decision to Hire and Risk Assessment for Criminal convictions’. They will confirm yes to proceed or no to withdraw the offer and they will advise the candidate of the outcome.

Republic of Ireland

The Vetting and Verification process in Republic of Ireland is carried out in line with the applicable legislation Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 and GDPR requirements. Relevant candidates will be asked to complete a self-declaration form during the offer and contract process.

The HR Manager and Hiring Manager will apply the principles detailed in the below section ‘Decision to Hire and Risk Assessment for Criminal Conviction’ in the event of any self-declared convictions. They will confirm yes to proceed or no to withdraw the offer and they will advise the candidate of the outcome.

4.2 SELF DECLARATION PROCESS FOR EXISTING EMPLOYEES

Where an employee discloses any of the following, the New Contracts and Changes team will telephone the relevant HR Manager to notify them.

- That they have a pending charge against them
- That they have incurred a conviction which is not yet spent
- That they are listed on any Barred List with the Disclosure and Barring Service or Disclosure Scotland, or any other equivalent body.
- That they been disqualified from working with children, young people or vulnerable adults.

Following the call, the New Contracts and Changes team will share access to the completed form with the HR Manager via the share permission setting.

The HR Manager will arrange a telephone meeting with the employee’s line manager and a member of the Employee Relations team to discuss the impact of the disclosure. See section 6 below for further information on the process.

5. ACCESS TO THE DATA

The only people in SSE who will have access to the criminal convictions are:

- The relevant HR Manager/ Resourcing Consultant (pre employment only)
- The relevant Line Manager/ Hiring Manager
- The HR Service Centre Administrator/ Lead for Verification and Vetting
- Members of the Employee Relations Team

SSE will ensure that information regarding offences is kept confidential, so that applicants and employees feel confident that the information about their convictions will not be disclosed to anyone unless there is a specific reason for doing so.

6. PRE EMPLOYMENT BACKGROUND CHECKS: DECISION TO HIRE AND RISK ASSESSMENT ON CRIMINAL CONVICTIONS

The principles that we apply to make the hire/no hire decisions are as follows:

- convictions relating to Fraud/Theft, Harm to Others and Drugs will likely result in the offer being withdrawn.
- anything else will be considered on its individual merits taking into consideration the job being offered. This may or may not lead to the offer being withdrawn.
- the exception to this are cases where candidates have failed to declare, when given the opportunity, any unspent criminal convictions against them. This will likely result in the offer being withdrawn regardless of the nature of the offence.

The applicant will be given the opportunity to discuss any conviction(s) with a member of SSE staff.

If we have a concern with the conviction identified, then each case will be reviewed individually, and an escalation procedure will be followed. The details will be discussed verbally with those detailed in section 5 of this statement. Consideration will be given to:

- the job that has been offered
- the nature of the conviction
- the persons age at the time of the offence
- how long ago the offence took place
- whether it was an isolated offence or part of a pattern of offending
- the relevance of the offence to the post or position in question
- what else is known about the person's conduct before and since the offence
- level of risk it poses

Following this discussion, a decision will be made to withdraw the offer or let the hiring process continue. Only the decision to hire or not to hire is captured.

It is important that applicants understand that failure to disclose all unspent convictions could result in disciplinary proceedings or dismissal.

7. SELF DECLARATION PROCESS FOR EXISTING EMPLOYEES: INVESTIGATION AND FURTHER ACTION ON CRIMINAL CHARGES/ CONVICTIONS

We will consider the following when deciding whether an investigation and/or further action are required:

- The nature of the conviction – serious convictions relating to Fraud/Theft, Harm to Others and Drugs are likely to result in an investigation and possibly further action in accordance with the Disciplinary Procedure.
- Anything else will be considered on its individual merits taking into consideration the employee's role. This may lead to an investigation and further action being taken.
- The timeliness of the disclosure. As mentioned above, employees must declare any charges or convictions to their line manager or a member of the HR Team as soon as they are incurred. Failure to do so may result in action in accordance with the Disciplinary Procedure.

The employee will be given the opportunity to discuss any conviction(s) with their line manager and the members of the HR team listed above.

If we have a concern with the conviction identified, then each case will be reviewed individually, and an escalation procedure will be followed. The details will be discussed verbally with those detailed in section 5 of this statement. Consideration will be given to:

- the employee's role
- the nature of the conviction
- the person's age at the time of the offence
- how long ago the offence took place
- whether it was an isolated offence or part of a pattern of offending
- the relevance of the offence to the post or position in question
- what else is known about the person's conduct before and since the offence
- level of risk it poses

Following this discussion, a decision will be made to proceed with an investigation and possibly further action under the Disciplinary Procedure.

It is important that employees understand that failure to disclose all unspent convictions could result in disciplinary action up to and including dismissal.

8. DATA MINIMISATION

In compliance with UK and ROI GDPR, the HR Services Team do not retain any of the documentation provided by candidates or third party relating to the candidate's criminal convictions in the SSE systems. In cases where an offer of employment is withdrawn, we will retain the rationale for any decision made for 3 months following the decision to withdraw the offer of employment.

For any candidates who progress to employment, convictions data will be destroyed/deleted once a firm decision to hire has been made.

For existing employees, disclosure forms will be retained in the employee's personal file for 18 months, unless a disclosure results in action being taken under the Disciplinary Procedure. In such cases, the disclosure form and records relating to the disclosure will be retained in the employee's personal file for 6 years, in line with the [HR Data Handling and Retention Procedure](#) (PR-HR-019).

For further information on how SSE handles personal data we collect from you, if you would like to contact us in relation to your rights, or if you are unhappy with how we've handled your information, please click the links below:

[Privacy Notice | SSE](#)

[SSE Job Applicant Privacy Notice](#)