

**Argyll and Bute Council
Community Services – Education**



Disclosure Policy

**The disclosure of criminal history information for
employment and other purposes**

February 2006

Introduction

Part V of the Police Act 1997 introduced a new system of disclosing criminal history information to individuals and organisations for employment and other purposes.

Disclosure Scotland is part of the Scottish Criminal Record Office (SCRO). Its aim is to enhance public safety and to help employers and voluntary organisations to make safer recruitment decisions. It does this by providing disclosure certificates under Part V of the 1997 Act. It issues three levels of certificates known as 'Basic Disclosures', 'Standard Disclosures' and 'Enhanced Disclosures'.

Disclosure Scotland provides criminal history information on anyone seeking employment or voluntary posts, which involve positions of trust such as working with children or vulnerable adults. The service provides access to criminal records and other relevant information held by the police and by government departments and will be available for people who need to prove whether or not they have any criminal convictions.

Organisations are expected to use this information only as one part of their normal processes for checking the suitability of candidates for positions.

Types of Disclosure

There are three types of Disclosure available under the Disclosure Scotland Service. However, since all posts in education require employees to work directly with children, only Enhanced Disclosures are requested.

Basic Disclosures

A Basic Disclosure contains details of convictions considered unspent under the Rehabilitation of Offenders Act 1974. They are available to anyone for any purpose, on payment of the appropriate fee. This type of Disclosure is only issued to the applicant. It is not job-specific and may be used more than once.

Standard Disclosures

The intermediate level of Disclosure is the Standard Disclosure. This includes convictions held on central records but includes both spent and unspent convictions. This means that even minor convictions, perhaps dating from years ago, are included on the Disclosure. The Standard Disclosure is subject to the application first being countersigned by the registered person. A Standard Disclosure will be the minimum level of Disclosure for those involved in regular contact with children and vulnerable adults.

A Standard Disclosure is sent to the applicant, and a copy sent to the relevant registered body.

Enhanced Disclosures

In addition to the details included in Standard Disclosures, Enhanced Disclosures may contain non-conviction information, which a Chief Constable may choose to disclose, which he feels is relevant to the job or voluntary work sought.

This type of Disclosure will be required for:

- those who apply for work that regularly involves caring for, training, supervising or being in sole charge of children or vulnerable adults;
- applicants for registration for child minding, day care and to act as foster parents or carers.

Sources of information

Disclosure Scotland draws on three sources of information: the SCRO database, which is the centralised criminal history information point for police forces in Scotland; the Police National Computer (PNC), which holds centralised criminal history information for police forces in England and Wales; and, where appropriate, local police force records. Where relevant, Disclosure Scotland will also seek information from local police forces in England, Wales and Northern Ireland.

In future, Disclosure Scotland will also be able to access directly the Consultancy Index for Scotland, which will be a central database of information about people who are considered unsuitable to work with children or vulnerable adults.

Access to information

Current access to criminal records and other information held by the police and government departments is available only to a restricted number of organisations. Other organisations and employers, educational institutions, and significantly, most of the voluntary sector, have no way of checking a person's background to help them judge whether someone is suitable for a position. This is considered to be unacceptable and it is intended that such information should be available on a much wider basis. It is expected that, in addition to helping to assist recruiters to make more informed decisions about those seeking positions involving contact with children or other vulnerable members of society, the knowledge that this information is widely available should help to deter unsuitable individuals from applying for these types of positions in the first place.

Management of the Disclosure Process

Applications for Standard and Enhanced Disclosures are endorsed by persons registered with Disclosure Scotland.

Community Services – Education have six registered persons who deal with Disclosure applications, five of whom are based at the Headquarters office in Dunoon. They are:

Christopher Shirley - Quality Standards Manager - Lead Authorised Signatory
Ronald Gould - Head of Service
Barbara Liddell - School Services Support Manager

James McCrossan - Community Learning & Regeneration Manager
Maureen New - Principal Administration Officer - Personnel

Carol Walker - Head of Service (based at Oban Education Offices Oban).

In addition, the following staff are responsible to the registered persons for the administration of the Disclosure process:

Joyce Downie (Volunteers and non-employees e.g. taxi drivers)
Clare Lewis (Assisting Joyce Downie in the preparation of applications)
Amanda McDaid (Teaching and non teaching employees and potential employees on the supply list)
Kate MacKenzie (Sessional Community Education staff)

No other person in the education office deals with the Disclosure process.

The Application Process

The application process requires applicants to provide a range of details: name; date and place of birth; address history; National Insurance number; reason for application. In the case of applications for Standard and Enhanced Disclosures, the application form is signed by the applicant, confirming the accuracy of the information. The signed application form is passed to the relevant registered person for countersignature and return to Disclosure Scotland.

The necessary searches are carried out and the Disclosure will then be printed. The Disclosure will be sent to both the applicant and the counter signatory of the application form.

Arrangements for the Basic Disclosure form are slightly different since no countersignature is necessary.

Procedures for Disclosure Applications

A Disclosure Application form is sent out to all successful applicants for teaching & APT & C posts and all who wish to be included on the teaching and APT & C supply lists.

The Service expects accurate information to be provided by the applicant before endorsement by the registered person. This information comprises:

- Full name and any other names known by;
- Married females must indicate 'Mrs' and provide previous name;
- If Driving Licence, passport or signature indicates middle name(s), these must be provided in full;
- Date and place of birth;
- Provision of as many forms of identity as available;
- A contact telephone number or email address;
- A five year address history;
- A signature.

Once the Disclosure Application form is returned a check is made that the applicant has completed the form as required and that their date of birth is consistent with their birth certificate, driving licence or passport. These documents (if originals) are sent back to the applicant. No copies are retained.

Information from the Disclosure Application is entered on to a secure database. This information comprises: Disclosure Application number, type and date sent; full name and address of applicant; date of birth; title and location of post. The Disclosure Application form is then passed to the registered person for counter-signing.

Once signed the Disclosure Application form is then sent to Disclosure Scotland.

Once the Disclosure Application form has been processed by Disclosure Scotland a Disclosure Certificate is sent to the applicant and a copy sent to the registered body. Any convictions are considered and if necessary, investigated. Once this has been done and authorised a note is added to the database and the copy of the Disclosure Certificate is destroyed by shredding.

The school / contact is informed of the outcome of the Disclosure by letter.

Disclosure Scotland provides regular invoices to the Service for the provision of disclosure certificates.

Ensuring Fair Treatment

It is recognised that people's rights to have this information treated sensitively and confidentially must be protected. All Disclosures are kept securely and are disposed of when decisions based on them have been taken.

Disclosure Scotland will check that we, as a registered body, are complying with the Code and will take steps to rectify any cases of non-compliance.

Individuals who wish to query the accuracy of disclosure information will be able to do so through an appeals procedure. A thorough check of all information will be carried out and, where appropriate, a fingerprint check may be carried out to confirm identity. Where an error is established, this will be corrected and a new Disclosure will be issued to the applicant and where appropriate to the Registered Body.

Retention of Disclosure Information

In general, this should be no longer than six months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should be exceeded only in exceptional circumstances which justify retention for a longer period.

Where however, a Disclosure application is countersigned by a registered person on behalf of others, Disclosure information should not be retained by the registered person after it has been disclosed to those on whose behalf applications were countersigned.

Code of Practice

The Code of Practice is published by the Scottish Ministers under section 122 of the Police Act 1997 in connection with the use of Disclosure information provided to registered persons under Part V of that Act.

Community Services - Education recognises the Code of Practice, drawn up by the Scottish Executive, which governs the use of the information provided by the disclosure process. This policy is based on the Code of Practice and information provided by Disclosure Scotland.

The Code is intended to ensure that the Disclosure information released will be used properly and fairly, that it is handled and stored appropriately and is kept for only as long as necessary and thereafter disposed of securely.

Recipients of Disclosure information must:

- Have regard to any guidance issued by Disclosure Scotland on the use of information;
- Not use Disclosure information for purposes other than those for which it has been provided;
- Not unfairly discriminate against the subject of Disclosure information on the basis of any conviction or other details revealed;
- Not disclose Disclosure information in contravention of section 124 of the Act. (Unauthorised disclosure is a criminal offence);
- Not disclose to the applicant information provided under section 115(8) of the Act, that is information which is supplied to the registered person but which is not shown on the Disclosure;
- Ensure that Disclosures and the information they contain are available only to those who need to have access to them in the course of their duties;
- Securely store Disclosures and the information that they contain during the period they need to be retained;
- Not retain Disclosures or a record of Disclosure information contained within them for longer than is required for the purpose for which the Disclosure was obtained;
- Dispose of Disclosure information in a secure manner, for example by shredding;
- At the request of Disclosure Scotland undertake an audit of their handling, holding and destruction of Disclosure information;
- Report to Disclosure Scotland any evidence of failure, either on their own part or on the part of another party, to comply with this Code of Practice;
- Report to Disclosure Scotland any reasonable suspicion that an offence has been committed under section 124 of the Act.

This policy covers the handling, holding and destroying of Disclosure information.

Failure to comply with Code of Practice may result in Disclosure Scotland refusing to issue a Disclosure

Enquiries concerning this Policy should be addressed to:

Christopher Shirley
Quality Standards Manager
Argyll & Bute Council
Community Services: Education
Argyll House
91 Alexandra Parade
Dunoon
Argyll
PA23 8AJ
☎ 01369 708 528