

Disclosure Scotland Policy

*We will provide this policy on request at no cost,
in large print, in Braille, on tape or in another
non-written format.*

We can produce information on request in large print, Braille, tape and on disk. It is also available in other languages. If you need information in any of these formats please contact us on Freephone 0800 479 7979.

如果你向我們提出要求，我們可以為你提供本資訊的其他語言的版本，或者是盲文或磁帶。如果你需要本資訊的任何一種這些版式的版本，請聯繫我們，電話號碼是 0800 479 7979。

Si vous nous le demandez, nous pouvons vous remettre ces informations en d'autres langues, en braille ou sur cassette. Si vous souhaitez que ces informations vous soient fournies sous l'un de ces formats, contactez-nous en composant le 0800 479 7979.

چنانچه مایل باشید می‌توانید این مطالب را به فارسی یا زبان‌های دیگر و همچنین بریل و یا بر روی نوار کاست دریافت دارید. در صورت نیاز خواهشمندیم با شماره تلفن 0800 479 7979 با ما تماس بگیرید.

ਜੇ ਤੁਸੀਂ ਸਾਨੂੰ ਬੇਨਤੀ ਕਰੋ ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਹੋਰ ਭਾਸ਼ਾਵਾਂ, ਬ੍ਰੇਲ (ਨੋੜਹੀਣਾਂ ਲਈ ਭਾਸ਼ਾ) ਵਿੱਚ, ਜਾਂ ਟੇਪ ਉੱਪਰ ਦੇ ਸਕਦੇ ਹਾਂ। ਜੇ ਤੁਹਾਨੂੰ ਇਨ੍ਹਾਂ ਵਿੱਚੋਂ ਕਿਸੇ ਰੂਪ ਵਿੱਚ ਚਾਹੀਦੀ ਹੋਵੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ 0800 479 7979 ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

Na Pana/Pani życzenie możemy zapewnić te informacje w innych językach, alfabetem Braille'a lub na kasecie. Jeśli chciał(a)by Pan(i) uzyskać te informacje w którejś z tych form, prosimy skontaktować się z nami pod numerem telefonu 0800 479 7979.

Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

По вашей просьбе данная информация может быть предоставлена на других языках, шрифтом Брайля или в аудиозаписи. Если вам требуется информация в одном из этих форматов, позвоните нам по номеру 0800 479 7979.

Approval body	Group Executive
Date of approval	July 2022
Review Year	2025
Customer engagement required	No
Trade union engagement required	Yes- For Information
Equality Impact Assessment	No

1. POLICY PURPOSE

This policy and procedure provides advice and guidance to managers and employees of Wheatley Homes Glasgow Limited (WHG) on recruitment and the secure handling, use, storage, and retention of Disclosure information.

The type of Disclosure Information WHG will have access to will include details of a person's criminal records, information about a person's exclusion on children's or adult's list and other relevant information held by a local police force of Government Body.

2. POLICY APPLICABILITY

This policy applies to all WHG employees/applicants.

This policy covers the following:

- | | | |
|-------------|---|-----------|
| • Section 3 | Policy Responsibility | Page 3 |
| • Section 4 | Policy Principles | Pages 3-5 |
| • Section 5 | Types of Disclosure | Pages 5 |
| • Section 6 | Policy Statements | Pages 6-7 |
| • Section 7 | Identified Posts | Page 7 |
| • Section 8 | Appendix A – Posts which require a basic disclosure | Page 7 |
-

3. POLICY RESPONSIBILITY

All employees have a responsibility to WHG to adhere to the policies and procedures.

All managers have a responsibility to apply the policy fairly and uniformly throughout WHG.

Employee Relations have a responsibility for keeping the policy up to date and to ensure that it is applied consistently throughout WHG.

4. POLICY PRINCIPLES

WHG 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. WHG undertakes to treat all applicants for positions fairly and not to unfairly discriminate against the subject of a Disclosure on the basis of conviction or other information revealed.

As part of our approach to mainstreaming equality, WHG is committed to tackling discrimination on the grounds of race, colour, ethnic or national origin, sex, marital status, disability, sexual orientation, religion, age, HIV Status, and other grounds.

WHG will seek to ensure that its employment and service delivery practices are not themselves either directly or indirectly discriminatory. WHG will ensure that everyone is encouraged to realise their potential and that equality and diversity values are maintained for individuals and services alike.

WHG will request an appropriate level of Disclosure for appropriate posts of trust (identified in Appendix A). Where a Disclosure is deemed necessary for a post, all applications forms, job adverts, website, and any other appropriate literature will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, WHG will encourage all applicants selected for interview to provide criminal record details at an early stage in the application process. This information will be sent under separate, confidential cover and this information will only be seen by those who are required to see it as part of the recruitment process. Any costs incurred from Disclosure Scotland will be met by WHG.

In line with the Rehabilitation of Offenders Act 1974, WHG will only ask about convictions which are defined as "unspent" in terms of that Act, unless the nature of the position is such that WHG is entitled to ask questions about an individual's entire criminal record.

At interview, or under separate discussion, WHG undertake to ensure an open and measured discussion on the subject of any offences or other matters, which might be considered relevant for the position concerned. Failure to reveal information, which is directly relevant to the position sought, could lead to withdrawal of an offer of employment.

WHG undertake to discuss any matter revealed in a Disclosure with the individual concerned before withdrawing an offer of employment. No individual, who has applied for a position that requires a Disclosure, will be permitted to commence employment before a satisfactory Disclosure is received.

WHG ensure that all those in WHG who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g., the Rehabilitation of Offenders Act 1974).

WHG will ensure that Disclosure Information is only used for the purpose intended, only seen by those authorised to see it, is stored securely, retained for the required period (maximum 6 months unless authorised by the HR Advisor in exceptional circumstance) and destroyed in a secure manner. A record will be kept of the Disclosure number and date of Disclosure for the duration of their employment.

At interview and when receiving a Disclosure which shows a conviction or other relevant information, WHG will consider:

- Whether the conviction or other information is relevant to the position concerned,
- The seriousness of the offence,
- The length of time since the offence was committed,
- Whether the applicant has a pattern of offending behaviour,
- Whether the applicant's circumstances have changed since the offence took place

Where such consideration is necessary and for the purposes of consistency, the senior designated officer, following consultation with the HR Advisor, will consider information received and decide whether to appoint or continue employment.

Having a criminal record will not necessarily debar candidates from working for WHG; this will depend on the nature of the position, together with the circumstances and background of offence(s). WHG aims to protect the vulnerable by safe recruitment.

5. TYPES OF DISCLOSURES

There are 3 types of Disclosures available under the Disclosure Scotland Service.

5.1. 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 an appropriate fee. This type of Disclosure is only issued to the applicant. It is not job-specific and may be used more than once.

5.2. 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 dating back years, are included on the Disclosure. The Standard Disclosure is available on payment of the appropriate fee, subject to the application first being countersigned by a registered person in WHG.

A Standard Disclosure is sent to the applicant, and a copy sent to WHG.

5.3. 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, as relevant to the position sought.

6. POLICY STATEMENTS

6.1. Usage

Disclosure Information should only be used for the purpose for which it is intended. The information provided by an individual for a position within WHG must not be disclosed or used in a manner incompatible with the purpose. Personal data should only be processed with the express consent of the individual. Individuals must be notified of any non-obvious use of the data, including further disclosure to a third party, the data controller, the purpose for the processing, and any further relevant information.

6.2. Handling

WHG recognises that, under Section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure Information to any unauthorised person. Counter signing officers should only pass Disclosure Information to those who are authorised to see it in the course of their duties. Counter signing officers should not disclose information provided under Section 115(8) of the Act, namely information that is not included in the Disclosure, to the applicant.

6.3. Access and Storage

Disclosure information should not be held in any individual's employee's file. It should be kept securely in a lockable filing cabinet. Access to this cabinet should be strictly controlled to authorised named individuals who are entitled to see such information in the course of their duties.

6.4. Retention

Disclosures or Disclosure Information should not be retained for any longer than is required after a recruitment (or other relevant) decision has been taken. In general, this should be no longer than 6 months. This is to allow for the resolution of any duties or complaints. Disclosure Information should only be retained for longer than this period in exceptional circumstances, and in consultation with the Director of People Services (the Lead counter signatory for WHG). The same conditions relating to secure storage and access will apply during any such period.

6.5. Disposal

Once the retention period has elapsed or earlier if appropriate, the Disclosure Information should be destroyed in a secure manner, i.e., by shredding. Counter signing officers should ensure that Disclosure information, which is awaiting destruction, is kept securely. There must be no retention of any image on photocopy or any other electronic form of the Disclosure Information. However, a record should be kept of the date of issue of the Disclosure, the name of the subject, the Disclosure type, the position for which the Disclosure was requested, the unique reference number of the Disclosure and details of the recruitment or other decision taken.

6.6 Validity of Disclosure Checks

Disclosure checks need to be renewed every 3 years in line with recommendations from the Care Inspectorate.

6.7 Disclosure Failure

The nominated WHG Senior Officer must review returns, which identify disclosures. If a new applicants' return identifies a conviction or other relevant information, a Disclosure meeting is to be arranged with a senior designated officer, along with a HR Advisor to consider information received. At this meeting full details of the disclosure will be discussed and the senior designated officer, following consultation with the HR Advisor, will consider all information received and decide whether this prevents the person from taking up employment within the appropriate area of application.

Disclosures must be renewed every 3 years. If a disclosure renewal returns a new conviction or other relevant information, a disclosure meeting is to be arranged with the designated manager and a representative from People Services. Once all details are discussed, the designated officer will decide whether this prevents the employee from continuing in their employment within this role. Depending on the seriousness of the conviction, or other relevant information, the designated manager may need to immediately issue a precautionary suspension from work until the disclosure meeting has been held.

All employees requiring disclosure checks must inform their line managers of any conviction or other relevant information that may result in a disclosure return at renewal of this. Failure to inform a manager of being charged with a criminal offence during the course of employment with WHG may be considered as Gross Misconduct and may lead to dismissal. A record will be kept of all disclosure meetings and the decision of these meetings will be communicated in writing to the relevant person (employee, applicant, or contractor).

7. IDENTIFIED POSTS

In accordance with Part V of the Police Act 1997 and the Rehabilitation of Offenders Act 1974, WHG has identified the posts listed in Appendix A as those requiring a Basic Disclosure.

8. APPENDIX A

POSTS WHICH REQUIRE A BASIC DISCLOSURE

Basic Disclosures

- Community Engagement Officer
- Housing Graduate
- Housing Officer
- Locality Housing Director
- Managing Director of WHG
- Modern Apprentice

NB This list will be reviewed following any organisational change

