

Title	Disclosure Policy
Purpose	<p>The policy provides advice and guidance to managers and employees of Maryhill Housing (MH) on recruitment and the secure handling, use, storage and retention of Disclosure information.</p> <p>The type of Disclosure information MH will have access to includes details of a person's criminal records, information about a person's exclusion on the children's or adult's list and other relevant information held by a local police force or Government body.</p>
Scope	<p>This policy applies to:</p> <ul style="list-style-type: none"> • All MH employees and job applicants • Agency staff in retirement housing complexes
Definitions	<p>For the purposes of this policy the following definitions apply:</p> <p>Disclosure check: a criminal convictions check carried out by Disclosure Scotland at either basic, standard, or enhanced level, or for regulated work, as a PVG Scheme record.</p> <p>Disclosure information: personal information, including conviction information, issued by Disclosure Scotland on a Disclosure certificate or a PVG Scheme record.</p> <p>Code of Practice / Code: the usage document issued by Disclosure Scotland published under section 122 of Part V of The Police Act 1997</p> <p>Registered Body: an organisation registered with Disclosure Scotland</p> <p>Countersignatories: staff employed by MH who are registered with Disclosure Scotland for the purpose of seeking Disclosure information.</p>
Policy Statement	<p>Policy Aims</p> <p>Policy Responsibility</p> <p>All employees have a responsibility to MH to adhere to these policies and procedures. All managers have a responsibility to apply the policy fairly and uniformly throughout MH. Human Resources (HR) have a responsibility for keeping the policy up to date and to ensure that it is applied consistently throughout MH.</p> <p>General Data Protection Regulations</p> <p>MH will treat personal data of employees, workers and job applicants in line with our obligations under the current data protection regulations and our own Data Protection policy. Information regarding how personal data will be used and the basis for processing data is provided in MH's employee privacy notice.</p> <p>Policy Principles</p> <p>MH 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 and the Protection of Vulnerable Groups (Scotland) Act 2007; for the purposes of assessing applicants' suitability for positions of trust.</p>

MH is committed to equality of opportunity, to following practices and providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of an offending background or on the basis of conviction or other information revealed. We actively promote the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on skills, qualifications and experience.

As part of our approach to mainstreaming equality, MH is committed to tackling discrimination on the grounds of race, colour, ethnic origin, sex, marital status, disability, sexual orientation, religion, age, HIV status and other grounds. A copy of this policy and the Code will be provided to anyone who asks to see it.

Disclosure and Recruitment

MH will request an appropriate level of Disclosure for appropriate posts of trust (identified in Appendix A in accordance with Part V of the Police Act 1997 and the Rehabilitation of Offenders Act 1974). We will use a Disclosure Scotland check only where this is considered proportionate and relevant to the particular position or type of regulated work. This will be based on a thorough risk assessment of the position or work and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure under the 1997 Act or a Scheme Record under the 2007 Act is applicable.

Where a Disclosure or PVG Scheme Record is deemed necessary for a post, all application packs, 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 check is to form part of the recruitment process, MH will only initiate this after an interview for the successful candidate as part of the background employment checks. MH will ensure that this information is only seen by the recruiting manager and by HR as part of the recruitment process. An offer of employment will not be finalised until HR have received and assessed the Disclosure certificate and are satisfied with the content. Any costs incurred from Disclosure Scotland will be met by MH.

If Disclosure information is returned, we undertake to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned. Failure to reveal information that MH considers relevant to the position sought could lead to withdrawal of an offer of employment.

MH will discuss any matter revealed in a Disclosure check with the subject of the check before withdrawing a conditional 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.

MH ensures that all employees 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).

When receiving a Disclosure which shows a conviction or other relevant information, MH will carry out a risk assessment and 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 designated senior officer, following consultation with the HR Manager, will consider information received and decide whether to appoint or continue employment.

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

Types of Disclosure

Basic Disclosures

A Basic Disclosure contains details of all convictions considered to be 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.

Standard Disclosures

The intermediate level of Disclosure is the Standard Disclosure. They are available for those applying for positions listed under the Rehabilitation of Offenders Act 1974 (ROA) (Exceptions) Order 1975. A standard disclosure contains details of all convictions on record, whether spent or unspent under ROA. This means that even minor convictions, no matter when they occurred, will be included. This disclosure is available on payment of the appropriate fee, subject to the application first being countersigned by a registered person in MH.

A Standard Disclosure is sent to the applicant with a copy sent to MH.

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. Enhanced Disclosures will only be issued by Disclosure Scotland for a very

limited number of specific roles and are not currently requested for any role at MH.

Use of Disclosure Information

Disclosure information should only be used for the purpose for which it was requested and provided. The information provided by an individual for a position within MH must not be used or disclosed in a manner incompatible with that purpose. Personal data should only be processed with the consent of the individual. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing.

Handling of Disclosure Information

It is a criminal offence under section 124¹ of the 1997 Act and sections 66 and 67 of the 2007 Act to disclose Disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties. We will not disclose information provided under subsection 113B(5)² of the 1997 Act, namely information which is not included in the certificate, to the subject/applicant.

Access and Storage of Disclosure Information

MH does not keep disclosure information on an individual's personnel file. It is kept securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled and is limited to authorised named individuals, who are entitled to see such information in the course of their duties.

Retention of Disclosure Information

To comply with the GDPR and Data Protection Act 2018, we do not keep disclosure information for longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any disputes or complaints. In general this should be no longer than 6 months. Disclosure Information will only be retained for longer than this period in exceptional circumstances, and in consultation with the HR Manager (the Lead Countersignatory for MH). For the 2007 Act, this will be the date an individual ceases to do regulated work for the organisation.

We will not retain any paper or electronic image of the disclosure information. We will, however, record the date of issue, the individual's name, the disclosure type and the purpose for which it was requested, the unique reference number of the disclosure and details of our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

Disposal of Disclosure Information

MH will ensure that disclosure information is destroyed in a secure manner

¹ The Serious Organised Crime and Police Act 2005 ("the 2005 Act") schedule 14, paragraph 12 amended section 124

² Subsection 163(2) of the 2005 Act inserted subsection 113B into the 1997 Act. Subsection 113B(5) of the 2005 Act replaces subsection 115(8) of the 1997 Act.

i.e. by shredding, pulping or burning. We will ensure that disclosure information which is awaiting destruction will not be kept in any insecure receptacle (e.g. a waste bin or unlocked desk/cabinet).

Agency workers working within Retirement Housing Complexes

It is the responsibility of managers to ensure they have confirmed with the agency in question that any agency workers recruited to provide cover in retirement housing complexes have a recent Basic Disclosure Scotland check. Managers have to ensure that the agency has confirmed they have seen and assessed the Disclosure in advance of the cover being provided.

Validity of Disclosure Checks

Disclosure checks will be renewed every 3 years.

Disclosure Failure

The HR Manager / Officer will review returned Disclosure information. If a Disclosure check identifies a conviction or other relevant information, a meeting will be arranged to consider the information received and carry out an appropriate risk assessment. At this meeting the full details of the disclosure will be discussed and the designated manager, following consultation with the HR Manager, will decide whether this prevents the person from taking up employment with Maryhill Housing.

For an existing employee, if a disclosure renewal returns a new conviction or other relevant information, a meeting will be arranged with the designated manager and the HR Manager. Once all the details are discussed, and a risk assessment completed, the designated manager 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. If at any time during the course of your employment (and out with the 3 year renewal period) you are convicted of offence you have a duty of care to notify a manager or the HR department immediately. Failure to inform a manager or HR of being charged with a criminal offence during the course of employment with MH may be considered as misconduct and may lead to disciplinary action.

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).

Umbrella Bodies

Before acting as an Umbrella Body (a body which countersigns applications for Standard or Enhanced Disclosures or makes declarations in relation to PVG disclosure requests on behalf of other organisations), MH will take the following steps. We will ensure that the organisation on whose behalf we are

	acting complies with the Code and the 1997 and 2007 Acts. We will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of disclosure information in full accordance with this policy. We will also ensure that any body or individual, for whom applications or requests are countersigned, has such a written policy. If necessary, we will provide a model policy for that body or individual to use or adapt for this purpose.
Approval	Senior Management Team -2 July 2019
Policy Owner	Carol Bain, HR Manager
Review	This policy will be reviewed every 3 years and/or updated in line with changes in legislation.

Posts at Maryhill Housing Which Require Disclosure Check

Basic Disclosures

- Chief Executive
- Director of Operations
- All Heads of Service roles (except Finance, as Standard below)
- All Grade 8 Manager roles
- All Finance employees (excluding Modern Apprentices)
- All Human Resources roles
- ICT Officer
- All Neighbourhood roles (including Modern Apprentices and Trainees)
- Housing Officer
- Retirement Housing Officer
- Financial Support Officer
- Housing Management PATH Trainee
- Property Officer
- Investment Officer

Standard Disclosure

- Director of Resources
- Head of Finance

This list will be reviewed following any organisational change.