

DISCLOSURE OF INFORMATION **POLICY**

TO:	Management Committee
PREPARED BY:	Pauline Hamilton (Compliance Officer)
SUBJECT:	DISCLOSURE OF INFORMATION POLICY
DATE OF MEETING:	7 February 2023
APPROVED BY:	Paul Martin (Director)

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1. INTRODUCTION

The aim of the policy is to clarify the Association's position in respect of the terms within the PVG Scheme which apply to certain employees and volunteers within MHA.

The PVG Scheme is established by the Protection of Vulnerable Groups (Scotland) Act 2007 and aims:

- To ensure that individuals who are unsuitable do not gain access to children or protected adults through their work.
- To ensure that individuals who become unsuitable are detected early and prevented from continuing to work, or seeking to work, with children or protected adults.

The PVG Act introduced the concept of 'regulated work'. There are 2 types of regulated work:

- Work with children
- Work with protected adults

Examples of regulated work are:

- Jobs with caring responsibilities
- Teaching or supervising children or protected adults
- Providing personal services to children or protected adults
- Working directly with children or protected adults

There is a 5-step checklist to determine if it is regulated work and to establish if PVG Scheme is required for working with children and vulnerable adults:

- Is it work?
- Who are they working with?
- What do they do?
- Is it their normal duties?
- Are there any exceptions which apply?

The Association is registered under the PVG Scheme for children (Carbon Footprints Nursery) and the protected adult group. A protected child is defined as "all people under the age of 18" and a protected adult is defined as "An individual aged 16 or over who is provided with a type of care, support or welfare service".

The Association is aware that it is an offence for an individual to do, or seek to do, regulated work of the type from which they are barred. It is also an offence for an organisation to knowingly recruit an individual who is barred from doing regulated work of the type to which the barring relates. To avoid committing the offence, the Association will work out whether or not the work they are asking an individual to do is regulated work and, if it is, will ask for a disclosure. Work includes paid or unpaid work and other types of work.

2. REGISTRATION

Registration is one of the principal means by which proper control will be exercised over the Disclosure and Use of Criminal Record Information. In terms of the guidance, the Association will identify a lead signatory who will be required to have their identity documents checked by the Scottish Criminal Records Office to become registered and be able to countersign disclosure requests.

By registering with the PVG Scheme, the Association will receive confirmation of effective barring as an assessment is made so that individuals who are considered unsuitable based on vetting information are prevented from entering the workforce. MHA will also receive information of individuals who are unsuitable to work with protected adults, continuous updating of information and access to check the suitability of a potential employee or volunteer.

3. SAFER RECRUITMENT

All recruitment is carried out in accordance with the Association's Recruitment & Selection Policy.

The PVG Scheme provides the Association with a means of satisfying itself that those doing paid or unpaid regulated work are not barred from doing so. If vetting information exists, this will appear on the scheme record and this might prove helpful when the Association is deciding whether an individual is suitable for the specific work being offered. The Association will always carry out other recruitment checks such as skills and qualifications and verification of references.

The Association will use all vetting information in a fair, consistent and proportionate manner. MHA can refuse to recruit or continue to use an individual to do regulated work if that individual refuses to consent to PVG Scheme membership or disclosure records without reasonable grounds to do so.

If, during employment, an employee is barred from the scheme, MHA will terminate the employment immediately.

4. RECRUITMENT OF EX OFFENDERS

The Association undertakes to treat all applicants for positions within the organisation fairly and not to discriminate unfairly against the subject of a disclosure based on conviction or other information revealed. The Association shall adhere to the requirements of The Rehabilitation of Offenders Act 1974.

Disclosure requirements will be highlighted on the application form, job advert, and any other information provided about the post.

At interview the Association will ensure that open and measured discussions can take place about offences. Failure to reveal information at

interview, that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

At interview or when receiving a disclosure that shows a conviction, we will take into consideration: -

- a) Whether the conviction is relevant to the position being offered
- b) The seriousness of the offence revealed.
- c) The length of time since the offence took place.
- d) Whether the applicant has a pattern of offending behaviour
- e) Whether the applicant's circumstances have changed since the offending took place.

The Applicant reserves the right to appeal the information that is held on a certificate, within a 3-month period.

We will ensure that all staff and committee members involved in the recruitment process are aware of this policy and have received relevant training and support.

The Association undertakes to make a copy of this policy and the Code of Conduct available to any applicant who requests this information.

5. DISCLOSURE RECORDS

- a) Scheme Record - A Scheme Membership Statement is issued to an individual who is not barred. Disclosure Scotland will keep the individual's PVG Scheme Membership and vetting information up to date. As MHA is a registered body, Disclosure Scotland will notify the Association of any employees being barred from the scheme. The Association will also use the individual's Scheme Record to assist in the assessment of their suitability for the post.

The Scheme Record shows basic information on convictions and cautions, whether the individual is included on the sex offenders register, any relevant non-conviction provided by the police or prescribed civil orders. It is the Association's practice to request the most recent appropriate disclosure record from all potential employees involved in regulated work for the Association.

- b) Unique Scheme Record Number - All individuals who undertake a Disclosure are issued with a unique disclosure number which they retain regardless of the employer. This means that the Association can request a disclosure check on any future potential employees.
- c) Scheme Record Update - The Association will use the Scheme Record Update when asking for information on individuals who are already a PVG Scheme member who we are asking to carry out regulated work. This scheme shows basic membership information and provides confirmation of their vetting status.

6. RECORD KEEPING

- a) Notifying Disclosure Scotland of changes to personal information - Under the terms of the PVG Act, scheme members will notify, within a 3-month period, Disclosure Scotland of any changes in their name. The Association will also endeavour to keep internal records up to date in relation to address, contact details etc.
- b) Disputing vetting information - An employee member of the PVG Scheme is entitled to request a correction of any information on their Scheme Record. The Association will be advised of the outcome of any corrections made.

7. SECURE HANDLING, USE, STORAGE & RETENTION OF DISCLOSURE INFORMATION

In accordance with the Scottish Government Code of Practice, for registered persons and other recipients of Disclosure Information, the Association will ensure the following practice.

- a) Secure Storage – There are no paper records kept with regards to Disclosure Information, an electronic copy is held in a secure personnel file with restricted access.
- b) Termination of Employment - Where an employee who is a PVG Scheme member ceases employment, MHA shall advise Disclosure Scotland.
- c) Sharing of Information – The Association will ensure that disclosure records will not be shared unnecessarily and where records require to be shared, it will only be for the purposes of enabling the Association to determine suitability for regulated work.

8. STAFF & VOLUNTEERS

- a) Future Employees - Any future employee who is required to work for the Association in a regulated post (e.g., CFN) must be a member of the PVG Scheme and hold the relevant scheme information as detailed in (4) above.
- b) Current Employees - All current employees within the Association who undertake regulated work hold the relevant Disclosure Check. MHA strives to undertake scheme updates for existing employees every 3 years.
- c) Employees who supervise work experience pupils – No Check is required as work experience is not deemed as regulated work.
- d) Volunteers - MHA has several residents who undertake community work in a voluntary capacity. The PVG requirements for volunteers are stipulated in the Volunteering Policy.

9. PROTECTING VULNERABLE PEOPLE

The Association aims to ensure that any vulnerable people, whether children, young people or vulnerable adults are protected and kept safe from harm while they are with staff and volunteers in this organisation. In order to achieve this, we will ensure our staff and volunteers are carefully selected, screened, trained and supervised.

- a) Selection - All applicants will complete an application form. Short listed applicants will be asked to attend interview.
- b) Screening - MHA will always request 2 references which will be checked prior to confirmation of an appointment. Where relevant to the post, the successful applicant will be required to undertake a PVG check or Scheme Update Check.
- d) Training - The successful applicant will receive induction training, an overview of MHA and ensure they know its purpose, values, services and structure. Relevant training and support will be provided on an ongoing basis, and will cover information about the role, and opportunities for practicing skills needed for the work. Training on specific areas such as health & safety procedures, identifying and reporting abuse, and confidentiality will be given as a priority to new staff and volunteers, and will be regularly reviewed.
- e) Supervision - All staff will have a designated supervisor who will provide regular feedback and support. Every member of staff has the opportunity to attend an annual job review, where their performance, skills, motivation and expectations will be discussed.

10. REVIEW

This policy is formulated by the Management Committee and reviewed every three years or as otherwise deemed necessary.

11. DATA PROTECTION

MHA controls the personal information that we collect, this means that we are legally responsible for how we collect, hold, and use personal information. It also means that we are required to comply with the General Data Protection Regulations (GDPR) when collecting, holding, and using personal information. See our Privacy Policy for more information.