



Working Together

Disclosure Policy

May 2010



**INVESTORS
IN PEOPLE**

1. Introduction

1.1 Disclosure Policy

Part V of the Police Act 1997 is aimed at helping employers and other organisations assess the suitability of applicants for particular posts and to make safer recruitment decisions in relation to positions of trust by widening access to criminal record information. To this end, the Act provides for the issue of criminal conviction certificates, criminal record certificates, and enhanced criminal record certificates. In Scotland, these certificates will be issued by Disclosure Scotland. In practice, the certificates will be known as Basic, Standard and Enhanced Disclosures.

- 1.2 The Act also provides for a Code of Practice to be published by Ministers governing the use of all information issued in respect of Standard and Enhanced Disclosures. The Code requires all recipients of such Disclosure information to comply with the Code and to handle, store and dispose of that information appropriately.

Registered Bodies are therefore required to have a written policy on the handling, holding and destroying Disclosure information, and to ensure that any body or individual, at whose request applications for Standard and Enhanced Disclosures are countersigned, has such a written policy.

2.0 Scope

- 2.1 Borders College complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. It also complies fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

3.0 Key Principals

- 3.1 An enhanced disclosure will be carried out on all staff who may have access to Children or Adults at Risk at the point of employment.
- 3.2 Staff must ensure that if any disclosure information changes during employment they are required to inform the HR Department in writing to that effect. Failure to do so may result in Disciplinary Action being taken under the College's Dismissal, Disciplinary and Grievance Policy.
- 3.3 We use Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within Borders College is not used or disclosed in a manner incompatible with the purpose. We process personal data only with the express consent of the individual. We notify the individual of any non-obvious use of the data, including further disclosure to a third party, identifying the Data Controller, the purpose for the processing, and any further relevant information.
- 3.4 Borders College recognises that, under section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure information to any unauthorised person. We, therefore, only pass Disclosure information to those who are authorised to see it in the course of their duties. Borders College will not disclose information provided under section 113(b)(5) of the Act, namely information which is not included in the Disclosure, to the applicant.
- 3.5 We do 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 to authorised and named individuals, who are entitled to see such information in the course of their duties.
- 3.6 We do not keep Disclosures or Disclosure information for any longer than is required after a recruitment (or any other relevant) decision has been taken. In general, this is no longer than 90 days. This is to allow for the resolution of any disputes or complaints. Disclosure information will only be retained for longer than this period in exceptional circumstances, which justify retention for a longer period. The same conditions relating to secure storage and access will apply during any such period.

- 3.7 Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner i.e. by shredding, pulping or burning. Borders College will not keep Disclosure information which is awaiting destruction in any insecure receptacle (e.g. a waste bin or confidential waste sack). We will not retain any image or photocopy or any other form of the Disclosure information. We will, however, keep a record 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 decision taken.
- 3.8 Before acting as an Umbrella Body (i.e. a body which countersigns applications for Standard or Enhanced Disclosures on behalf of another organisation), Borders College will take all reasonable steps to ensure that the organisation on whose behalf we are acting can comply with the Code of Practice, and in full accordance with this policy. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain, and dispose of Disclosure information in full compliance with the Code of Practice, and in full accordance with this policy. We will also ensure that any body or individual at whose request applications for Disclosures are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

4.0 Responsibilities

- 4.1 The Board of Management is responsible for approving this policy and for overseeing compliance with its principals.
- 4.2 The Head of HR is responsible for the implementation of this policy.
- 4.3 All staff are responsible for ensuring compliance with this policy.

5.0 Related documents

5.1 Employee Resourcing Policy

5.2 Staff Handbook

5.3 Discipline and Grievance Policy

5.4 Safeguarding Juveniles and Adults at Risk of Harm

6.0 Review

6.1 This policy will be reviewed every 2 years or whenever statutory regulations change.

Rapid Equality Impact Assessment Tool

Definitions

“Proposal” means any policy, procedure, strategy, guide or publicity material created to support the business of Borders College.

“Groups” means a subset of our staff, students or other College stakeholders defined by:

- race,
- sexuality
- faith
- employment
- health
- gender
- religion
- age
- income

“Impacts” means an effect on:

- employment
- race relations
- lifestyle
- working conditions
- ability to access our services
- discrimination against any Group
- finances
- safety

Rapid Impact Assessment Tool

What positive and negative Impacts do you think there may be from this Proposal on Groups' ability to use the College services?

Policy: Disclosure

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
<p>This policy is implemented equally for all staff. The positive impact it may have is on the student groups as it ensures that no staff member is employed who has a detrimental criminal record therefore affording the at-risk student groups a level of protection.</p>	<p>None</p>
<p>Actions taken to alleviate any negative Impacts: No negative impacts</p>	
<p>Recommendations: Updated policy to be adopted</p>	

From the outcome of the Rapid Impact Assessment have negative impacts been identified for race or other equality groups?

No

Has a full Equalities Impact Assessment been recommended?

Yes

No

Reason for recommendation:

No negative impacts

Manager's Signature: _____ **Date:** _____

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Author:	Head of HR and Development
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Equality Impact Assessed:	May 2010