



Working Together

Disclosure Policy

January 2020

History of Changes

Version	Description of Change	Authorised by	Date
1.1	Review period changed to 3 years.	D Kerr	March 2014
1.2	No changes	D Kerr	March 2017
1.3	Only date changes	D Kerr	January 2020

1.0 Introduction

1.1 Disclosure Policy

The Code of Practice (“the Code”) is published by Scottish Ministers under section 122 of Part V of The Police Act 1997 (“the 1997 Act”). The Code sets out obligations for registered bodies, countersignatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

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 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, and the 1997 and 2007 Acts regarding the correct handling, holding, storage destruction and retention of disclosure information provided by Disclosure Scotland. It also complies fully with the Data Protection Act 1998 (“the 1998 Act”) 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 Principles

- 3.1 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 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.
- 3.2 Borders College recognises that, under section 124 of the 1997 Act and sections 66 and 67 of the 2007 Act, 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 1997 Act, namely information which is not included in the Disclosure, to the subject.
- 3.3 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.
- 3.4 To comply with the 1998 Act we do not keep Disclosures or Disclosure information for any longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any dispute or complaints. For the 2007 Act, this will be the date an individual ceases to do regulated work for the College. 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.

- 3.5 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).
- 3.6 Before acting as an Umbrella Body (i.e. a body which countersigns applications for Standard or Enhanced Disclosures or makes declarations in relation to PVG disclosure requests 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 the 1997 and 2007 Acts, 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 Regional Board is responsible for approving this policy and for overseeing compliance with its principles.
- 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 Disciplinary Policy

5.4 Safeguarding Children and Adults at Risk of Harm

6.0 Review

6.1 This policy will be reviewed every 3 years or whenever statutory regulations change.

Equality Impact Assessment

(Rapid impact assessment tool)

What Impacts may there be from this proposal on any group's ability to use the College services?

Policy: Disclosure

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
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.	None
Actions taken to alleviate any negative Impacts: No negative impacts	
Recommendations: Updated policy to be adopted	

From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?

No

Has a full Equality Impact Assessment been recommended?

Yes

No

Reason for recommendation:

No negative impacts

Disclosure Policy

Status: Agreed by JCC and Approved by HR and Remuneration Committee
Policy Dated: January 2020
Author: Head of HR and Development
Review Date: January 2023
Equality Impact Assessed: May 2012