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| **Disclosure Policy** |
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# PURPOSE

1. will be referred to as ‘the company’ throughout.
2. This policy outlines the steps to be taken in the Disclosure checking which may need to be undertaken before carrying out certain contracted works during their employment with the Company.
3. In the Company there are some posts which involve employees working in locations where children and vulnerable adults are situated. So that the Company can show that they are protecting those children and vulnerable adults in the correct way, it is necessary for any employees who may have this as part of their duties to obtain an Enhanced Disclosure.
4. There are also posts in the Company which fall into the category of ‘regulated work’ as defined in the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG). If this is the case, then the lists associated to Schedules 2 and 3 of this Act must be checked to ensure that the person is not barred from working with vulnerable groups.
5. Disclosures and PVG checks will form part of the process for any staff within the Company who may have this as part of their duties.

# FOR POSTS REQUIRING PVG CHECKS

1. Where the post involved regulated work checks must be carried out against the lists held by Disclosure Scotland to ensure that the candidate is not barred from working with the people involved.
2. The Company is registered with Disclosure Scotland and therefore will be able to access the lists to carry out checks.
3. These lists are updated automatically by Disclosure Scotland when they have reviewed any organisational referral, a court referral, new vetting information or a relevant inquiry report. Any one of these can trigger a consideration for inclusion in one or both of these lists. The decision to add any name onto the lists is made by Disclosure Scotland after having reviewed the details sent in the referral.

# FOR POSTS REQUIRING DISCLOSURES

1. There may from time to time, contracted work within the Company requiring either standard or enhanced disclosures, the Company will encourage applicants to provide details of their criminal record at an early stage in the application process. This will be within the application form and the Company guarantees that this information will only be seen by those who need to see it as part of the process.
2. Under separate discussion, the Company will undertake to ensure an open and measured discussion on the subject of any disclosures from staff that may be considered relevant for carrying out the contracted works.
3. The following factors will be taken into consideration with disclosures in ascertaining whether or not that person can carry out the work that is required to have a PVG check
   1. The nature of the offence
   2. Its relevance to the post, position or profession in question
   3. How long ago the offence took place
   4. The person’s age at the time
   5. Whether it was an isolated offence or part of a pattern of offending
4. If an employee gives no reason why a disclosure check cannot be undertaken, then a Disclosure form will be completed and sent to Disclosure Scotland.
5. Clear Disclosure is that which has identified no previous convictions, reprimands, warnings or cautions whether spent or unspent. If a disclosure comes back clear then there is no further action required.
6. A Checked Disclosure is one which warrants further action, as follows:
   1. Check if the Disclosure contains information which has previously been disclosed. (Check specific details including the date and conviction). If the conviction was disclosed previously and followed up by discussion there is no further action required.
   2. If the disclosure identifies any previous convictions, reprimands, warnings and cautions whether spent or unspent, which have not previously been disclosed, the Company undertakes to discuss this with the subject.
   3. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

# RECORD KEEPING

1. The Company follow the guidelines set out by Disclosure Scotland have set out the following on the secure handling, use, storage and retention of disclosure information:

## General Principles

1. The Company complies fully with the Code of Practice regarding the correct handling, holding and destroying of Disclosure and PVG information provided by Disclosure Scotland under the appropriate Acts, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes. 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 and PVG information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

## Usage of information

1. Disclosure and PVG information is used only for the purpose for which it has been provided. The information provided by an individual for a position within the Company is not used or disclosed in a manner incompatible with the purpose. Personal data is only processed with the express consent of the individual. The Company will 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.

## Handling the Disclosure Information

1. The Company recognises that, under the appropriate sections Acts, it is a criminal offence to disclose Disclosure or PVG information to any unauthorised person. Disclosure and PVG information is only passed to those who are authorised to see it in the course of their duties. The Company will not disclose information provided under subsection 113(B) (5) of the 1997 Act, namely information which is not included in the Disclosure to the applicant.

## Access and Storage

1. The Company does not keep Disclosure information on an individual's personnel file. It is kept securely, in lockable, non-portable storage containers.
2. 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.

## Retention of information

1. The Company does not keep PVG, Disclosures or Disclosure information for any longer than is required after the recruitment (or any other relevant) decision has been taken. In general, this is no longer than 90 days which is to allow for the resolution of any disputes or complaints. Disclosure or PVG 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.

## Disposal of Disclosures

1. The Company will ensure that Disclosure and PVG information is destroyed in a secure manner i.e. by shredding, pulping or burning, immediately after the retention period has ended. The Company will ensure that Disclosure and PVG information which is awaiting destruction will not be kept anywhere considered to be insecure e.g. a waste paper bin, unlocked cupboard or confidential waste sack. No image or photocopy or any other form of the Disclosure information will be retained.
2. However, a record will be kept of the date of issue of the PVG check or Disclosure, the name of the subject, the Disclosure type (where appropriate), the position for which the Disclosure or PVG check was requested, the unique reference number of the Disclosure or PVG and details of any recruitment decision taken (if appropriate).

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| M2 Safety Consultants Ltd |
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