

Policy on Disclosure Scotland

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

DISCLOSURE SCOTLAND

POLICY PURPOSE AND APPLICABILITY

This policy and procedure provides advice and guidance to managers and secondees to Wheatley Solutions on recruitment and the secure handling, use, storage, and retention of Disclosure information.

The type of Disclosure Information we will have access to will include; details of a person's criminal records, information about a person's exclusion on children's or adult's list and other relevant information held by a local police force of Government Body.

Applies to:

- All secondees/applicants to Wheatley Solutions

POLICY RESPONSIBILITY

All secondees have a responsibility to Wheatley Solutions to adhere to the policies and procedures.

All managers have a responsibility to apply the policy fairly and uniformly throughout Wheatley Solutions.

Employee Relations have a responsibility for keeping the policy up to date and to ensure that it is applied consistently throughout Wheatley Solutions.

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SECTION A - POLICY PRINCIPLES

Wheatley Solutions 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; for the purposes of assessing applicants' suitability for positions of trust. Wheatley Solutions undertakes to treat all applicants for positions fairly and not to unfairly discriminate against the subject of a Disclosure on the basis of conviction or other information revealed.

As part of our approach to mainstreaming equality, we are committed to tackling discrimination on the grounds of race, , sex, gender/gender reassignment, marital status, disability, sexual orientation, religion/belief, age, socio-economic disadvantage, HIV Status and other grounds.

We will seek to ensure that its secondment and service delivery practices are not themselves either directly or indirectly discriminatory. We will ensure that everyone is encouraged to realise their potential and that equality, diversity and inclusion values are maintained for individuals and services alike.

Wheatley Solutions will request an appropriate level of Disclosure for appropriate posts of trust (identified in Appendix A). Where a Disclosure is deemed necessary for a post, all applications forms, role 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 seconded position.

Where a Disclosure is to form part of the recruitment process, we will encourage all applicants selected for interview to provide criminal record details at an early stage in the application process. This information will be sent under separate, confidential cover and this information will only be seen by those who are required to see it as part of the recruitment process. Any costs incurred from Disclosure Scotland will be met by Wheatley Solutions.

In line with the Rehabilitation of Offenders Act 1974, we will only ask about convictions which are defined as "unspent" in terms of that Act, unless the nature of the position is such that Wheatley Solutions is entitled to ask questions about an individual's entire criminal record.

At interview, or under separate discussion, Wheatley Solutions undertake to ensure an open and measured discussion on the subject of any offences or other matters, which might be considered relevant for the position concerned. Failure to reveal information, which is directly relevant to the position sought, could lead to withdrawal of an offer of secondment.

Wheatley Solutions undertake to discuss any matter revealed in a Disclosure with the individual concerned before withdrawing an offer of secondment. No individual, who has applied for a role that requires a Disclosure, will be permitted to commence a secondment before a satisfactory Disclosure is received.

We will ensure that all those in Wheatley Solutions 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 ex-offenders (e.g. the Rehabilitation of Offenders Act 1974).

We will ensure that Disclosure Information is only used for the purpose intended, only seen by those authorised to see it, is stored securely, retained for the required period (maximum 6

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months unless authorised by Employee Relations in exceptional circumstance) and destroyed in a secure manner. A record will be kept of the Disclosure number and date of Disclosure for the duration of their secondment.

At interview and when receiving a Disclosure which shows a conviction or other relevant information, we will consider:

- Whether the conviction or other information is relevant to the secondment 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 senior designated officer, following consultation with Employee Relations, will consider information received and decide whether to offer or continue the secondment.

Having a criminal record will not necessarily debar candidates from taking up a secondment with Wheatley Solutions; this will depend on the nature of the secondment, together with the circumstances and background of offence(s). Wheatley Solutions aims to protect the vulnerable by safe recruitment.

SECTION B - TYPES OF DISCLOSURES

There are 3 types of Disclosures available under the Disclosure Scotland Service.

Basic Disclosures

A Basic Disclosure contains details of convictions considered 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 role-specific and may be used more than once.

Standard Disclosures

The intermediate level of Disclosure is the Standard Disclosure. This includes convictions held on central records but includes both spent and unspent convictions. This means that even minor convictions dating back years, are included on the Disclosure. The Standard Disclosure is available on payment of the appropriate fee, subject to the application first being countersigned by a registered person in Wheatley Solutions.

A Standard Disclosure is sent to the applicant, and a copy sent to Wheatley Solutions.

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.

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SECTION C - POLICY STATEMENTS

Usage

Disclosure Information should only be used for the purpose for which it is intended. The information provided by an individual in support of an application for a secondment within Wheatley Solutions must not be disclosed or used in a manner incompatible with the purpose. Personal data should only be processed with the express consent of the individual. Individuals must be notified of any non-obvious use of the data, including further disclosure to a third party, the data controller, the purpose for the processing, and any further relevant information.

Handling

We recognise that, under Section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure Information to any unauthorised person. Counter signing officers should only pass Disclosure Information to those who are authorised to see it in the course of their duties. Counter signing officers should not disclose information provided under Section 115(8) of the Act, namely information that is not included in the Disclosure, to the applicant.

Access and Storage

Disclosure information should not be held in any individual's file. It should be kept securely in a lockable filing cabinet. Access to this cabinet should be strictly controlled to authorised named individuals who are entitled to see such information in the course of their duties.

Retention

Disclosures or Disclosure Information should not be retained for any longer than is required after recruitment (or other relevant) decision has been taken. In general, this should be no longer than 6 months. This is to allow for the resolution of any duties or complaints. Disclosure Information should only be retained for longer than this period in exceptional circumstances, and in consultation with Employee Relations. The same conditions relating to secure storage and access will apply during any such period.

Disposal

Once the retention period has elapsed or earlier if appropriate, the Disclosure Information should be destroyed in a secure manner, i.e. by shredding. Counter signing officers should ensure that Disclosure information, which is awaiting destruction, is kept securely. There must be no retention of any image on photocopy or any other electronic form of the Disclosure Information. However, a record should be kept 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 or other decision taken.

Validity of Disclosure Checks

Disclosure checks need to be renewed every 3 years in line with recommendations from the Care Commission.

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Disclosure Failure

The nominated Senior Officer for Wheatley Solutions must review returns, which identify disclosures. If a new applicants' return identifies a conviction or other relevant information, a Disclosure meeting is to be arranged with a senior designated officer, along with a representative from Employee Relations to consider information received. At this meeting full details of the disclosure will be discussed and the senior designated officer, following consultation with Employee Relations, will consider all information received and decide whether this prevents the person from taking up a secondment within the appropriate area of application.

Disclosures must be renewed every 3 years. If a disclosure renewal returns a new conviction or other relevant information, a disclosure meeting is to be arranged with the designated manager and a representative from Employee Relations. Once all details are discussed, the designated officer will decide whether this prevents the secondee from continuing in their secondment. 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 secondees requiring disclosure checks must inform their line managers of any conviction or other relevant information that may result in a disclosure return at renewal of this. Failure to inform a manager of being charged with a criminal offence during the course of a secondment with Wheatley Solutions may be considered as Gross Misconduct and may lead to dismissal from the Group. A record will be kept of all disclosure meetings and the decision of these meetings will be communicated in writing to the relevant person (secondee, applicant or contractor).

SECTION D - IDENTIFIED POSTS

In accordance with Part V of the Police Act 1997 and the Rehabilitation of Offenders Act 1974, Wheatley Solutions has identified the posts listed in Appendix A as those requiring a Basic Disclosure.

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SECTION E - APPENDIX A - POSTS WHICH REQUIRE A BASIC DISCLOSURE

Basic Disclosures:

- Academy Care Training Specialist
- Academy Environmental Training Specialist
- Academy Housing Training Specialist
- Asset Assistant (Work Experience)
- Asset Intelligence Manager
- Business Graduate
- Business Improvement and Innovation Coordinator
- Business Improvement and Innovation Lead
- Care Business Manager
- Care Health and Safety Manager
- Clerk of Works
- Clerk of Works Co-ordinator
- Common Repairs Team Manager
- Community and Business Initiatives Manager
- Community Benefits Officer
- Compliance and Energy Officer
- Compliance Officer
- Corporate Estate and Services Manager
- Development Co-ordinator
- Director of Employee Relations
- Director of Investment, Repairs and Compliance
- Director of Wheatley Foundation
- Employee Wellbeing Advisor
- Employee Wellbeing Business Partner
- Employee Wellbeing Officer
- Facilities Manager
- Fire Safety Manager
- Fire Safety Officer
- Foundation Manager
- Foundation Officer
- Group Director of Property and Development
- Group Health and Safety Lead
- Head of Assurance
- Health and Safety Advisor
- Home Safety Compliance and Business IAM
- HR Advisor
- HR Compliance Advisor
- HR Officer
- HR Project Officer
- Investment Asset Planning Manager
- Investment Project Officer
- Letting Agent
- Letting Assistant
- Modern Apprentice

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- Modern Apprentice Programme Advisor
- Payroll Manager
- Payroll Specialist
- People Services Lead
- Programme and Evaluation Manager
- Programme Officer
- Repairs and Cyclic Planning and DAM
- Repairs, Investment and Compliance Officer
- Repairs, Investment and Compliance Officer (ME)
- Resourcing Advisor
- Resourcing Officer
- RICO - Graduate
- Senior Clerk of Works
- Senior HR Advisor
- Strategy Lead
- Sustainability Manager
- Wheatley Foundation Development Officer
- Wheatley Pledge Officer
- Wheatley Works Support Officer

NB This list will be reviewed following any organisational change
