



## **SHA Disclosure Policy**

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## 1.0 INTRODUCTION

- 1.1 The policy provides advice and guidance to managers and employees of Southside Housing Association (SHA) on recruitment and the secure handling, use, storage and retention of Disclosure information.
- 1.2 The type of Disclosure information SHA will have access to includes details of a person's criminal records, information about a person's exclusion on the children's or adult's list and other relevant information held by a local police force or Government body.
- 1.3 The Association will carry out disclosure checks as per Appendix 1 attached.

## 2.0 DISCLOSURE & RECRUITMENT

- 2.1 SHA will request an appropriate level of Disclosure for appropriate posts of trust in accordance with Part V of the Police Act 1997 and the Rehabilitation of Offenders Act 1974. We will use a Disclosure Scotland check only where this is considered relevant to the particular position or type of regulated work.

The relevant points from both of the above Acts are noted below:

**Part V of the Police Act 1997 – provides for information regarding a person's criminal record history to be disclosed to persons registered under the Act for certain purposes including engaging in regulated activities**

**Rehabilitation of Offenders Act 1974** – eligible convictions or cautions become “spent” after a specified period of time known as “the rehabilitation period”. The length of the rehabilitation period depends on the sentence or disposal imposed e.g. prison sentence, fine or caution, and the person's age at the time.

- 2.2 Where a Disclosure or PVG Scheme Record is deemed necessary for a post, all application packs, job 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 position.
- 2.3 Where a Disclosure check is to form part of the recruitment process, SHA will only initiate this after the successful candidate has been offered the post. SHA will ensure that this information is only seen by the recruiting Director and by HR as part of the recruitment process. Any costs incurred from Disclosure Scotland will be met by SHA.
- 2.4 If Disclosure information is returned, we undertake to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned. Failure to reveal information that SHA considers relevant to the position sought could lead to

withdrawal of an offer of employment.

- 2.5 SHA will discuss any matter revealed in a Disclosure check with the subject of the check before withdrawing a conditional offer of employment.
- 2.6 When receiving a Disclosure which shows a conviction or other relevant information, SHA will carry out a risk assessment and will consider:
- ✓ Whether the conviction or other information is relevant to the position 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
- 2.7 Where such consideration is necessary and for the purposes of consistency, the Director, following consultation with the HR Manager, will consider information received and decide whether to appoint or continue employment. Having a criminal record will not necessarily debar candidates from working for SHA. This will depend on the nature of the position, together with the circumstances and background of the offence(s). SHA aims to protect the vulnerable by safe recruitment.

### **3.0 TYPES OF DISCLOSURES**

#### **Basic Disclosure**

- 3.1 A Basic Disclosure contains details of all convictions considered to be 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 job specific.

#### **Standard Disclosure**

- 3.2 The intermediate level of Disclosure is the Standard Disclosure. They are available for those applying for positions listed under the Rehabilitation of Offenders Act 1974 (ROA) (Exceptions) Order 1975. A standard disclosure contains details of all convictions on record, whether spent or unspent under ROA. This means that even minor convictions, no matter when they occurred, will be included. This disclosure is available on payment of the appropriate fee, subject to the application first being countersigned by a registered person in SHA. A Standard Disclosure is sent to the applicant with a copy sent to SHA

#### **Enhanced Disclosure**

- 3.3 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. Enhanced Disclosures will only be issued by Disclosure Scotland for a very limited number of specific roles.

### **Protecting Vulnerable Groups (PVG) Check**

3.4 The Association’s PVG checks are managed by Volunteer Scotland. It is a legal requirement for all regulated roles to have this check carried out. This scheme helps to ensure people who are unsuitable to work with children and protected adults cannot do regulated work with these vulnerable groups. Examples of regulated work include:

- Jobs with caring responsibilities
- Teaching or supervising children or protected adults
- Working directly with children or protected adults.

Regulated roles within the Association include staff and volunteers who work in our community projects e.g. breakfast clubs and holiday programmes.

It can also apply to certain positions of trust within organisations, even when the role does not involve direct contact with children or protected adults. Examples include:

- Membership of certain council committees
- Trustees of charities focused on children or protected adults

3.5 A PVG record will show unspent convictions and certain spent convictions. It will include details like the date of the conviction and the sentence you received. It will also detail unspent cautions as well as court orders and notifications showing if a person is on the sex offenders register and any prescribed court orders in place. It may also list other relevant information provided by the police which they think is relevant to the type of regulated work applied for.

## **4.0 VALIDITY OF DISCLOSURE CHECKS**

4.1 Disclosure checks will be renewed where a member of staff has advised that they have been convicted of an offence. Annual Staff Declarations (Appendix 2) will be completed annually by staff who have had a disclosure check.

4.2 The Corporate Services Manager will review returned Disclosure information. If a Disclosure check identifies a conviction or other relevant information, a meeting will be arranged with the appropriate Director to

consider the information received and carry out an appropriate risk assessment. At this meeting, the full details of the disclosure will be discussed with the relevant Director and following consultation with the Corporate Services Manager, will decide whether this prevents the person from taking up employment with the Association.

- 4.3 For an existing employee, if a disclosure renewal returns a new conviction or other relevant information, a meeting will be arranged with the Director and the Corporate Services Manager. Once all the details are discussed, and a risk assessment completed, the Director will decide what effect the conviction or other relevant information has on the employee's suitability to do the job and their relationship with their employer, work colleagues and customers. Depending on the seriousness of the conviction, or other relevant information, the designated Director may need to immediately issue a precautionary suspension from work until the disclosure meeting has been held.
- 4.4 All employees requiring disclosure checks must inform their Director of any conviction or other relevant information that may result in a disclosure return. If at any time during your employment you are convicted of offence you have a duty of care to notify your Director or the HR department immediately. Failure to inform your Director or HR of being charged with a criminal offence during employment with SHA may be considered as misconduct and may lead to disciplinary action.
- 4.5 A record will be kept of all disclosure meetings and the decision of these meetings will be communicated in writing to the relevant person (employee, applicant, or contractor).
- 4.6 If any role within the organisation requires a PVG check and this was not carried out at the time of recruitment, this will be checked retrospectively.

## **Appendix 1**

### **Posts at Southside Housing Association which require disclosure checks**

#### **Basic Disclosure**

- Property Maintenance Officers/Asset Staff
- Housing Managers / Officers / Assistants
- Finance employees (excluding Director of Finance & Finance Manager)
- IT posts
- HR posts
- Care & Repair Admin posts
- Concierge and Mobile Facilities posts
- Welfare Rights posts (except Money Advice Officer)

#### **Standard Disclosure**

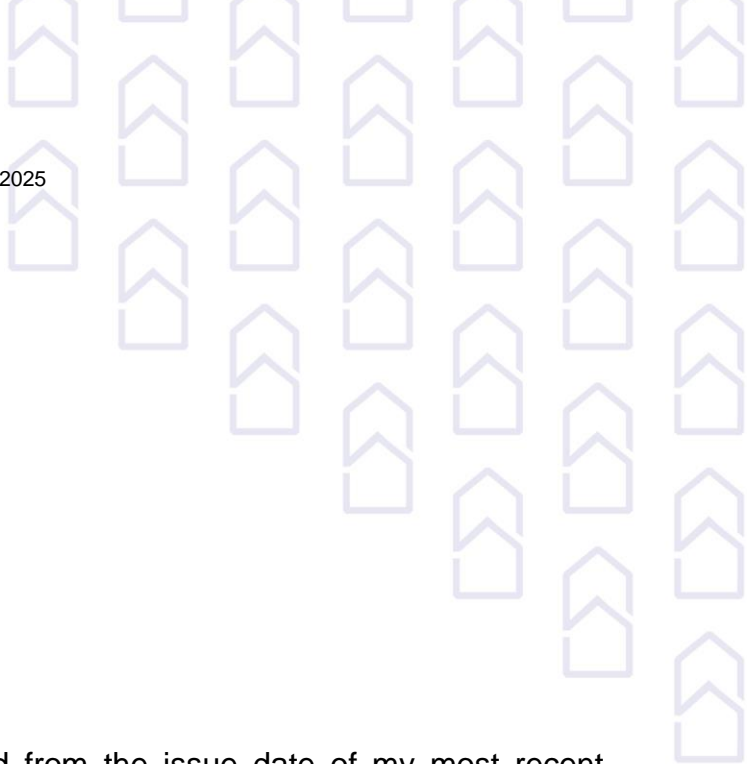
- Finance Manager
- Contracts Manager
- CEO
- Leadership Team Members

#### **Enhanced Disclosure**

#### **PVG Check**

- Money Advice Officer
- Community Initiative Staff/Volunteers
- Care & Repair Manager and Advisers
- Handyperson

**This list will be reviewed following any organisational change.**



**Appendix 2**

**ANNUAL STAFF DECLARATION**

**Name:**

**Job Title:**

I hereby confirm that during the period from the issue date of my most recent Disclosure Check, I have not received a Criminal Conviction, Caution, Reprimand, Final Warning or any other penalty from the police or the courts. Additionally, I confirm that I am not currently subject to any pending action from the police or any courts.

All employees requiring disclosure checks must inform their line managers of any conviction or other relevant information that may result in a disclosure return at renewal. If at any time during the course of your employment you are convicted of offence you have a duty of care to notify a manager or the HR department immediately. Failure to inform a manager or HR of being charged with a criminal offence during the course of employment with SHA may be considered as misconduct and may lead to disciplinary action.

**If you are in any doubt about signing this form, please refer back to the HR Department for further guidance.**

Signed: .....

Date: .....





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