



Aberdeenshire *housing partnership*

Disclosure Policy

February 2006

Aberdeenshire Housing Partnership takes very seriously its role in protecting its tenants and service users and the integrity of the organisation in delivering its range of services. It also recognises that a criminal record does not automatically render a person unsuitable to work for Aberdeenshire Housing Partnership.

Our disclosure policy has been designed to:

- **tackle the issue of disclosure of criminal records; and,**
- **lay out the principles to be adopted and the measures proposed to deal with criminal record checks.**

The policy covers anyone who acts on behalf or represents the organisation in the capacity of:

- **employee;**
- **Board Member;**
- **consultants; and,**
- **volunteers.**

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Disclosure Policy

1. Policy Objectives

- 1.1 Aberdeenshire Housing Partnership 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. We undertake to treat all applicants for positions fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed.

2. Discrimination

- 2.1 AHP is committed to equality of opportunity, to following practices and to providing a service, which is free from unfair and unlawful discrimination. We ensure that no applicant, member of staff or Board Member is subject to less favourable treatment on the grounds of gender, marital status, race, colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability, or offending background or is disadvantaged by any condition which cannot be shown to be relevant to performance.
- 2.2 AHP actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The selection of candidates for interviews will be based on skills, qualifications and experience.
- 2.3 We will request a Standard or Enhanced Disclosure only where this is considered proportionate (See **Appendix 1**) and relevant to the particular position (See **Appendix 2**). This will be based on a thorough risk assessment of that position. Where a Disclosure is deemed necessary for a post or position, all application forms, job adverts, careers literature, website and any other appropriate literature will contain a statement that a Disclosure will be requested in the event if the individual being offered the position.

3. Recruitment

- 3.1 Where a Disclosure is to form part of the recruitment process, Aberdeenshire Housing Partnership will encourage all applicants selected for interview to provide details of their criminal record at an early stage in the application process. We ask that this information be sent under separate, confidential cover to a designated person Aberdeenshire Housing Partnership and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- 3.2 In line with the Rehabilitation of Offenders Act 1974, Aberdeenshire Housing Partnership will only ask about convictions which are defined as "unspent" in terms of that Act. Unless the nature of the position is such that we are entitled to ask about an individual's entire criminal record.
- 3.3 At interview, or under separate discussion, 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 is directly relevant to the position sought could lead to withdrawal of an offer of employment.

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4. Offer of Employment

- 4.1 Offers of employment in posts which are deemed to be of risk will be subject to Aberdeenshire Housing Partnership receiving the consent to obtain the relevant Disclosure. Where an applicant indicates that they will withhold consent then no job offer will be considered.

5. Matters Revealed in Standard or Enhanced Disclosure

- 5.1 We undertake to discuss any matter revealed in a Disclosure with the subject of that Disclosure before considering an offer of employment.
- 5.2 Where the matter revealed is one which in the determination of AHP represents a risk to our vulnerable tenant groups then no job offer will be made.
- 5.3 Where the above applies and a job offer has already been made then the contract of employment will be terminated.
- 5.4 We ensure that all those in Aberdeenshire Housing Partnership 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 employment of ex-offenders (such as the Rehabilitation of Offenders Act 1974).
- 5.5 We undertake to make every subject of a Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.
- 5.6 Where the requirement for a disclosure applies, no individual will take up any position with Aberdeenshire Housing Partnership until that disclosure has been completed and assessed.

6. Disclosure Information

- 6.1 We use Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within Aberdeenshire Housing Partnership is not used or disclosed in a manner incompatible with the purpose of recruitment or determining the individual's continuing suitability in a position identified as a risk. 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.

7. Contractors

- 7.1 AHP will seek to minimise any risk to tenants from contracts and other who enter their homes whilst undertaking work on behalf of AHP. We will work with our contractors and suppliers to ensure that they are aware of our requirements in relation to disclosure and that they are upheld in the pursuance of service delivery.

8. Handling

- 8.1 We recognise 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.

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We will meet our requirements in terms of any relevant legislation applicable to the process of Disclosure.

9. Access and Storage

- 9.1 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.

10. Retention

- 10.1 We do not keep Disclosures or Disclosure information for any longer than is required after recruitment (or any other relevant) decision has been taken. In general, this is no longer than six months. 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, and in consultation with Disclosure Scotland. The same conditions relating to secure storage and access will apply during any such period.

11. Disposal

- 11.1 Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner, such as shredding, pulping or burning. We will not keep Disclosure information which is awaiting destruction in any insecure receptacle (such as 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 or relative employment decision taken.

12. Review

- 12.1 This Policy will be reviewed every three years, or in the light of any legislative changes, or Communities Scotland requirements.

13. Other Related Documents

- 13.1 Policies which are linked to the Disclosure Policy, and which should be read in conjunction with it, are:
- Employment Manual
 - Recruitment and Selection Policy
 - Data Protection Policy

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR AN INDIVIDUAL FROM WORKING WITH ABERDEENSHIRE HOUSING PARTNERSHIP. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF OFFENCES.

Access to Criminal Records

Disclosure Scotland is the body currently entrusted with managing the register and providing information on Criminal Records to registered bodies. Aberdeenshire Housing Partnership will register with this organisation.

The information provided is defined by the status of the Disclosure:-

Basic

A Basic Disclosure will contain details of convictions considered unspent under the Rehabilitation of Offenders Act 1974. They relate to convictions held on central records but will not include convictions which are spent in terms of the Rehabilitation of Offenders Act 1974. They will be available to anyone for any purpose, on payment of an appropriate fee. This type of Disclosure will be issued only to the applicant. It will not be job-specific and may be used more than once.

Standard

The intermediate level of Disclosure is the Standard Disclosure. This again relates to convictions held on central records but will also include spent convictions. This means that even minor convictions, perhaps dating from years ago, will be included on the Disclosure. The Standard Disclosure will be available on payment of the appropriate fee, subject to its being first countersigned by a registered person (usually the potential employer or voluntary organisation). The main categories of occupations etc for which a Standard Disclosure may be required will be

- those involving regular contact with those under 18, the elderly, sick and handicapped;
- those checked in the interests of national security;
- those involved in the administration of law;
- firearms; explosives and gaming licences;
- professional groups in health, pharmacy and law;
- and senior managers in banking and financial services.

A Standard Disclosure will be sent to the applicant, and a copy sent to the relevant registered body.

Enhanced

In addition to the details included in Standard Disclosures, Enhanced Disclosures may contain information which a Chief Constable may choose to disclose, which he feels is relevant to the job or voluntary work sought. This type of Disclosure will be available to -

- those who apply for work that regularly involves caring for, training, supervision or being in sole charge of those aged under 18 or vulnerable adults;
- applicants for various gaming and lottery licences; those seeking judicial appointment;
- applicants for registration for child minding, day care and to act as foster parents or carers.

Aberdeenshire Housing Partnership will only access information of the nature governed by the above Code of Practice for individuals who are placed by the organisation in a position of trust in relation to vulnerable clients or whose role involves a fiduciary duty.

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In terms of the nature of our services and our current identifiable vulnerable client group, we will request a Standard Disclosure. We will only request an Enhanced Disclosure where there is considered to be a significant proportionate risk in a specific position. This will be based on a risk assessment of that position conducted by management, having due regard to the definition for such a disclosure as laid out above.

Aberdeenshire Housing Partnership
Levels of “Disclosure” for Recruitment

Post Title	Level of Disclosure
Board Member	Standard
Chief Executive	Standard
Finance and Business Support Manager	Standard
Housing Manager	Standard
Property Services Manager	Standard
Housing Officer	Standard
Maintenance Officer	Standard
Finance Officer	Standard