

Disclosure Policy

S.7

Reviewed: 24 February 2022

Date next due for review: February 2025

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and diversity policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

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The Scottish Housing Regulator Reg. No: HAC231; Registered Scottish Charity No: SC038237; FCA Reg. No: 2375R(S); Property Factor Reg. No: PF000151

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Mission, Values, Behaviours and Objectives

Vision Strapline

Pineview Housing Association – Putting People 1st

Mission Statement

“Pineview Housing Association aims to provide quality affordable homes, and deliver excellent service through listening to and engaging with our customers”

Our Values

The values that our staff and Committee members are expected to adhere to at all time:

- Diligence – working conscientiously and to a high standard
- Integrity – being open, honest, and fair
- Resilience – continuously learning, developing, and adapting
- Dignity – treating everyone with respect and compassion
- Community – engaging, collaborating, and including.

Our Strategic Objectives 2021 - 2023

1. To help our tenants live in an affordable and sustainable way.
2. To deliver on the promises we make to our tenants.
3. To develop our response to climate change.
4. To engage effectively with our tenants and the wider community.
5. To explore opportunities for partnership and wider action.
6. To support our people to succeed.
7. To ensure the ongoing financial viability and sustainability of the organisation.

Terms of Reference

- The Equality Act 2010
- The Rehabilitation of Offenders Act 1974
- The Police Act 1997
- The Protection of Vulnerable Groups (Scotland) Act 2007
- UK General Data Protection Regulation
- Data Protection Act 2018
- Disclosure Scotland Model Policies

Risk and Financial Implications

- Improper conduct/inappropriate access to information
- Breach of trust/confidentiality
- SHR Engagement
- ICO Intervention/Fine
Non-compliance with legislation
- Cost of applying for disclosure to ensure compliance.
- ICO & Regulatory Fines/Awards for non-compliance

Linkage to Internal Management Business Plan

- Business Plan:
Section 3: Mission, Values and Objectives
- Regulatory Standards:
Standard 5 - The RSL conducts its affairs with honesty and integrity.
- To ensure that the Association is an employer of choice.

Introduction

Pineview Housing Association Ltd recognises its obligations to comply with the Disclosure Scotland statutory requirements and code of practice, so far as is reasonably practicable.

This policy is based on Disclosure Scotland's sample policies in relation to the Recruitment of Ex-offenders Secure Handling, Use, Storage and Retention of Disclosure Information.

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").

General Principles

We comply with the Code and the 1997 and 2007 Acts regarding the treatment of individuals who are subject to Disclosure Scotland checks. We undertake not to discriminate unfairly against the subject of a disclosure on the basis of conviction or other information revealed.

We comply with the Code and the 1997 and 2007 Acts, the UK General Data Protection Regulation ("the UK GDPR") and the Data Protection Act 2018 ("the 2018 Act") regarding the handling, holding, storage, destruction and retention of disclosure information provided by Disclosure Scotland.

We will provide a copy of this policy to anyone who requests to see it.

Equality & Diversity

The Association's Equal Opportunity and Diversity policy outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats.

Seeking Disclosure

We will use a Disclosure Scotland check only where this is considered proportionate and relevant to the particular position or type of regulated work. This will be based on a thorough risk assessment of the position or work and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure under the 1997 Act or a Scheme Record under the 2007 Act is applicable.

Where a disclosure application or request is deemed necessary, individuals will be made aware that the position or work will be subject to a Disclosure Scotland check and that the nature of the position or work entitles us to ask about spent and unspent convictions.

We will ask individuals to complete a criminal record self-declaration form. We will stress to individuals that they should be honest in their response. We will ask that this form be returned under separate, confidential cover, to a designated person within our organisation and we guarantee that this form will only be seen by those who need to see it as part of the decision-making process in line with the requirements of the UK GDPR and the 2018 Act.

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 or work concerned.

Using the Information

We undertake to discuss any matter revealed in a certificate issued under the 1997 Act or a Scheme Record issued under the 2007 Act with the subject of that disclosure before a decision is made.

We ensure that all those who are involved in the decision making process have been suitably trained to identify and assess the relevance and circumstances of disclosure information. We also ensure that they have received appropriate guidance and training about providing work for ex-offenders.

We will comply with the UK GDPR and the 2018 Act and will only disclosure information for the purpose for which it was requested and provided. Disclosure information will not be used or disclosed in a manner incompatible with that purpose. 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 consistent with UK GDPR and the 2018 Act requirements.

Handling

We recognise 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. Disclosure information is only shared with those authorised to see it in the course of their duties.

Access and Storage

We do not keep disclosure information on an individual's personnel file. It is kept securely, on the Association's IT system. Access to the information is strictly controlled and is limited to authorised named individuals, who are entitled to see such information in the course of their duties in accordance with the UK GDPR and the 2018 Act

Retention

To comply with the UK GDPR and the 2018 Act, we do not keep disclosure information for longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any disputes or complaints. For the 2007 Act, this will be the date an individual ceases to do regulated work for this organisation. 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.

Disposal

In disposing of disclosure information we will comply with UK GDPR and the 2018 Act requirements by ensuring that it is destroyed in a secure manner i.e. by shredding, pulping or burning. We will ensure that disclosure information which is awaiting destruction will not be kept in any insecure receptacle (e.g. a waste bin or unlocked desk/cabinet).

Umbrella Bodies

Before acting as an Umbrella Body (a body which countersigns applications for Standard or Enhanced Disclosures or makes declarations in relation to PVG disclosure requests on behalf of other organisations) we will take the following steps. We will ensure that the organisation on whose behalf we are acting complies with the Code and the 1997 and 2007 Acts. We will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of disclosure information in full accordance with this policy. We will also ensure that any body or individual for whom applications or requests are countersigned, has such a written policy. If necessary, we will provide a model policy for that body or individual to use or adapt for this purpose.

Monitoring & Review

Responsibility for monitoring the application of this policy will rest with the Director of the Association.

This policy will be reviewed every three years to ensure it continues to meet legislative and organisational needs or where Disclosure Scotland issues revised Model Policies/Best Practice Guidance, whichever is sooner.

Any amendments will be communicated to all staff and relevant stakeholders.