



Putting People 1st

Disclosure Policy

S.7

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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.

Our core values include providing a fair and equal service for all people and this is detailed in our Equality and Diversity Policy. Our approach to implementing this policy will reflect that commitment.

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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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1. Introduction

- 1.1. On 1 April 2025, Disclosure Scotland implemented changes to their services set out in the Disclosure (Scotland) Act 2020. Disclosure Scotland has rules about using disclosure information. These rules are set out in a Code of Practice (“the Code”). Following the Code is a legal responsibility for people who deal with disclosure information in organisations. It applies to all disclosure levels.
- 1.2. The purpose of the code is to:
 - ensure information is used properly and lawfully
 - give assurance to people about the use of their information
 - ensure information is stored and disposed appropriately
- 1.3. We comply with the Code 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.
- 1.4. We comply with the Code, 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.
- 1.5. We will provide a copy of this policy to anyone who requests to see it.

2. Disclosure Levels

- 2.1. The disclosure system in Scotland comprises two broadly aligned parts: self and state disclosure.
- 2.2. The Rehabilitation of Offenders Act 1974 (“the 1974 Act”) and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (“the 2013 Order”) regulate self-disclosure, which is the obligation on an individual to admit to previous convictions if asked questions about them by a prospective employer.
- 2.3. Self-disclosure (by an individual) can be verified by Level 1 and Level 2 disclosures that are provided by the state. Disclosure Scotland carries out functions on behalf of the Scottish Ministers under the Disclosure Act in relation to the system for state disclosure of an individual’s previous criminal history.
- 2.4. There are different disclosure levels:
 - Level 1: This is the lowest level of disclosure. It has replaced basic disclosure.
 - Level 2: This is only used for specific roles, such as solicitors and accountants. It has replaced standard disclosure.
 - Level 2 with barred list check: This only used for specific activities, such as adopting a child. It has replaced enhanced disclosure.
 - Protecting Vulnerable Groups (PVG) scheme: The PVG scheme is a membership scheme for people working with children or protected adults..

3. Seeking Disclosure

- 3.1. We will use a Disclosure Scotland check only where this is considered proportionate and relevant to the particular position or type of regulated role. This will be based on a thorough risk assessment of the position or role and having considered the relevant legislation which determines the applicable level of disclosure required.
- 3.2. Where a disclosure application or request is deemed necessary, individuals will be made aware that the position or role will be subject to a Disclosure Scotland check and that the nature of the position or role entitles us to ask about spent and unspent convictions.
- 3.3. 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.
- 3.4. Where a Disclosure check is to form part of the recruitment process, we will only initiate this after the successful candidate has been provisionally offered the post.. Any costs incurred from Disclosure Scotland will be met by the Association.
- 3.5. We will ensure that all self and state disclosure information is only 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.

4. Using the Information

- 4.1. 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 role concerned.
- 4.2. 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.
- 4.3. We will comply with the UK GDPR and the 2018 Act and will only disclose 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.
- 4.4. When receiving a Disclosure which shows a conviction or other relevant information, we will carry out a risk assessment and will consider:
 - Whether the conviction or other information is relevant to the position or role 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.

- 4.5. Where such consideration is necessary, the Director, following consultation with the Senior Finance and Corporate Services Officer, will consider information received and decide whether to appoint or continue employment. Having a criminal record will not necessarily debar candidates from working with Pineview. This will depend on the nature of the position or role, together with the circumstances and background of the offence(s). Any proposal to terminate employment will involve external advice (EVH and Solicitor), with a report from the Director to the Committee of Management for decision. Only Committee as employer can make termination decisions.
- 4.6. Throughout the decision making process, we remain committed to the safety and wellbeing of our customers and employees, while also supporting individuals in moving beyond past criminal activity and enabling them to make a positive contribution to society.

5. Access Storage and Retention

- 5.1. To comply with the UK GDPR and the 2018 Act, 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 .
- 5.2. We do not retain disclosure information for longer than is relevant to the purpose for which it was obtained.
- 5.3. 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.
- 5.4. This information will be retained in line with our Data Retention Policy.

6. Disposal

- 6.1. 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, for example by shredding, pulping or burning.
- 6.2. We will ensure that disclosure information which is awaiting destruction will not be kept in any insecure receptacle (for example, a waste bin or unlocked desk/cabinet).

7. Monitoring and Review

- 7.1. Responsibility for monitoring the application of this policy will rest with the Director of the Association.
- 7.2. 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.
- 7.3. Any amendments will be communicated to all staff and relevant stakeholders.