

REPORT TO: PERSONNEL & MANAGEMENT SERVICES COMMITTEE

**REPORT BY: DIRECTOR OF PERSONNEL AND MANAGEMENT SERVICES AND
DIRECTOR OF SUPPORT SERVICES**

REPORT NO: 741-2002

REPORT TITLE: DISCLOSURE SCOTLAND

1.0 PURPOSE OF REPORT

1.1 This Report recommends the adoption by the City Council of Policies on the Secure Handling, Use, Storage and Retention of Disclosure Information and on the Recruitment of Ex-Offenders.

2.0 RECOMMENDATIONS

2.1 The Committee is recommended to adopt the attached Policies on the Secure Handling, Use, Storage and Retention of Disclosure Information and on the Recruitment of Ex-Offenders.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising directly out of this Report.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 The Policy on the Recruitment of Ex-Offenders commits the City Council 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.

5.0 LOCAL AGENDA 21 IMPLICATIONS

5.1 There are no Local Agenda 21 implications arising directly out of this Report.

6.0 MAIN TEXT

6.1 A new system to increase protection for children and vulnerable adults has been launched by the Scottish Executive. Called Disclosure Scotland it is hoped that it will enhance public safety by helping organisations make safer recruitment decisions and give parents and relatives increased peace of mind. The City Council has registered with Disclosure Scotland.

6.2 Registered organisations are expected to have policies on the Secure Handling, Use, Storage and Retention of Disclosure Information and on the Recruitment of Ex-Offenders. The attached policies are based on Disclosure Scotland's model policies and have been adopted for use by the City Council.

7.0 CONSULTATIONS

7.1 The Chief Executive, Director of Finance and Trades Unions have been consulted in the preparation of this report.

8 BACKGROUND PAPERS

8.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Signature
Director of Personnel and Management Services

Date

Signature
Director of Support Services

Date

DUNDEE CITY COUNCIL

POLICY ON THE RECRUITMENT OF EX OFFENDERS

1. Dundee City Council 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. All applicants for employment are advised of the Council's policy on the recruitment of ex-offenders at the outset of the recruitment process.
3. We are 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 or member of staff 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.
4. Dundee City Council 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 interview will be based on skills, qualifications and experience.
5. We will request a Standard or Enhanced Disclosure only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position. Where a Disclosure is deemed necessary for a post or position, a statement to that effect will be contained within the Person Specification which is included in the recruitment pack for each applicant, and a request to complete a Disclosure application will only be made in the latter stages of the selection procedure.
6. Where a Disclosure is to form part of the recruitment process, Dundee City Council 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 within Dundee City Council and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
7. In line with the Rehabilitation of Offenders Act 1974, Dundee City Council 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 questions about an individual's entire criminal record.
8. 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 termination of employment.
9. We ensure that all those in Dundee City Council who are involved in the recruitment process either have been suitably trained to identify and assess the relevance and circumstances of offences or get advice from those who have been suitably trained. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders Act 1974).

10. 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.

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH DUNDEE CITY COUNCIL. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES.

DUNDEE CITY COUNCIL

POLICY ON THE SECURE HANDLING, USE, STORAGE AND RETENTION OF DISCLOSURE INFORMATION

General Principles

1. Dundee City Council complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. It also complies fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

Usage

2. We use Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within Dundee City Council is not used or disclosed in a manner incompatible with the purpose. 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.

Handling

3. Dundee City Council recognises 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. Dundee City Council will not disclose information provided under section 115(8) of the Act, namely information which is not included in the Disclosure, to the applicant.

Access and Storage

4. 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.

Retention

5. We do not keep Disclosures or Disclosure information for any longer than is required after a 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.

Disposal

6. Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner i.e. by shredding, pulping or burning. Dundee City Council will not keep Disclosure information which is awaiting destruction in any insecure receptacle (e.g. 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 decision taken.

Umbrella Bodies

7. Before acting as an Umbrella Body (i.e. a body which countersigns applications for Standard or Enhanced Disclosures on behalf of another organisation), Dundee City Council will take all reasonable steps to ensure that the organisation on whose behalf we are acting can comply with the Scottish Code of Practice, and in full accordance with this policy. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain, and dispose of Disclosure information in full compliance with the Code of Practice, and in full accordance with this policy. We will also ensure that any body or individual at whose request applications for Disclosures are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.