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| New Logo 2 | | | Barnardo’s  Corporate Policy | | | |
| **Storage, Handling, Retention and Disposal of Disclosure Policy - Scotland** | | | | | | |
| **Risk Owner:** | | Director of People and Culture | | | | |
| **Supported by:** | | Employee Relations & Policy Manager | | | | |
| **Date Approved:** | | August 2023 | | | | |
| **Date for Review:** | | August 2026 | | | | |
| **Distribution** | | Internal - non confidential | | | | |
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| 1. **Purpose** | | | | | | |
| The purpose of this policy is to ensure the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information and compliance with [Disclosure Scotland Code of Practice](https://www.mygov.scot/disclosure-code-of-practice). | | | | | | |
| 1. **Policy** | | | | | | |
| **2.1 Introduction**  The Code published by Scottish Ministers, under section 122 of Part V of The Police Act 1997, sets out obligations for registered and responsible bodies, countersignatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007.  Barnardo’s as both a Registered and Responsible Body complies fully with the Code and Acts regarding the correct handling, use, storage, retention and disposal of information. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 legislation and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of information.  **2.2 Usage**  Disclosure information will only be used, 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. Barnardo’s 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[[1]](#footnote-1).    **2.3 Handling**  In accordance with 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.  **2.4 Access and Storage**  Disclosure information is kept securely on the charities HR management system and not on individual's personnel file. Access is strictly controlled and is limited to authorised named individuals, who are entitled to see such information in the course of their duties.  **2.5 Retention**  To comply with the 2018 Act, we do not keep disclosure information for longer than necessary and no more than 6 months. 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.  Neither paper nor electronic image of the disclosure information will be retained. 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.    **2.6 Disposal**  We will ensure that hard copy disclosure information is destroyed in a secure manner i.e. by shredding. 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). However, notwithstanding the above, we will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken. | | | | | | |
| 1. **Scope** | | | | | | |
| This policy and procedure applies to all candidates and all roles in Barnardo’s within Scotland that are subject to a Disclosure Scotland or PVG check. This includes colleagues who are paid directly by the charity, those that volunteer, agency workers and External Consultants. | | | | | | |
| 1. **Definitions and Key Concepts** | | | | | | |
| Disclosure Scotland - Is an executive agency of the Scottish Government, providing criminal records disclosure services for employers.  PVG - Protecting Vulnerable Groups | | | | | | |
| 1. **Roles and Responsibilities** | | | | | | |
| Line Managers/Recruiting Managers  People Teams/Recruitment Team/Volunteering Partners  UNISON  People Strategy & Projects Team | | | | | Are responsible for compliance with this policy; seeking advice from the People Team on any aspect of the policy where needed.  Are responsible for supporting managers to ensure required storage and handling of criminal record disclosure information is carried out in accordance with this policy.  Represent the views and the interests of UNISON members to management throughout the process.  Are responsible for endeavouring to ensure compliance with legal and regulatory obligations; and keeping up-to-date with any Disclosure Scotland policy or procedural changes and updating this policy, and other associated forms or processes accordingly.  This policy will be reviewed by the People, Strategy & Projects Team at three yearly intervals. Statutory changes will be incorporated automatically and any legal or organisational developments may prompt more frequent reviews. | |
| 1. **Procedures** | | | | | | |
| Not applicable. | | | | | | |
| 1. **Associated Legislation, Guidance, References and Documents** | | | | | | |
| **Legislation:**  The Police Act 1997  Protection of Vulnerable Groups (Scotland) Act 2007  Data Protection Act 2018 (GDPR)  The Serious Organised Crime and Police Act 2005  **Guidance, References and Documents:**  Disclosure Scotland  Criminal Records Disclosure Policy - Scotland | | | | | | |
| 1. **Compliance and Oversight** | | | | | | |
| In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:   * The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment. * The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans. | | | | | | |
| 1. **Document History** | | | | | | |
| **Version** | **Date** | **Author** | | **Comments** | | **Approval** |
| 1.0 | 10/12/19 | Policy & Advice | | Updated data protection reference to current legislation and transferred into standard policy template | |  |
| 2.0 | 24/08/23 | People, Strategy & Projects | | Reviewed, updated and transferred into new policy template | |  |

1. Exceptions may apply in line with Barnardo’s [Information Sharing Policy](https://inside.barnardos.org.uk/resources-and-guidance/information-governance-and-data-protection/information-sharing-policy) available on Inside.Barnardo’s [↑](#footnote-ref-1)