

DISCLOSURE CODE

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EAST LoTHIAN COUNCIL DISCLOSURE CODE

(Procedures for Criminal Record Checks)

1. INTRODUCTION

- 1.1 To protect young and vulnerable people East Lothian Council need to undertake Police checks for the following:
1. Prospective employees for specified posts
 2. Corporate Services (i.e. foster parents and carers, Children's Panel members, Justices of the Peace etc)
 3. Sub-contractors who East Lothian Council deem should be checked (i.e. Bus Drivers, Taxi Drivers etc).
- 1.2 It is recognised that individual volunteers make a major and significant contribution to ensure smooth operations within East Lothian Council, however, as these individuals generally do not have substantial, unsupervised access to young or vulnerable people, it is not the intention to carry out checks on these people.
- 1.3 The Recruitment & Selection Policy provides procedures for employees, which must be followed, however, this Code should be referred to for all posts, which require Police checks. Similarly the Recruitment & Selection Policy, section 7.18 should be considered along with this Code.
- 1.4 The Police Act 1997 allowed for checks to be made, through the Scottish Criminal Record Office (SCRO), for a limited number of organisations, primarily Local Authority Education and Social Work departments, and Health Services personnel. The original Act made no provision for private sector organisations or voluntary organisations to undertake checks for employees/volunteers
- 1.5 The introduction of Part V of the Police Act 1997 has increased the scope and improved administration for checks to be carried out.
- 1.6 Disclosure Scotland has been set up, as a new bureau within SCRO, and will undertake the checks from Monday 29 April 2002.
- 1.7 This Code provides guidance to the procedures for carrying out Police checks.

2. BACKGROUND TO DISCLOSURE SCOTLAND

- 2.1 The Scottish Executive recognised that the Act was not wide enough and have introduced Part V of the Act to address this. Disclosure Scotland will utilise central databases from the SCRO Criminal History System, Police National Computer, The Consultancy Index for Scotland and will liaise with Police forces on non-conviction information.
- 2.2 Disclosure Scotland have no facilities to check through Interpol, therefore any information required from countries outside the UK will be the responsibility of the potential employee and any costs incurred should be met by them.

2.3 It is acknowledged that there will be a fee for each check, which is undertaken by Disclosure Scotland. This fee is payable for each check and will be invoiced to East Lothian Council on a monthly basis. Fees will be recharged to the relevant Department.

2.4 Disclosure Scotland will undertake the computerised processing of the completed Disclosure Applications and the subsequent print off and postage of the results of the checks. This is an automated process.

3. REGISTRATION

3.1 East Lothian Council are required to register with Disclosure Scotland and nominate a “lead signatory”. “Counter-signatories” can also be nominated depending upon the size of the organisation. The “lead signatory” is the Head of Personnel Services and there are five “counter-signatories”, for employment purposes for East Lothian Council, Personnel Manager (Relations), Personnel Manager (Resources) and three Senior Personnel Officers.

3.2 There are also a number of signatories required for the following:

1. Education and Children’s Services for undertaking the checks for foster parents/carers
2. Legal Services for Children’s Panel members, Justices of the Peace etc
3. Transportation for checks, which require to be carried out for bus and taxi drivers.
4. Community Services for checks to be carried out Youth Exchange and Youth Residential people

3.3 “Lead signatories” and “counter-signatories” will be subject to checks themselves by Disclosure Scotland. A list of signatories within East Lothian Council is contained in Appendix 1.

3.4 East Lothian Council, a Registered Umbrella Body (with a unique reference) **must** comply with a Code of Practice and will be subject to compliance checks by Disclosure Scotland.

3.5 The General Teaching Council of Scotland will be a Registered Body and will continue to carry out checks for registered teachers.

4. LEVELS OF DISCLOSURE

4.1 Disclosure Scotland will allow for two levels of checks from Registered Bodies:

- Standard Disclosures should be used for occupations where duties will involve regular contact with children and young people under the age of 18, the elderly, sick and handicapped people and positions of foster parents or carers. A Standard Disclosure will contain details of all convictions on record, whether spent or unspent under the Rehabilitation of Offenders Act 1974 (ROA) (Exceptions) Order 1975. This means that even minor convictions, no matter when they occurred, will be included on the Disclosure.
- Enhanced Disclosures should be used for positions, which involve a greater degree of contact with children or vulnerable adults. This will involve those regularly caring for, training, supervising, or being in sole charge of children and young people. Enhanced Disclosures will

include all of the details contained in a Standard Disclosure, but may also contain non-conviction information held locally by the police, where this is considered relevant to the post.

- 4.2 The posts, which require checks, and the level of checks required, are detailed in Appendix 2.

5. RECRUITMENT PROCEDURES

- 5.1 Additional information will be included within recruitment Application Packs for posts, which require a Disclosure check. This information should detail the level of check required.
- 5.2 Applicants should also be advised that if they have lived outside the UK during the last 5 years and are successful in being selected as the preferred candidate, they will need to provide Police check information from each of the countries they have lived in. If there is a fee this should be met by the potential employee.
- 5.3 Once Personnel Services is advised that a preferred candidate has been decided upon a Disclosure Application will be forwarded.
- 5.4 Additional guidance should be issued with the Disclosure Application for preferred candidates. This guidance should reiterate the processes for any addresses outside the UK, stress that only 5 years worth of address history is required, and advise that the Disclosure Application will need to be checked and countersigned by an authorised signatory of the Council after official documentation has been checked, i.e. Passport, Driving Licence etc.
- 5.5 The guidance should also advise potential employees that if the post they have applied for requires a Police check then official documentation such as a passport, a new driving licence, and a utility bill with their current address on it will be required to be brought to the interview.
- 5.6 The Disclosures are intended to assist with the decision making process for the suitability of a person for a post and should not be the sole basis of a recruitment decision.

6. CORPORATE SERVICES DISCLOSURE CHECKS PROCESS

- 6.1 Disclosure checks will be required for a number of Corporate Services i.e. foster parents, carers, Children's Panel members, Justices of the Peace etc.
- 6.2 Each Head of Service responsible for ensuring these disclosure checks are carried out will hold a list of signatories and will comply with this code.

7. SUB-CONTRACTORS DISCLOSURE CHECKS PROCESS

- 7.1 Disclosure checks will be required for a number of sub-contractors i.e. bus drivers, taxi drivers etc.
- 7.2 There will be a number of signatories within Transportation who can check and authorise Disclosure Applications.

7.3 Once Disclosure Applications have been checked and authorised by Transportation, the original should be passed to Personnel Services to incorporate them within the normal processes.

8. DISCLOSURE APPLICATIONS

8.1 Disclosure Scotland have compiled a Disclosure Application which is to be used on all occasions and cannot be altered as the forms will be scanned in on arrival at Disclosure Scotland.

8.2 The Applications must be countersigned by one of the authorised signatories of the Council.

8.3 The signatories can only countersign the Disclosure Application once the details have been verified by checking official documentation i.e. Passport, Drivers Licence.

8.4 Official documentation should be brought to the interview. The documentation should be copied, signed and dated as a 'true copy' by the Chair of the interview panel. The 'true copies' should then be forwarded to Personnel Services to check the details against the Disclosure Application before counter-signing the Application.

8.5 The Disclosure Application should then be sent to Disclosure Scotland for the checks to be carried out.

8.6 To keep a track on the progress of a Disclosure Application a copy will be kept in a fireproof cabinet, which is locked at night.

8.7 Disclosure Scotland will return the results of the checks to the individual concerned with a copy to the Registered Body (East Lothian Council).

9 HOLDING, HANDLING AND DESTROYING DISCLOSURE INFORMATION

9.1 When disclosure information is returned the envelope should only be opened by one of the authorised signatories.

9.2 If there are no disclosures:

- The authorised signatory will initial and date the disclosure, to confirm it has been checked by a member of staff at the appropriate level.
- The authorised signatory will then pass the initialled disclosure to the appropriate support services team for the database to be updated (see 9.6 below).
- The appropriate support services team will then advise the Manager of the result.
- The appropriate support services team will retain the disclosure in a file, which is kept in a fireproof cabinet, which is locked at night, while they await the recruitment decision from the manager concerned.
- Once the appropriate support services team receive details of the recruitment decision the database should be finally updated.

- Once all information is obtained and the database has been updated the appropriate support services team **must** destroy both the copy of the Disclosure Application and the disclosure information.

9.3 If there are disclosures:

- The authorised signatory will contact the Chair of the recruitment panel and depending upon the post and the nature of the disclosure will decide upon action, if any, which needs to be taken before a final recruitment decision can be taken. Details of the process, which must be followed, is contained within section 7.18 of the Recruitment & Selection Policy.
- Each disclosure will be taken on its individual merits in relation to the post.
- The authorised signatory will retain the disclosure in a file, which will be locked away each night in a fireproof cabinet, until a final recruitment decision can be made.
- Once a final recruitment decision has been made the authorised signatory should initial and date the disclosure.
- The authorised signatory will then pass the initialled disclosure to the appropriate support services team for the database to be updated (see 9.6 below).
- The appropriate support services team will update the database.
- Once all information is obtained and the database has been updated the appropriate support services team **must** destroy both the copy of the Disclosure Application and the disclosure information.

9.4 All disclosure information and copies of Disclosure Applications must be destroyed, by shredding within 6 months of being received.

9.5 Only members of the appropriate support services team should have access to the files containing any information regarding Disclosures.

9.6 A database will be developed and maintained by the appropriate support services team to hold the following information on all checks:

- Name
- Type of Disclosure
- Position applied for
- Date Disclosure Application sent to Disclosure Scotland
- Date Disclosure Application returned from Disclosure Scotland
- Unique Disclosure number
- Date of information on Disclosure
- Name of signatory passed to if any
- Date Manager advised of result
- Recruitment decision taken

10 VOLUNTARY ORGANISATIONS

- 10.1 Voluntary Organisations can apply to Volunteer Development Scotland, Central Registered Body in Scotland (CRBS) for checks to be carried out on volunteers. If organisations register with CRBS checks for volunteers will be free of charge.

- 10.2 There is no registration fee for voluntary organisations, which register with CRBS for checks for volunteers. Voluntary organisations must however, comply with the Code of Practice. CRBS will also ask for a copy of the Job Description with the Disclosure Application to help assist with the process.
- 10.3 Voluntary Organisations who have paid employees and wish to check these individuals should forward the completed Disclosure Application to CRBS with the fee for the check. CRBS will carryout the check for the Voluntary Organisation.

11 REVIEW OF CODE

- 11.1 The Code will be reviewed when any additional information/guidance is made available from Disclosure Scotland, any administration is reviewed or the posts or counter-signatories are amended.

HEAD OF PERSONNEL SERVICES
March 2004

LIST OF COUNTER-SIGNATORIES

As at 07/05/08

Lead Signatory	Sharon Saunders, Head of Personnel Services
Counter-signatories	Sue Cormack, Personnel Manager Resources & Operations Paul Ritchie, Personnel Adviser Zoe Thomson, Personnel Adviser Carolyn Walker, Team Leader, Operational Personnel Svs Peter Ewart, Team Leader, Operational Personnel Svs Anne Mary Kirkpatrick, Personnel Officer Lynda Ballantyne, Assistant Personnel Officer Tom Shearer, Head of Community Services Jan Cochran, Head of Community Support Myra Galloway, Principal Community Dev. Officer Robert Swift, Group Manager, Children & Families Morag Philip, School Crossing Supervisor Vera Cameron, Transportation Gillian Smith, Transportation Celia Borland, Area Resources Mgr. (Resources Team) Alison Cosgrove, Legal Officer Sandra Joy Gillon, Resources Team Leader Norma Godek, Family Placement Team Leader Valerie McIntyre, Principal Officer, Teaching and Learning

Note This list will be extended once the required number of forms which were requested are received

DISCLOSURE SCOTLAND

LIST OF POSTS TO CHECK AND LEVELS

As at 13 August 2007

Department of Education and Children's Services	Page 10/11
Department of Community Services	
Community Wellbeing Division	Page 12/13
Community Support Division	Page 13/14
Community Housing and Property Management Division	Page 14
Department of Environment	Page 15
Department of Chief Executive	Page 15
Department of Corporate Finance and IT	Page 16
Other Orgs etc.	Page 17

Department of Education & Children's Services

ENHANCED LEVEL

Auxiliaries in Schools
Assistant Behaviour Support Officer
Assistant Unit Managers
Behaviour Support Officer
Co-ordinator – Behaviour Support
Cooks
Domestic & Ancillary Staff
Education Psychologists
Family Support Worker (Attendance)
Family Support Worker
Home Link School Worker
Integration Manager
Integration Team Leader
Integration Officer
Locum Social Workers
Nursery Nurses
Practice Team Manager
Project Managers
Project Workers Integrated Community Schools
Project Workers
Residential Care Officers
Residential Social Workers
Senior Behaviour Support Officer
Senior Social Workers
Social Work Assistants
Social Workers
Special Needs Auxiliaries in Schools
Study Support Group Member/Tutor
Substance Misuse Support Officer
Supported Accommodation Workers
Trainee Youth Workers (Breaking the Cycle)
Unit Managers
Youth Justice Manager
Youth Strategy Group Workers

added to list March 2006

Head Teacher / Class Teacher for Nursery Classes in the schools detailed below.

added to list 28/04/2006

Levenhall Nursery School
North Berwick Nursery School
Prestonpans Nursery School
Tranent Nursery School
Aberlady Primary School
Athelstaneford Primary School
Campie Primary School
Cockenzie Primary School
Dunbar Primary School
East Linton Primary School
Elphinstone Primary School

Gullane Primary School
Haddington Infant School
Humbie Primary School
Innerwick Primary School
Longniddry Primary School
Loretto RC Primary School
Macmerry Primary School
Musselburgh Burgh Primary School
Ormiston Primary School
Pencaitland Primary School
St Gabriels RC Primary School
St Martins RC Primary School
St Marys RC Primary School
Saltoun Primary School
Stoneyhill Primary School
Wallyford Primary School
West Barns Primary School
Whitecraig Primary School
Yester Primary School
Olivebank Child & Family Centre
Meadowpark

Below posts ENHANCED w.e.f. 19 May 2006

Admin Assistants in Schools
Classroom Assistants
Clerical Assistants in Schools
Dining Room Supervisors
Laboratory Assistants in Schools
Librarians in Schools
Library Assistants in Schools
Playground Supervisors
PPP Project Manager
PPP Assistant Project Manager
PPP Project Assistant
School Secretaries
Support Worker ELPPAB Project (Anti Bully)
Technicians in Schools
Wraparound Nursery Care Assistants
Wraparound Nursery Care Leaders

added to list 28/04/06
added to list 28/04/06
added to list 28/04/06

Department of Community Services

Community Wellbeing Division

ENHANCED LEVEL

Active School Co-ordinator (Primary)	
Administrative Assistants in Community Centres	
Adult Education Tutors who work in Schools during daytime	added to list 14/12/06
Adult Literacy and Numeracy Tutors	
Amenity Protection Officer	added to list 05/06/06
Amenity Protection Assistant	added to list 05/06/06
AAR Area Co-ordinator	added to list 04/09/06
Assistants-in-Charge (Branch Libraries)	changed to enhanced 17/07/06
Catering Assistant/Cooks/Cook Supervisors in Schools	
Cafeteria Assistants in Sports Centres	
AAR Cafeteria Assistants in Community Centres	
Caretakers	amended 28/04/06
Cleaners	amended 28/04/06
Coaches	
AAR Community Development Assistants	
AAR Community Development Officers	
AAR Crèche Workers	
Countryside Rangers & Aberlady Bay Local Nature Reserve Wardens	
Healthy Project Co-ordinators -	Food & Nutrition; Physical Activity; Ageing Well; Paths to Health; Mental Health
Instrumental Instructors	
AAR IT Co-ordinator – East Lothian Learning Partnership	added to list 28/04/06
Janitors	amended 28/04/2006
Leisure Assistants	
Librarians in Libraries (not HQ Staff)	changed to enhanced 17/07/06
Library Assistants in Libraries (not HQ Staff)	changed to enhanced 17/07/06
Librarian – Young People’s Services	changed to enhanced 17/07/06
Manager John Muir Birthplace	
AAR Mens Health Coach	
Museums Education Officer	
Outdoor Education Associate Instructors	
AAR Principal Officer	added to list 04/09/06
Project Co-ordinators TJ’s	
Project Worker	
Seasonal Museum Assistants (working alone)	
Security Officers	added to list 28/04/06
AAR Senior Leisure Assistants	
AAR Sessional Arts Tutors (for all freelance staff)	
Senior Librarian – Local History & Promotions	changed to enhanced 17/07/06
Senior Librarian – Young People’s Services	changed to enhanced 17/07/06
Senior Library Assistant (not HQ Staff)	changed to enhanced 17/07/06
AAR Specialist Arts Officers - Dance Artist	

- AAR **Community Arts Officer**
 Cultural Co-ordinator
 Sport & Physical Activity Co-ordinator
 Sports Development Officers
 Summer School Coaches
- AAR **Team Leader** added to list 04/09/06
- AAR **Toilet Attendants**
 Van Driver/Assistant (Library & Museums Services) changed to enhanced 17/07/06
- AAR **Youth Workers**
 Youth Arts Administrator (covers BYT & Youth Dance Group Staff)

STANDARD LEVEL

- ~~Brunton Theatre Front of House Staff~~ Removed from List December 2006
 Cleaners in Spots Centres
 Local History Officer
 Park Wardens
 Seasonal Facility Attendants
 Vocational Trainees

Community Support Division

ENHANCED LEVEL

- AAR **Head of Community Support** changed to enhanced 04/09/06
- AAR **Service Manager Commissioning and Development** changed to enhanced 04/09/06
- AAR **Service Manager Strategic Policy Planning and Support** changed to enhanced 04/09/06
- Criminal Justice**
- AAR **Community Service Assistants**
- AAR **Community Service Organisers**
- AAR **Senior Social Workers**
- AAR **Service Managers**
- AAR **Social Workers**
- Community Care Team**
- AAR **Community Care Assistants**
- AAR **Occupational Therapists**
- AAR **Senior Occupational Therapists**
- AAR **Senior Social Workers**
- AAR **Service Manager**
- AAR **Social Workers**
- AAR **Team Leaders**
- AAR **Support Services Assistants**
- Residential Care**
- AAR **Activity co-ordinators**
- AAR **Assistant Managers**
- AAR **Clerical Assistants**
- AAR **Cooks**
- AAR **Domestics**
- AAR **Handypeople**
- AAR **Senior Social Care Workers (inc. Crisis Care)**

AAR Service Managers

AAR Social Care Workers

Domiciliary Care

AAR Community Alarm Scheme Staff (co-ordinators only)

AAR Domiciliary Care Organisers

AAR Domiciliary Care Workers

AAR Home Helps

AAR Service Manager

Adult Services

AAR Assistant Managers

AAR Cooks

AAR Day Care Officers

AAR Handypeople

AAR Resource Workers

AAR Senior Day Care Officers

AAR Service Manager

AAR Adult Resource Team Worker

added to list 04/09/06

ELVOS

AAR Elvos Team Manager

AAR Elvos Senior Employment Worker

AAR Employment Support Worker

Community Support Division cont.

STANDARD LEVEL

Commissioning and Development Officers

Policy and Planning Officers

Drug and Alcohol Development Officers

Resource and Development Officer

Complaints Officer

Management Information Officer

Community Housing and Property Management Division

ENHANCED LEVEL

Community Housing Services Manager

Community Housing and Property Manager

AAR Sheltered Housing Officers

AAR Assistant Sheltered Housing Officers

AAR Domestic staff in Sheltered Housing Projects

Homeless and Advice Officers

Community Housing Officers

Community Housing Managers

Travellers Site Officer

AAR Supported Accommodation Team Workers

AAR Housing Occupational Therapist

added 28/04/2006

Homeless Support and Advice

ENHANCED LEVEL

- AAR Response Officers
- AAR Prevention Officers
- AAR Accommodation Officers
- AAR Senior Response, Accommodation and Prevention Officers
- AAR Homelessness Co-ordinator
- AAR Health Liaison Officer
- AAR Homelessness Manager

Department of Environment

ENHANCED LEVEL

Transportation Division

- School Crossing Guide
- Escorts
- Driver/Attendant

Environmental & Consumer Services

- AAR Smoking Cessation Development Officer
- Trading Standards Manager
- Principal Trading Standards Officer
- Enforcement Officer (Trading Standards)

STANDARD LEVEL

- Food & Safety Manager
- Principal Environmental Health Officer
- Senior Environmental Health Officer
- Environmental Health Officer
- Food Safety Officer

added to list 18/08/06
added to list 18/08/06
added to list 18/08/06
added to list 18/08/06
added to list 18/08/06

Department of Chief Executive

ENHANCED LEVEL

- Community Response Supervisor
- Community Response Assistant
- Support Services Assistant – Customer Service Unit
- Community Assessment Supervisor (previously Alarm Co-ordinator)
- Technical Assistant

Department of Corporate Finance and Information Technology

ENHANCED LEVEL

Modernising Government Programme Project Managers
Modernising Government Programme Smartcard Support

Internal Auditor
Internal Audit Manager

AAR Finance Assistant, Community Care Finance Unit	added to list 06/03/06
AAR Council Tax Team Leader	added to list 06/03/06
AAR Council Tax Officer/Assistant	added to list 06/03/06
AAR Arrears West Team Leader (Rent Income Team Leader)	added to list 06/03/06
AAR Arrears East Team Leader - (Specialist Arrears Team Leader/ Corporate Debt Team Leader)	added to list 06/03/06
AAR Arrears Officer/Assistant (Rent Income Officer/Assistant)	added to list 06/03/06
AAR Specialist Arrears Officer/Assistant (Corporate Debt Officer/Assistant)	added to list 06/03/06
AAR Team Leader (Benefits)	added to list 06/03/06
AAR Team Leader (Investigation/Interventions)	added to list 06/03/06
AAR Benefit Officer/Assistant	added to list 06/03/06
AAR Benefit Officer/Assistant (Interventions)	added to list 06/03/06
AAR Benefit Fraud Investigation Officer/Assistant	added to list 06/03/06
AAR Administrative Assistants Community Care Finance Team	added to list 08/08/07

STANDARD LEVEL

ICT Officer	added to list 28/04/06
IT Student Placements	added to list 28/04/06

Other Organisations (i.e. Taxi Companies) At Enhanced Level:

Taxi Drivers

Attendants

Escorts

Note This list may be added to or reduced as and when required

Checks will be undertaken by East Lothian Council in the following non-employee areas:

Adult carers

Befrienders

Childrens Panel Members

Foster Carers

Foster Parents

Justices of the Peace

Prospective Adopters

Supportive Lodging Providers

Volunteers (operating within the Council)

Safeguarders

Legal Representatives

CPAC