

## HUMAN RESOURCES

### EMPLOYMENT AND CRIMINAL CONVICTIONS POLICY

Original Author/Role	Geri Thomson
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**SCOTTISH**  
**FIRE AND RESCUE SERVICE**

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# PEOPLE AND ORGANISATIONAL DEVELOPMENT

## HUMAN RESOURCES

### EMPLOYMENT AND CRIMINAL CONVICTIONS POLICY

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## **1. POLICY STATEMENT**

- 1.1 The Scottish Fire and Rescue Service (SFRS) is committed to equality of opportunity for all job applicants and aims to select people for employment solely on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.
- 1.2 In support of these values, SFRS will consider applications for employment from candidates with criminal convictions. SFRS employees however often have access to private property, confidential information and/or work with vulnerable groups within the community. Our approach towards employing individuals with criminal convictions will therefore also depend on whether the job is exempt from the provisions of the Rehabilitation of Offenders Act 1974 or involves regulated work with children and/or protected adults as defined within the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act).
- 1.3 SFRS will request background checks only where this is considered proportionate and relevant to the particular position. This will be based on a thorough risk assessment of that position and consideration of the relevant legislation which determines whether a Disclosure check or membership of the PVG scheme is required.

## **2. SCOPE**

- 2.1 The policy applies to all employees of SFRS and to external candidates applying for roles within the Service. Where appropriate to the role, it also applies to volunteers or agency workers carrying out work on behalf of SFRS.
- 2.2 The provisions of this policy will also apply to external organisations that provide services on behalf of the SFRS. These organisations will be expected to ensure that they carry out background checks to the same standards as SFRS.

### **3. OBJECTIVES**

3.1 This policy aims to express the SFRS's approach towards employing people who have criminal convictions at the point of application for appointment, who are convicted of criminal offences during their employment with SFRS or who are listed (barred from carrying out "regulated work" with vulnerable people) under the PVG Act. It also specifies the steps we will take to ensure that all candidates applying for positions are treated fairly, whilst ensuring compliance with our legal obligations to ensure the safety of the communities we serve.

### **4. DISCLOSURE SCOTLAND**

4.1 Disclosure Scotland is an Executive Agency of the Scottish Government, responsible for assisting employers to make safe decisions when recruiting people and to ensure that unsuitable people are prevented from working with vulnerable groups, such as children and protected adults. It achieves this by providing details of an individual's criminal history and other relevant details supplied by agencies such as Police Scotland or Social Services that can inform an employer's Recruitment and Selection decisions and decisions regarding continuity of employment for existing employees.

4.2 SFRS is registered with Disclosure Scotland and has appointed the Chair of the SFRS Board as the "registered person / lead signatory". Employees within the Human Resources and Organisational Development (HROD) Function are also registered as counter signatories and will be responsible for processing all applications for Disclosures and PVG Scheme membership submitted to Disclosure Scotland.

## **5. LEGAL OVERVIEW – THE REHABILITATION OF OFFENDERS ACT 1974**

- 5.1 The Rehabilitation of Offenders Act (ROA) defines when individuals are entitled to withhold details of criminal convictions from a prospective employer, with the aim of helping offenders who have put offending behaviour behind them re-join society and lead productive lives through gaining employment.
- 5.2 In Scotland, the ROA provides that anyone who has been convicted of a criminal offence and is sentenced to either a non-custodial penalty or sentenced to prison for a period of 30 months or less can be regarded as “rehabilitated” after a specified period, provided he or she receives no further convictions. Anyone receiving a custodial sentence of over 30 months must disclose details of this conviction, when asked, because there is no protection under the 1974 Act for such sentences, regardless of how long has passed since conviction. The timescale within which convictions can become “spent” varies, depending on the seriousness of the offence and the age of the offender at the time of the offence. Spent convictions need not be disclosed to prospective employers and it is an offence for employers to take spent convictions into account when considering whether to offer employment, unless they have specific exemptions from the terms of the ROA.

## **6. LEGAL OVERVIEW – THE POLICE ACT 1997**

- 6.1 Whilst the ROA entitles rehabilitated offenders to legitimately refrain for disclosing information on spent criminal convictions, etc., part V of the Police Act 1997 provided the means whereby authorised bodies can access a range of information on the criminal history of individuals. These provisions of the Police Act are further supported by Regulation 4(3)b of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 which identifies Fire and Rescue Services as exempt from those provisions

of the ROA Act that prohibit the release of details of spent convictions that otherwise could be withheld under the ROA.

6.2 Disclosure checks (known as Disclosures) provide the means whereby a prospective employer can be informed of an individual's criminal record at the time of application. Disclosure Scotland can provide various levels of Disclosure, with the one most relevant to Support Staff roles within SFRS being:

- **Standard Disclosure:** This lists the individual's unspent convictions, relevant spent convictions and unspent cautions. (A spent conviction is a criminal conviction that, under the Rehabilitation of Offenders Act 1974, can be disregarded after a certain length of time).

## 7. THE PROTECTING VULNERABLE GROUPS SCHEME

7.1 Disclosure Scotland also administer the Protecting Vulnerable Groups Scheme. Membership of this scheme provides employers with a means to ensure that any individual meets the legal requirements under the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007, where they are carrying out "regulated work" with children and/or protected adults.

7.2 Under the PVG Act, a child is defined as any individual aged less than 18 years. A "protected adult" is defined as someone over the age of 16 and who receives services from specified forms of medical, social care or welfare organisations. Regulated work includes activities such as caring for or being in sole charge of vulnerable groups or individuals, providing teaching, training, supervision, advice or guidance or assistance, having unsupervised contact or providing welfare or health care services.

7.3 The PVG scheme involves the "listing" of those who, due to previous behaviours or convictions, are considered as unsuitable to carry out regulated work with children or protected adults. As the criteria required to

carry out regulated work differs for children or protected adults, Disclosure Scotland maintains separate listings for those barred from working with each group. Consequently, an individual may be prohibited from working with one but not both of the protected groups. Where someone has been listed, it will be a criminal offence for them to carry out regulated work with the protected group to which their listing applies. It will also be a criminal offence for an organisation to employ a listed person to carry out regulated work.

- 7.4 Individuals may be “listed” following the provision of relevant information to Disclosure Scotland by the Police, the Scottish Court Service, Social Services or through a referral by a former employer or regulatory body. In some cases, information provided to Disclosure Scotland will result in automatic “listing”; such cases are restricted to specific convictions which are outlined in the PVG Act. In other cases, Disclosure Scotland will decide to list an individual following a thorough assessment of information available. The individual under assessment and their employer will be informed of the initiation of the assessment process and may make representations to respond to the information being considered. Where an assessment is underway, it is still legally permissible for that person to carry on providing regulated work until a final outcome is known.
- 7.5 The detail of information provided within PVG Certificates which record the outcomes of the PVG membership application will vary depending on the nature of the PVG report requested. The types of PVG reports available from Disclosure Scotland which are relevant to SFRS are:
- a Scheme Record;
  - a Short Scheme Record Update.
- 7.6 A Scheme Record provides full details of the subject of the report, including the vetting information taken into account during Disclosure Scotland’s assessment. In contrast, the Short Scheme Record only provides confirmation that the individual is already a member of the scheme but provides no further information. To provide a full view of an individual’s

background, SFRS will only accept full Scheme Records when considering whether to appoint an individual into a post carrying out regulated work.

## **8. SFRS POSTS SUBJECT TO BACKGROUND CHECKS**

8.1. Disclosure or membership of the PVG scheme may be a requirement of employment either:

- at the point of entry to SFRS;
- where an existing employee moves from a position that does not require a Disclosure or PVG scheme membership to one that does;
- where a review of a post's responsibilities establishes that such a check has become necessary; or
- where legislative or statutory requirements are updated and Disclosure/PVG Scheme requirements are amended. Any such amendments will be subject to consultation with the recognised Representative Bodies.

8.2 The Workforce Planning and Resourcing Admin Team will hold a register of posts which have been identified as requiring either a Disclosure or PVG Scheme membership. This register will be updated on an ongoing basis and will be accessible to managers when considering whether a post may require to be subject to Disclosure or PVG Scheme membership. Posts currently in the register are listed within the Register of Posts – Disclosures on the SFRS iHub.

8.3 Where a post is not on the register and a manager considers that the responsibilities of the post may require a Disclosure or PVG Scheme membership, the manager will be required to discuss this with their local HR Adviser and then submit an "Authorisation for Disclosure Check" proforma (see [Appendix A](#)), along with a Job Description, to the relevant HROD Manager. They will review the request and determine whether the post falls within the scope of the Disclosure or the PVG Act and, if so, which level of

background check is applicable. In making this determination, the HROD Manager may seek advice from SFRS's Legal Section or from Disclosure Scotland.

- 8.4 Costs associated with Disclosure or PVG Scheme Membership applications will be borne by the recruiting Function or Section.

## **9. RECRUITMENT AND SELECTION – PERMANENT ROLES**

- 9.1 SFRS is committed to equality of opportunity for all job applicants as outlined at [paragraph 1.2](#). The Service will, consequently, consider applications for employment from candidates with criminal convictions based on their merits and will not refuse employment on the basis of criminal convictions, unless materially justified by the requirements of the role applied for.

- 9.2 All candidates applying for roles within SFRS will be asked to provide details of previous criminal convictions within their application form. Where it is determined that a post requires a Disclosure or PVG scheme membership, details of the type of check to be carried out and how to apply will also be included in the job advert / information pack.

- 9.3 As it is illegal to assign listed individuals to work with the vulnerable group to whom the listing applies, an application for appointment to a post requiring PVG membership will be rejected where an applicant is found to have been listed or is under consideration for listing in relation to a PVG Scheme application. Where a Disclosure check, PVG check or the application form reveal details of criminal convictions, the recruiting manager will consult with an HR Adviser to review the individual circumstances and then determine whether to progress the application during the shortlisting process.

- 9.4 Whilst a Disclosure or PVG check may reveal details of previous criminal convictions, it does not provide details of the context within which the offences were committed. Consequently, an application for employment

should not automatically be rejected because of the existence of previous convictions. A candidate's criminal record should, therefore, be assessed in relation to the role they will be required to perform and the circumstances in which the work is to be carried out. Withdrawing a candidate from any recruitment and selection process must only be undertaken after due consideration of all relevant factors and following consultation with HROD.

9.5 Where relevant to the role, a Disclosure or PVG membership should be requested for successful candidates only. In such circumstances, any offer of appointment will be conditional and subject to the background checks not revealing any information that would preclude employment in the role.

9.6 Managers should plan the recruitment and selection process to include appropriate time to allow for Disclosure or PVG Scheme membership applications to be processed, as the applicant will be unable to commence in post until the certificate has been returned from Disclosure Scotland and deemed satisfactory by SFRS. The time taken by Disclosure Scotland to process applications can vary depending on the level of demand and the nationality of applicants; however, typically, it can be up to five to six weeks.

## **10. RECRUITMENT AND SELECTION – TEMPORARY ROLES**

10.1 Existing employees are, on occasion, temporarily appointed following less formal selection processes such as notes of interest or, in the case of uniformed employees, from temporary promotion lists on which the employee is entered by application.

10.2 Managers temporarily appointing employees to posts that involve regulated work with protected groups must ensure that an offer of temporary appointment is only made following confirmation that the employee has gained membership of the PVG Scheme.

## **11. POST-EMPLOYMENT DISCLOSURES**

- 11.1 Existing employees of SFRS may be subject to a Disclosure check where they have not previously been subject to such a check and are being considered for an alternative post on either a temporary or substantive basis. This also will apply to employees who may be temporarily carrying out alternative duties.
- 11.2 Employees of SFRS are employed based on information available at the time of appointment and are under a contractual obligation, as outlined in the SFRS Code of Conduct, to report the initiation of criminal charges against them after appointment. Any subsequent Disclosure that reveals undisclosed criminal convictions that should have been brought to the attention of the SFRS may, therefore, not only lead to an appointment to an alternative post being refused but may also result in the initiation of disciplinary process through the SFRS Disciplinary Policy and Procedure.

## **12. POST-EMPLOYMENT PVG MEMBERSHIP APPLICATIONS**

- 12.1 Where an existing employee is not a member of the PVG scheme or their membership of the PVG scheme relates to different types of regulated work, then PVG membership will be a requirement for appointment to any alternative post carrying out regulated work.
- 12.2 A PVG scheme membership application may demonstrate that an SFRS employee applying for an alternative post has been listed and, therefore, is legally barred from carrying out regulated work with either children or protected adults or both. Where the applicant is barred from working with a group or groups with whom the applicant would come into contact as part of the role, the application for the alternative post will be rejected.
- 12.3 In applying these provisions, due consideration will be taken to the particular circumstances relevant to each individual case. It should be noted that an

individual may be listed only in relation to one of the protected groups (children or protected adults) and the role in question may not require the post holder to carry out regulated work with that protected group. In such instances, the application should not automatically be rejected; however, the listing should be considered against the requirements of the role and due consideration should be given to the safeguarding of the protected group with whom the post holder would come into contact, if appointed.

12.4 It may also be necessary for employees to seek membership of the PVG scheme where a review of their current role determines that the role's duties and responsibilities fall within the definition of regulated work or where changes to legislation require such checks to be carried out. This may demonstrate that an employee has been listed. In these circumstances, it will be illegal for the individual concerned to carry out or be assigned to carry out the regulated work. Where this has arisen through an employee's failure to inform the Service of a criminal conviction after employment, then this will be managed through the SFRS Disciplinary Policy and Procedure. Where it arises through factors that were either known of at the point of appointment or were not required to be disclosed, then SFRS will seek to support the employee as outlined at paragraph 12.5.

12.5 In supporting employees whose role has been newly determined as falling within the scope of the PVG Act and who are either found to have been listed or are under consideration for listing, SFRS will seek to resolve this by:

- ensuring that the employee is aware of the PVG appeals processes to contest the listing;
- ensuring that decisions regarding the continuity of employment for any individual are made only once the outcome of an appeal against a listing decision is known;
- considering redeployment of the employee to an alternative post, where regulated work is not a feature of the role, under the terms of the SFRS Redeployment Policy and Procedure.

However, where an appeal is not progressed by the employee or is unsuccessful and redeployment is not an option, the Service may address this through an appropriate, fair and transparent dismissal process, in line with the ACAS Code of Practice.

- 12.6 Members of the PVG scheme are subject to ongoing monitoring of their suitability to carry out regulated work. Where SFRS is informed by Disclosure Scotland that a PVG Scheme member is undergoing an assessment by Disclosure Scotland as a result of information received, SFRS may temporarily redeploy the employee away from carrying out regulated work or make alternative arrangements until the assessment is concluded. Any such temporary redeployments will be made without prejudice or assumptions of misconduct and will, therefore, not involve changes to existing terms and conditions. Where Disclosure Scotland's assessment results in the employee being listed or other significant information is identified, SFRS will either initiate the steps outlined in [paragraph 12.5](#) or, if the assessment identifies undisclosed criminal convictions, the steps outlined at [paragraph 12.4](#).

### **13. SFRS REFERRALS TO DISCLOSURE SCOTLAND**

- 13.1 Under the PVG Act, SFRS has a statutory duty to report to Disclosure Scotland, within 3 months of making a final decision, where an employee was responsible for "harmful behaviour" and:

- was dismissed;
- resigned before dismissal;
- was permanently transferred from regulated work with children or protected adults.

- 13.2 Where concerns are raised that an employee may have been responsible for "harmful behaviour" towards children or protected adults, SFRS will not refer the issue to Disclosure Scotland until after the SFRS Disciplinary procedures

have concluded and the outcome requires such a referral to be made. The employee may, however, be removed from regulated work until the conclusion of Disciplinary procedures.

## **14. MANAGEMENT RESPONSIBILITIES**

- 14.1 Line Managers have a responsibility to be aware of how responsibilities within their remit may involve interaction with vulnerable groups or provide access to privileged information or SFRS assets. Line Managers must also have an appreciation of the principles of Disclosure and the PVG scheme, the legislation concerning the protection of vulnerable groups and of where the appointment of an individual who has been listed, or has in the past displayed criminal behaviours, could present a risk to vulnerable people or SFRS.
- 14.2 Managers seeking to establish new roles within their structure should, therefore, consider the responsibilities of the posts in question and assess whether the post should be subject to either Disclosure or PVG scheme membership.
- 14.3 Where SFRS is notified by Disclosure Scotland that an individual has been barred from regulated work, immediate steps must be taken to prevent the employee from carrying out such work. Managers should seek support from their local HR Adviser in these circumstances.

## **15. APPLICANT / EMPLOYEE RESPONSIBILITIES**

- 15.1 Applicants for positions within SFRS are required to declare any criminal convictions within SFRS application forms and to complete and return Disclosure or PVG membership applications. Any refusal or failure to submit a completed Disclosure or PVG application form, where requested, will be considered as an incomplete application and the application will be rejected.

15.2 Where a candidate does not disclose criminal conviction information, when requested, and is subsequently found to have criminal convictions before appointment, the candidate may be withdrawn from the recruitment or selection process. Where a candidate has been issued with a contract of employment prior to the failure to disclose being recognised, this will be addressed through the SFRS Disciplinary Policy and Procedure.

15.3 SFRS employees who are members of the PVG Scheme must:

- maintain membership of the PVG Scheme whilst employed to carry out regulated work;
- obtain permission from their line manager to withdraw from the PVG Scheme should they be appointed to another role which does not involve regulated work;
- notify Disclosure Scotland when they leave SFRS;
- inform Disclosure Scotland of any changes of address, contact email address or phone / mobile phone number;
- inform Disclosure Scotland of any changes to their name or gender within 3 months of the change.

Failure by a scheme member to inform Disclosure Scotland of any changes to personal or contact details constitutes a criminal offence and may result in criminal prosecution.

15.4 Advice on how an employee can meet these obligations and copies of the relevant forms can be found on Disclosure Scotland's webpage, which can be accessed through the following link:

<https://www.mygov.scot/organisations/disclosure-scotland/>

## **16. BACKGROUND CHECKS AND TRANSSEXUAL PERSONS**

- 16.1 Disclosure Scotland recognises that transsexual persons may not wish to disclose details of their previous gender to their employer and have, therefore, provided a special application process for these individuals.
- 16.2 Any trans person requested to complete a Disclosure or PVG Membership application form by their employer need not enter details, such as trans status or previous name or gender, in the Disclosure Scotland application form.
- 16.3 Trans persons using the special application process must, however, submit details of their previous name under separate cover to Disclosure Scotland.
- 16.4 Further details on the trans person special application process can be accessed through the following link:  
<https://www.mygov.scot/transgender-disclosure-application/>

## **17. EXTERNAL SERVICE PROVIDERS AND CONTRACTORS**

- 17.1 Heads of Function and Deputy Assistant Chief Officers responsible for awarding contracts for service to external providers or contractors must ensure that the contractual agreements specify that employees of the external providers who carry out regulated work on behalf of SFRS must have relevant membership of the PVG Scheme. External providers must also provide formal guarantees that they will not allow employees who are barred from carrying out such work to continue providing this service to SFRS.
- 17.2 It would also be expected that, where an employee of an external organisation is being considered for “listing” by Disclosure Scotland, they are suspended from carrying out regulated work on behalf of SFRS.

## **18. EMPLOYMENT OF AGENCY STAFF**

- 18.1 SFRS often use employment agencies to employ staff, either on a short term or permanent basis. The Scottish Government has developed the Scottish Government Procurement Framework which lists approved agencies that comply with specified criteria, including the capacity to provide staff who have been subject to Disclosure checks or are members of the PVG Scheme. Managers seeking to source temporary staff must express their requirements concerning background checks within the Statement of Requirement form. Advice on sourcing temporary staff through an agency can be found within the SFRSs Agency Worker Guidelines on the iHub.
- 18.2 Managers using agencies to source staff for permanent employment should arrange for the Workforce Planning and Resourcing team to arrange for Disclosure or applications for PVG membership as appropriate.

## **19. OVERSEAS CRIMINAL RECORD CHECKS**

- 19.1 Overseas Criminal Record checks should be sought in the following circumstances:
- An applicant for employment has been resident in the UK for most of his or her adult life but has spent a continuous period of three months or longer in at least one overseas country within the last 5 years;
  - An applicant for employment has moved to the UK within the last 10 years, having previously lived abroad for most of his or her adult life.
- 19.2 Whilst Disclosure Scotland has no direct access to criminal records held by foreign Governments, it has data sharing arrangements with a number of European nations and can, therefore, carry out Disclosure or PVG membership assessments for citizens or former residents from these countries. Where such data sharing arrangements do not extend to the country from which an applicant originated or resided in, the onus to provide

adequate evidence of suitability for employment will lie with the applicant. Applicants will, therefore, be asked to provide “Criminal Record Certificates” from their Governments or an appropriate government / police agency.

Guidance on carrying out these checks is provided by the Home Office via the following link:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **20. VOLUNTEERS**

- 20.1 In some circumstances, SFRS may accept the services of volunteers to augment some elements of service delivery. Heads of Function authorising the use of volunteers to carry out activities on behalf of SFRS must consider whether these activities require that the volunteers undergo Disclosure checks or become members of the PVG scheme and discuss this matter further with their HROD Adviser. Where it is concluded that the activities of the volunteers may come within the scope of the PVG Act, the manager should submit an “Authorisation for Disclosure Check” proforma (see [Appendix A](#)) and a relevant Job Description to the relevant HROD Manager for further consideration and approval.

## **21. PARTNERSHIP WORKING**

- 21.1 SFRS regularly enters into partnership with other Public or Third Sector organisations to participate in joint initiatives aimed at supporting the community. Where arrangements are agreed with partner organisations, a written agreement must be in place which clearly states who has responsibility for the employment (voluntary or otherwise) of the individual. This includes identifying where Disclosure or PVG membership is required, who will be responsible for carrying out this checking and the arrangements that will apply in the case of any new information being made available in relation to an employee. SFRS Managers initiating or agreeing to such

arrangements will be responsible for ensuring that these responsibilities are met.

## **22. DATA SECURITY**

- 22.1 Application Forms, PVG Certificates and Disclosure Certificates contain personal details of applicants and employees that are highly confidential. All documentation and information provided by Disclosure Scotland must, therefore, be made accessible only to the Recruiting Manager and members of the HROD Function from whom they may seek guidance and advice.
- 22.2 It is a criminal offence to request or use Disclosure or PVG information for the purposes other than that for which it was requested or to release information to persons within SFRS who are not entitled to have access to it in the course of their duties or for such persons to use it for purposes other than intended. To comply with these statutory duties, the following responsibilities are placed on SFRS employees:
- 22.2.1 The registered person / lead signatory will be responsible for ensuring that Disclosure and PVG information is used solely for the purposes for which it is requested and provided, that it is only released to those authorised to see it in the course of their duties and that it is handled, stored and disposed of in line with the Code of Practice published by Scottish Ministers under section 122, Part V of the Police Act 1997.
- 22.2.2 Counter signatories must only submit Disclosure or PVG membership applications to Disclosure Scotland where the role has been confirmed as requiring such background checks.
- 22.2.3 Counter signatories must only release Disclosure or PVG membership information to employees of SFRS who are authorised to receive this information in the course of their duties.

- 22.2.4 The Workforce Planning and Resourcing, and Human Resources and Organisational Development Admin Teams must handle, store and dispose of Disclosure or PVG membership information in the approved manner.
- 22.3 Disclosure or PVG Membership information will be stored securely by the Workforce Planning and Resourcing Admin Team until a determination is made as to whether the applicant / employee to whom it relates is to be appointed or remain within the post in respect of which the background check was requested.
- 22.4 The outcomes of Disclosures or PVG membership applications will be entered into the iTrent system. The information entered will be restricted to:
- the type of background check that was undertaken;
  - in the case of PVG membership, the type of regulated work that the individual is authorised to undertake;
  - the date of issue and unique number of the Disclosure or PVG Membership certificate.
- 22.5 PVG and Disclosure certificates will be stored securely in lockable non-portable storage containers. Access to the stored certificates will be restricted to members of the Workforce Planning and Resourcing Team, who will only release information from these Certificates to Managers who legitimately require it to carry out their responsibilities. PVG Certificates will be retained for the duration of the employees' role in carrying out regulated work. Disclosure certificates will be retained for the duration of the employees' employment with SFRS.
- 22.6 PVG and Disclosure certificates will be disposed of securely through shredding. Whilst awaiting disposal, certificates will be stored securely.

## **23. CONSULTATION**

This policy has been developed following consultation with representative bodies.

## **24. FURTHER INFORMATION**

Implementation of this policy and responsibility for dealing with enquiries is the responsibility of the line manager; therefore, for further information, please contact your line manager in the first instance. For further information on applying this policy, please contact an HR Adviser within the People and Organisational Development function.

## **25. ASSOCIATED DOCUMENTS / REFERENCES**

Authorisation for Disclosure or PVG Background Check Form

Agency Workers – Manager’s Guide

Code of Conduct

Disciplinary Policy and Procedure

Redeployment Policy and Procedure

Police Act 1997

Protection of Vulnerable Groups (Scotland) Act 2007

Rehabilitation of Offenders Act 1974

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland)

Order 2013

## APPENDIX A – AUTHORISATION FOR DISCLOSURE OR PVG BACKGROUND CHECK FORM



### Scottish Fire and Rescue Service Authorisation for Disclosure or PVG Membership

#### Notes:

The issue of disclosure information on individuals is regulated by statute and will only be provided by Disclosure Scotland where the activities undertaken by post holders justifies it. Where a Line Manager considers that a post (new or existing) within their area of remit may require that post holders be subject to a Disclosure Check or become a member of the PVG Scheme, they should submit this pro-forma and the associated Job Description, via their Head of Function to the HROD Manager for consideration and authorisation for it to be included within the Scottish Fire and Rescue Service's register of posts requiring background checks.

Guidance on the types of Disclosure available and the criteria under which membership of the PVG scheme may be granted are available within the Guidance note on the iHub or from Disclosure Scotland at: <https://www.mygov.scot/pvg-scheme/types-of-pvg-disclosure-record>.

#### POST DETAILS

(\* delete as appropriate)

Job Title:			
Directorate:			
Section / Area:			
Please choose <b>ONE</b> of the following:			
Type of Disclosure Check considered appropriate:	<b>Standard Disclosure</b>		
Type of PVG Scheme Membership required	<b>Protected Adults</b>	<b>Children</b>	<b>Both</b>

**REASON FOR REQUEST**

**Please provide details of why a Disclosure Check or PVG Membership is required:**

*Please ensure that the evidence includes details of any protected groups the post holder will be working with, the specific tasks they will be carrying out, which other employees will accompany them and where the work will be carried out.*

**MANAGER AUTHORISATION**

A) I hereby request that this position be subject to a \* Standard Disclosure Check / PVG Membership.

Line Manager's Name:		Job Title:	
Directorate:		Section / Area:	
Signature:		Date:	

B) I **\*authorise / do not authorise** the request that this position be subject to a \* Standard Disclosure Check / PVG Scheme membership check.

Area Commander's / Head of Function's Name:		Date:	
Signature:			

*\* Delete as applicable.*

**HUMAN RESOURCES AUTHORISATION**

A) I **\*confirm / do not confirm** that this post should be subject to a **\*Standard Disclosure / PVG Scheme membership** check.

Name:		Job Title:	
Signature:		Date:	