

Secure Handling, Use, Storage and Retention of Disclosure/PVG Scheme Information

*We will provide this policy on request at no cost,
in large print, in Braille, on tape or in another
non-written format.*

Introduction

The Protection of Vulnerable Groups (Scotland) Act 2007 and part V of the Police Act 1997 is aimed at helping employers access the suitability of applicants for particular posts and to make safer recruitment decisions in relation to positions of trust by widening access to criminal record information. The Acts provide for the issue of criminal conviction certificates, criminal records certificates and enhanced criminal record certificates, known as Basic, Standard and Enhanced Disclosures and PVG Scheme Records/Updates. These certificates are issued by Disclosure Scotland.

The Acts also provide for a Code of Practice governing the use of all information issued in respect of Basic, Standard and Enhanced Disclosures and PVG Scheme Membership. The Code requires all recipients of such information to comply with the Code and to handle, storage and dispose of the information appropriately.

Wheatley Care is therefore required to have a written policy on the handling, storage and destruction of Disclosure/PVG Scheme information and to ensure that any body or individual, at whose request applications for Basic, Standard and Enhanced Disclosures and PVG Scheme Records/Updates are countersigned, has such a written policy.

General Principles

Wheatley Care complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding, storage, destruction and retention of Disclosure/PVG Scheme information provided by Disclosure Scotland under Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007, 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. We will provide a copy of this policy to anyone who requests to see it.

Usage

We use Disclosure/PVG Scheme information only for the purpose for which it has been provided. The information provided by an individual for a position within Wheatley Care 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 will notify the individual of any non-obvious use of the data, including further disclosure to a third party, identifying who has requested the data and for what purpose.

Handling

Wheatley Care recognises that, under Section 124 of the Police Act 1997 or sections 66 or 67 of the PVG (Scotland) Act 2007, it is a criminal offence to disclose Disclosure/PVG Scheme information to any unauthorised person. We therefore only pass Disclosure/PVG Scheme information to those who are authorised to see it in the course of their duties.

Access and Storage

We will not keep Disclosure certificates or PVG Scheme Records/Updates in 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. The authorised individuals are the Director of Wheatley Care and Human Resources staff.

Retention

We will not retain Disclosure/PVG Scheme information for any longer than is required after a recruitment decision has been taken. In general, Disclosure information will be kept for no longer than 90 days. This is to allow for the resolution of any disputes or complaints. Disclosure certificates will only be retained for longer than this period in exceptional circumstances and in consultation with Disclosure Scotland. PVG Scheme Records/Updates will be stored in a central file until an individual ceases to carry out regulated work for Wheatley Care. The same conditions relating to secure storage and access will apply during any such period.

Disposal

Once the 90-day period has elapsed we will ensure that Disclosure certificates are immediately destroyed in a secure manner, normally by shredding the documentation. When an individual ceases to carry out regulated work for Wheatley Care the PVG Scheme Record/Update will then be shredded. Wheatley Care will ensure that Disclosure/PVG Scheme information awaiting destruction is kept securely. No photocopy or any other form of the Disclosure/PVG Record/Update will be kept. The following information will, however, be retained and kept securely by Human Resources at Head Office. The name of the subject, their location, the position for which the Disclosure/PVG Scheme Record/Update was requested, the type of Disclosure/PVG Scheme Record/Update, the Disclosure reference number/PVG Scheme membership number, the date of issue of the Disclosure/PVG Scheme Record/Update, the recruitment decision taken and the date the original documentation was destroyed.

Umbrella Bodies

Wheatley Care, if acting as an Umbrella body (ie countersigning applications for Basic, Standard or Enhanced Disclosures or PVG Scheme Records/Updates on behalf of another organisation), 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 ensure that they will handle, store, retain and dispose of Disclosure/PVG Scheme information in full compliance with the Code of Practice, and in full accordance with this policy. We will ensure that any body at whose request applications for Disclosures/PVG Scheme applications are countersigned, has a written policy, and if not, will provide a policy for them to adapt for this purpose.

Third Party Information

Should circumstances arise where Wheatley Care are required to reveal Disclosure/PVG Scheme information to a third party in connection with legal proceedings, for example a case submitted to an Employment Tribunal, our lead counter signatory will inform Disclosure Scotland of such a request prior to the release of any information.