

## Disclosure Policy

<b>Category</b>	Corporate
<b>Lead</b>	Chief Executive Officer
<b>Committee / Approver</b>	Board of Management
<b>Action</b>	Consider & Approve
<b>Review Date</b>	December 2025
<b>Review Due</b>	December 2026
<b>Purpose</b>	HR Management
<b>Internal/External</b>	Both

## Introduction

This policy sets out Angus Housing Association's duties under the requirements of the Disclosure (Scotland) Act 2020. As of April 2025, it is a criminal offence for individuals to work in certain roles with vulnerable groups (children and/or protected adults) without being a member of the Protecting Vulnerable Groups (PVG) scheme. The Act also redefines the Disclosure Check Levels used, makes provision for applicants to review their Disclosure Check before it is sent to an employer, and updates what offences appear on a Disclosure (even if they are spent).

## Aims of the Policy

The aims are to:

- State what Disclosure Checks are done at Angus Housing Association
- Outline the Disclosure Check levels and which apply to whom
- Define Roles and Responsibilities
- Detail the requirements and regulations around Data Protection and Disclosure data

## Disclosure Checks at Angus Housing Association

Under the Disclosure (Scotland) Act 2020, there are changes to Disclosure Products which Accredited Bodies can use to check a person's suitability for specific roles.

## Self-disclosure and Level 1 Disclosure

In Scotland, there are two broad categories of disclosure, either self or state disclosure. On Angus Housing Association's application form, there is a section for applicants to self-disclose their criminal history. This is an obligation on the applicant when asked by a prospective employer under the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013. The self-disclosure can be verified by using a Level 1 Disclosure for identified posts. For Level 1 Disclosures, individuals can apply for this themselves without an organisation/employer being registered with Disclosure Scotland.

## PVG and Regulated Roles

The Disclosure (Scotland) Act 2020 gives legal definition to roles that are Regulated Roles.

At Angus Housing Association, all paid and unpaid roles are checked to verify if they are Regulated Roles under the Disclosure (Scotland) Act 2020. These are listed on the Disclosure website and there is a checker online at:

<https://www.mygov.scot/check-role-needs-pvg>

If the role is not on this list and there is necessary contact with children and/or vulnerable adults, it could meet the legal definition of a Regulated Role.

If the role is considered a Regulated Role, then the individual will be required by law to join the Protecting Vulnerable Groups Scheme.

## **Roles and Responsibilities**

The roles and responsibilities around how Angus Housing Association applies Disclosure Checks are as follows and should be used alongside the Recruitment, Selection and Induction Policy:

### **Identifying the need to recruit**

When considering the post, the Senior Management Team will confirm if it is subject to a Level 1 Disclosure, or if it is a Regulated Role, PVG Membership. If either applies, it will be stated on the job advert and application documentation.

### **Selection Checks**


When the recruitment panel selects a preferred candidate, they will conduct the selection checks. At this stage, the preferred candidate will be asked to complete a Level 1 Disclosure, or PVG application. The application fee will be paid by Angus Housing Association. When the application has been processed, the preferred candidate will be notified by Disclosure Scotland and will receive the formal outcome. The preferred candidate will then authorise this to be sent to Angus Housing Association to complete this stage. When this is received, the outcome of this check will only be recorded as either “satisfactory” or “unsatisfactory”. If it is “unsatisfactory”, further advice will be sought for how to proceed.

### **Register of Identified Roles**

A register of all Roles at Angus Housing Association which require either a Level 1 Disclosure or PVG will be securely held by staff in the Finance and Corporate Services department.

### **Data Protection**

As it is a criminal offence to disclose Disclosure Scotland information to anyone who is not entitled to view it under section 124 of the Police Act 1997. Any information received around a Disclosure Product is used to record whether the check has either a “satisfactory” or “unsatisfactory” outcome only. This is done in line with the Data Retention Policy.





**FSA - 1665R(S)**

**Scottish Housing Regulator - HAL 65**

**Scottish Charity - SC020981**

**Property Factor ID - PF000129**