



## **Disclosure and Protection of Vulnerable Groups Policy (Scotland)**

V1.0 November 2025

This policy outlines the steps to be taken in the Disclosure checking part of the recruitment process and ongoing employment with the Company.

In the Company there are some posts which involve employees assisting children and vulnerable adults in respite short breaks, care at home and visiting support. So that the Company can show that they are protecting those children and vulnerable adults in the correct way, it is necessary for any employees who may have this as part of their duties to obtain an **Enhanced Disclosure**.

There are also posts in the Company which fall into the category of 'regulated work' as defined in the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG). If this is the case, then the lists associated to Schedules 2 and 3 of this Act must be checked to ensure that the person is not barred from working with vulnerable groups.

Disclosures and PVG checks will form part of the recruitment process for any employee within the Company who undertake duties which brings them into direct contact with children and vulnerable adults. As well as being part of the recruitment process, disclosure and PVG checks will be carried out no less than every 5 years for existing employees as required as well as if an employee is transferred into a new post.

### **For Posts Requiring PVG Checks**

Where the post involves regulated work, checks must be carried out against the lists held by Disclosure Scotland to ensure that the candidate is not barred from working with the people involved.

The Company is registered with Disclosure Scotland and therefore will be able to access the lists to carry out checks.

These lists are updated automatically by Disclosure Scotland when they have reviewed any organisational referral, a court referral, new vetting information or a relevant inquiry report. Any one of these can trigger a consideration for inclusion in one or both of these lists. The decision to add any name onto the lists is made by Disclosure Scotland after having reviewed the details sent in the referral.

### **Recruiting New Employees**

As part of the recruitment process, it is necessary that before starting work with the Company, the candidate must be checked by the Company to ensure that they are not disqualified from working with the group involved.

The PVG Scheme legally obliges the Company to check an applicant's PVG Scheme Membership before an applicant can be employed by the Company in regulated work. This may involve the applicant applying to become a PVG Scheme Member for the first time.

If the applicant is already a PVG Scheme Member and is applying to do the same type of regulated work, then the Company can request a Short Scheme Record. A Short Scheme Record does not normally include vetting information. However, if a request is made for a Short Scheme Record and there is vetting information on the applicant's Scheme Record, Disclosure Scotland will issue a full Scheme Record in place of a Short Scheme Record. There will be no extra cost for this.

### **For Existing Employees**

It is necessary to carry out regular checks of the PVG lists to ensure that no employee's name has been added since the last checks were carried out. This can be done via a Short Scheme Record.

### **For Posts Requiring Disclosures**

There may still be posts in the Company requiring either standard or enhanced disclosures, the Company will encourage applicants to provide details of their criminal record at an early stage in the application process. This will be within the application form and the Company guarantees that this information will only be seen by those who need to see it as part of the recruitment process.

For existing employees, the Company would encourage you to discuss any issues which may affect your disclosure with your line Manager prior to the annual disclosure check being requested.

At interview, or under separate discussion, the Company will undertake to ensure an open and measured discussion on the subject of any disclosures from the application form that may be considered relevant for the position concerned.

The following factors will be taken into consideration with disclosures in ascertaining whether or not an offer of employment can be made:

- The nature of the offence
- Its relevance to the post, position, or profession in question
- How long ago the offence took place
- The person's age at the time
- Whether it was an isolated offence or part of a pattern of offending

If a candidate is successful in receiving an offer, then a Disclosure form will be completed and sent to Disclosure Scotland.

**Clear Disclosure** is that which has identified no previous convictions, reprimands, warnings or cautions whether spent or unspent. If a disclosure comes back clear, then there is no further action required.

**A Checked Disclosure** is one which warrants further action, as follows:

- Check if the Disclosure contains information which has previously been disclosed. (Check specific details including the date and conviction). If the conviction was disclosed previously and followed up by discussion, there is no further action required.
- If the disclosure identifies any previous convictions, reprimands, warnings, and cautions whether spent or unspent, which have not previously been disclosed, the Company undertakes to discuss this with the subject.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

## **Record Keeping**

ELCAP follow the guidelines set out by Disclosure Scotland on the secure handling, use, storage, and retention of disclosure information:

## **General Principles**

ELCAP complies fully with the Code of Practice regarding the correct handling, holding, and destroying of Disclosure and PVG information provided by Disclosure Scotland under the appropriate Acts, for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing, and other relevant purposes. It also complies fully with applicable data protection legislation and other relevant legislation pertaining to the safe handling, use, storage, retention, and disposal of Disclosure and PVG information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

## **Usage of Information**

Disclosure and PVG information are used only for the purpose for which it has been provided. The information provided by an individual for a position within the Company is not used or disclosed in a manner incompatible with the purpose. Personal data is only processed with the express consent of the individual. ELCAP will notify the individual of any non-obvious use of the data, including further disclosure to a third party, identifying the Data Controller, the purpose for the processing, and any further relevant information.

## **Handling the Disclosure Information**

ELCAP recognises that, under the appropriate sections in the Acts, it is a criminal offence to disclose Disclosure or PVG information to any unauthorised person. Disclosure and PVG information are only passed to those who are authorised to see it in the course of their duties.

## **Access and Storage**

ELCAP does not keep Disclosure information on 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.

## **Retention of information**

ELCAP does not keep PVG, Disclosures or Disclosure information for any longer than is required after the recruitment (or any other relevant) decision has been taken. In general, this is no longer than 90 days which is to allow for the resolution of any disputes or complaints. Disclosure or PVG information will only be retained for longer than this period in exceptional circumstances which justify retention for a longer period. The same conditions relating to secure storage and access will apply during any such period.

## **Disposal of Disclosures**

ELCAP will ensure that Disclosure and PVG information is destroyed in a secure manner through our confidential waste disposal. The Company will ensure that Disclosure and PVG information which is awaiting destruction will not be kept anywhere considered to be insecure e.g. a waste-paper bin, unlocked cupboard or confidential waste sack. No image or photocopy or any other form of the Disclosure information will be retained.

However, a record will be kept of the date of issue of the PVG check or Disclosure, the name of the subject, the Disclosure type (where appropriate), the position for which the Disclosure or PVG

check was requested, the unique reference number of the Disclosure or PVG and details of any recruitment decision taken (if appropriate).