

APPENDIX 7 DISCLOSURE SCOTLAND FRAMEWORK REVIEW

1. BACKGROUND

- This paper has been prepared as a result of the Internal Audit review of the Community Services Department, Disclosure Scotland Framework & Procedures as part of the 2007/2008 Internal Audit programme. This identified current practices not only within Community Services but across the Council, critically evaluating these to the Disclosure Scotland Code of Practice, the explanatory guide thereon and the law, in order to highlight and evaluate any variances.
- The broad objectives of the review were to address the corporate risk of unsuitable people gaining access to children or vulnerable adults through their work or volunteering.

2. SUMMARY of MAIN FINDINGS

- Internal Audit found that the Protection of Children (Scotland) Act 2003 had led to the POCSA working group being established by the SMT in December 2003. Their remit was to identify any policy changes required within the Council and to guide management on the implementation of Disclosure procedures within their departments. However, departments have adopted their own approaches to complying with current legislation, thereby undermining the positive corporate approach adopted by the POCSA group.

3. RISKS IDENTIFIED

- The responsibilities for those individuals who cross departmental boundaries in their work are not clearly defined and may currently be omitted from disclosure checking.
- Sensitive disclosure information is not being handled as consistently and securely as it might, raising the risk of prejudicing overall confidentiality and security of information across diverse locations.
- There is no formal procedure for rechecking disclosures on a regular basis, other than for Social Workers where the Care Commission has implemented a 3 yearly requirement.
- By only adopting the strict legal requirements of the legislation, any person who was an existing employee or volunteer when the disclosure requirements came into place, has not been checked.
- There is no unified system to store unique disclosure numbers against employees within Personnel records. This would provide a record base to ensure that all relevant employees have been disclosure checked, and facilitate identification of individuals due for rechecking in line with relevant legislation and Council policy.

3. RECOMMENDATIONS

In order to correct this situation, it is recommended that:

- 3.1 The SMT consider the merits of integrating actual disclosure checking, with only 2 departments within the Council carrying out the actual checks.
- The Corporate Services Department would remain responsible for Councillors and members of other relevant committees and panels,
 - The Community Services Department would be responsible for the rest of disclosure checking for staff across the Council, with a centralised function being established using the Education Service model recently audited by Disclosure Scotland. See Appendices 2 & 3.

We consider that the centralisation of record keeping and review of any conviction information, which appears on only 15% of disclosures, would be more focussed, and form a separate step within the recruitment process. It would also facilitate the identification of all individuals requiring disclosure checking who have crossed departmental boundaries. We understand however, that this does not accord with the views of the relevant Heads of Service.

- 3.2 The SMT review the remit and composition of the current POCSA group and form a renamed group to reflect the introduction and revised requirements of the Protection of Vulnerable Groups (Scotland) Act 2007. This group should provide objectivity and guide the development of corporate policy, with the emphasis for implementation being delegated mainly to the Community and Corporate Services Department representatives, subject to acceptance of our recommendations at 3.1 above.
- 3.3 The SMT instruct the renamed group to prepare a corporate handbook covering all relevant disclosure guidelines and procedures involving recruitment. This should be placed on the Council website. In order to help develop the handbook another Council has provided their draft policy document and has offered joint working to assist in developing operational procedures for a handbook;
- 3.4 We recommend that the corporate handbook should be maintained on-line to ensure that all departments have access to the most current version, and facilitate updating by the working group.
- 3.5 Where a disclosure has been requested by the Council, the current Disclosure Scotland system does not notify any subsequent convictions, thereby only providing a snapshot in time. Pending development of systems under the new legislation, Disclosure Scotland recommends that re-checking should be carried out on a regular basis.

Guidance has been issued by the Care Commission that a 3 yearly cycle of checking should be implemented for disclosure checking Social Workers. Consideration should be given to rolling out of this cycle for all currently disclosed staff across the Council, apart from Councillors where a 4 year cycle is considered to be more appropriate.

- 3.6 Legislation has not been enacted to enforce the retrospective checking of existing employees when disclosure checking was introduced. However, to further address the risk of continuing to employ an unsuitable or listed person, the SMT should consider the implementation of a corporate timescale for disclosure checking of existing employees. Although there are employment contract issues to be overcome, this would address the risk to the Council and accord with best practice. It is recognised however that only a few Councils have implemented retrospective checking at this time.
- 3.7 Consideration should be given to the arrangements for checking individuals who cross departmental boundaries to ensure that all relevant individuals are checked, and this check evidenced to the department that they are working in.

- 3.8 At present there are no formal training procedures, or records thereof, for persons with responsibility for the identification of roles requiring disclosure or for the recruitment of staff. SMT should request the renamed group to enable formal disclosure training to be implemented and recorded for all staff involved in recruitment and disclosure roles, must be familiar with the Disclosure Scotland Code of Practice, and understand the significance of an exempted question.

We understand that the relevant Heads of Service are of the view that all appropriate staff are, or have been, appropriately trained on disclosure checks but this is not formally recorded in all instances.

- 3.9 In line with other Councils, the Resourcelink system could provide the facility to store disclosure numbers against individuals within Personnel records. This would enable due date rechecking to be identified and implemented. In addition it would provide surety that all relevant employees have been disclosure checked.

A number of valid difficulties or limitations have been highlighted with using the Resourcelink system. However, there are significant benefits in centralising the system recording and it is recommended that the use of Resourcelink should be investigated further.

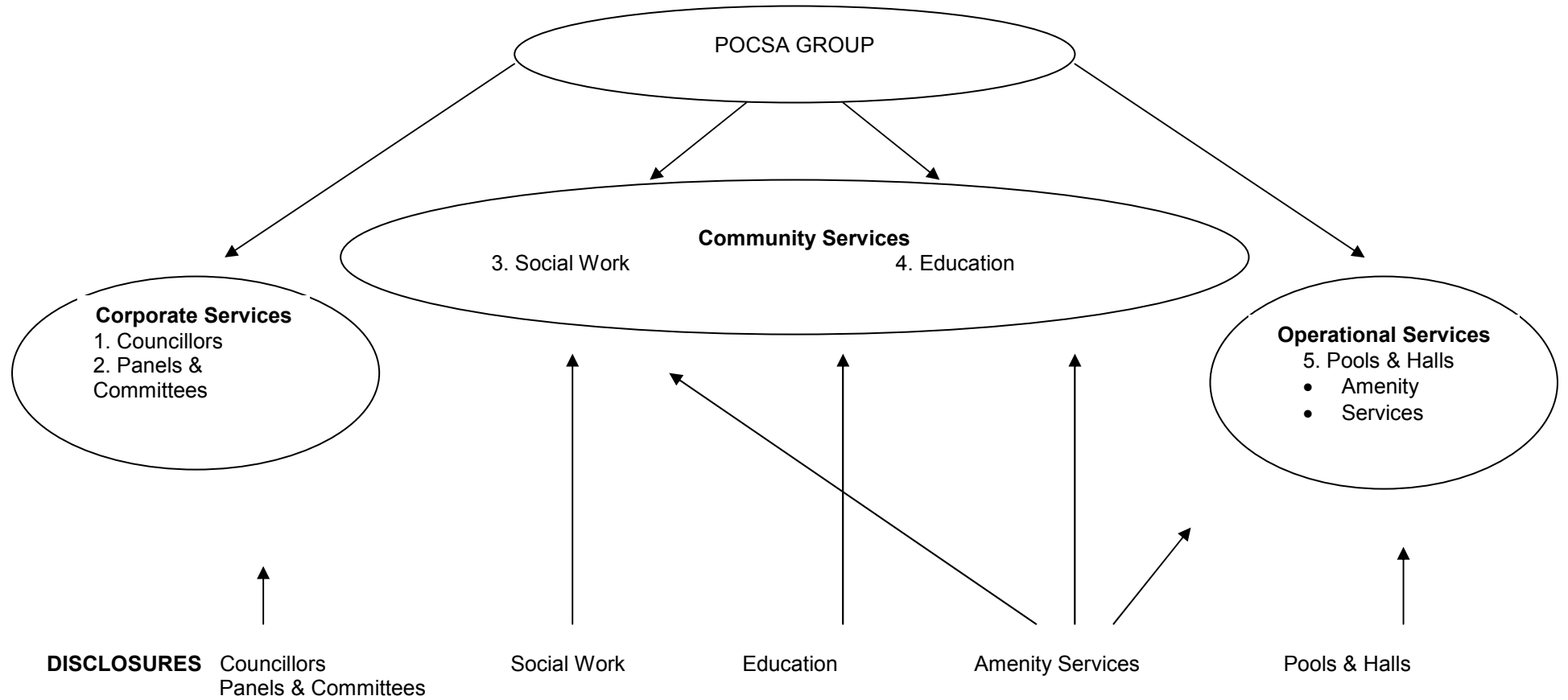
4. CONCLUSIONS

- Variations in the level of governance being exercised by departments at the time of our audit regarding delegated responsibilities, has increased the risk of unsuitable people gaining access to children or vulnerable adults through their work or volunteering.
- The current disjointed approach to Disclosure checking for the Council collectively currently detracts from the Council corporate objective for Social Change which is critical to the continued wellbeing of vulnerable people in the community at large.
- By revising the arrangements for handling disclosures, a consistent approach such as the model operated by the Education Service, can harness experience, improve performance and enhance learned skills.
- By implementing a rolling programme of disclosure checks for the Community Services Department, particularly in the Education Service, which was initially proposed for implementation in September 2005, the Council, can aspire to Best Practice evidenced in a few other Councils.
- There are cost implications, which require to be fully quantified, in extending the current disclosure checks. However, the importance of addressing the corporate risk of unsuitable people gaining access to children or vulnerable adults through their work or volunteering must not be prejudiced.

5. RECOMMENDED ACTIONS

- SMT approve the recommendations relating to the re-constitution of the POCSA group and its activities and requests that the group take forward the points raised in the Internal Audit report.
- The Human Resource Strategic Board is given the role of overseeing the development of Disclosure Scotland systems and policy within the Council.

EXISTING PROCESS



PROPOSED NEW INTEGRATED
PROCESS

