

MS Society Disclosure policy and procedure - Northern Ireland

Disclosure policy

Policy Name	Disclosure Policy – Northern Ireland
Purpose	<p>The objectives of this policy are to ensure that:</p> <ul style="list-style-type: none"> • anyone involved in regulated activity has an appropriate disclosure check, • we make safe recruitment decisions about staff and volunteers, • we have effective procedures for processing disclosure checks and dealing with issues relating to them, • we treat all employees and volunteers fairly, transparently and consistently, • all employees, volunteers and individual service providers are clear about their responsibilities around disclosure checks, and • We comply with all legislation in Northern Ireland that relates to disclosure checks.
Region	Northern Ireland
Scope	MS Society staff and volunteers
Lead Officer	NI Director
Responsible Directors	NI Director
Key Consultation	<p>Executive Director of Services and Support Head of Volunteering Head of Local Networks Quality and Safe Guarding Manager Executive Director of People</p>
Approver	Executive Group
Last Review	June 2018
Review Cycle	Every three years
Key Words	<p>Disclosure Safe Safeguarding Access NI</p>

1 Purpose and scope

1.1 This policy and procedure should be read in conjunction with the MS Society's Recruitment of Ex-Offenders policy and procedure, and Safeguarding adults (Northern Ireland) policy and procedure.

1.2 This policy applies to all MS Society volunteers, employees and individual service providers in Northern Ireland. We have separate disclosure policies and procedures for England and Wales, and Scotland. If you are uncertain which policy and procedure applies, contact the Human Resources Team (HR) or Volunteering Team for advice.

2 Definitions

2.1 Disclosure services

In Northern Ireland disclosure checks are carried out by Access NI. This government disclosure service helps organisations to identify people who are not suitable for certain roles that involve contact with vulnerable groups.

In this policy and procedure 'disclosure check' is used as a collective term for all checks carried out.

2.2 Regulated activity involving adults

The Safeguarding Vulnerable Groups (NI) Order 2007 (SVGA) and as amended by the Protection of Freedom Act 2012 (PoFA) does not label adults as "vulnerable". Instead any individuals who are involved in "regulated activity" will require a disclosure check, regardless of the location or number of times an activity is carried out.

The SVGA defines six categories of regulated activity:

- (i) Providing health care
- (ii) Providing personal care, including assisting an adult with eating, drinking, toileting, washing, bathing, dressing, oral care, care of the skin, hair or nails or teaching someone to do one of these.
- (iii) Providing social work
- (iv) Assistance with cash, bills and/or shopping
- (v) Assistance in the conduct of a person's own affairs e.g. enduring powers of attorney

- (vi) Conveying someone to or from their place of residence and a place where they have received or will receive health care, personal care or social care.

Regulated activity excludes any activity done in the course of a family relationship, and personal, non-commercial relationships.

Any person engaged in regulated activity for people aged eighteen years or over in Northern Ireland (and anyone who provides day to day management or supervision of those people) is required to have an enhanced Access NI check.

2.3 Barred Lists

Access NI holds two lists of people barred from working or volunteering in regulated activity; one relating to children and one relating to adults.

It is a legal offence for the MS Society to knowingly allow a barred person to engage in regulated activity. Any individual seeking to engage in regulated activity with a group from which they are barred will be breaking the law.

We have a legal duty to refer any person who is removed from regulated activity, or leaves in anticipation of being removed, because they harmed, or pose a future risk of harm to vulnerable groups, to Access NI for barring.

3 Policy principles

The following principles underpin this policy and accompanying procedure:

- As part of our wider commitment to safeguarding, people in particular jobs and roles at the MS Society will be required to have a disclosure check as part of their recruitment process.
- Volunteers must not start in a role requiring a disclosure check until the process has been completed.
- We are committed to complying with the Rehabilitation Offenders Act and will not automatically prevent anyone with a criminal record from taking on a job or role.
- All information relating to disclosure checks, disclosure certificates and convictions will be kept confidential and stored and destroyed in line with the Data Protection Act 2018 and General Data Protection Regulations (GDPR).
- Our disclosure policies and procedures are to be considered within the context of our wider recruitment and safeguarding processes and potential risks.

- When we create a new job or role, we will consider whether a disclosure check is required and at what level.
- We are committed to keep up to date with changes in the law and best practice regarding accepting previous disclosures and will ensure our processes meet current requirements.
- This policy relates to safeguarding adults, not working or volunteering with children.
- All employees, volunteers and service providers will have access to this policy and procedure.

4. Advice and support

- 4.1 Induction for employees and volunteers will include guidance on implementing our policies and procedures that help to keep people safe.
- 4.2 Employees and volunteers who have responsibilities under our Disclosure policies and procedures will have access to appropriate guidance and support.
- 4.3 Our HR Team is available to employees for support and procedural guidance throughout the disclosure process by phone 020 8438 0988 or by email at hr@mssociety.org.uk
- 4.4 Our Disclosure Team is available to volunteers and individual service providers for support and procedural guidance throughout the disclosure process by phone on 0203 828 6861 or by email at disclosure@mssociety.org.uk
- 4.5 For issues specific to Northern Ireland, support and guidance is available from the Local Networks Team and the Executive Administrator.

5. Cost

- 5.1 There is no cost to our employees or volunteers to have a disclosure check.
- 5.2 Individuals who receive payment for providing a service for an MS Society volunteer-led group which requires a disclosure check (“individual service providers”) are responsible for the cost of that check. The fee is charged directly to the individual by Access NI for processing the form. However a local group may choose to cover this fee if they wish to do so.

Disclosure procedure

6 Recruitment

- 6.1 We have identified the jobs and roles that require a disclosure check and at what level (see appendix 1 for a current list). This list will be reviewed regularly and amended as necessary by the Executive Director of People, but it is not exhaustive and there may be jobs and roles not included that require a disclosure check, depending on the circumstances in which they operate.
- 6.2 Decisions relating to which staff jobs and volunteer roles require a check are the responsibility of the relevant Director.
- 6.3 All new starters and individuals moving into a job or role requiring a disclosure check must be checked.
- 6.4 Where a disclosure check is needed, this will be clearly stated in recruitment literature, including job or role descriptions.
- 6.5 Employees and volunteers will not be asked to apply for a disclosure check during the initial recruitment process. If an offer is made, the Executive Administrator will send a disclosure application form and guidance to the individual. The job or role offer is subject to the results of this disclosure check.
- 6.6 All employees, volunteers and individual service providers whose job, role or service has been identified as needing a disclosure check, must go through this process.
- 6.7 Any employee, volunteer or individual service provider who has lived for significant periods of time outside the UK must follow the process detailed in the guidance that accompanies the disclosure application form.
- 6.8 We are responsible for making sure that any disclosure check that is carried out relates to the right person. As part of this process, anyone applying for a check must prove their identity by showing a number of documents to an appropriate MS Society representative. Details of acceptable documents are included in the guidance that accompanies the application form.
- 6.9 Copies of the certificate are only sent to the applicant. The Executive Administrator will receive written confirmation from the Access NI Umbrella Body, BCM Ltd, when a certificate has been issued to the applicant with 'No Trace'. In this instance the employee, volunteer or individual service provider does not need to present the certificate to the MS Society. In the event of BCM Ltd informing the Executive Administrator of a certificate being issued with a disclosure, the employee, volunteer or individual service provider must

present or send in the results of their disclosure check to the Executive Administrator who will record details on Raisers Edge and inform the relevant member of staff. The Executive Administrator and one other member of staff will countersign the written confirmation of issued certificates from BCM Ltd.

- 6.10 A new volunteer must not start in their role until the disclosure process is complete. If a certificate is returned with a disclosure on it, the process is not complete until the volunteer has sent in, and we have received, their disclosure certificate and completed any necessary risk assessment.
- 6.11 In certain circumstances, there may be external requirements or legislation that means an employee is not permitted to start doing a job before their disclosure check has been received. We will comply fully with these requirements.
- 6.12 We reserve the right to refuse permission for an employee to take up employment until their disclosure check is complete.
- 6.13 Where an employee starts without a completed disclosure check, their duties will be limited, and a risk assessment must be carried out by their line manager. The employee must be supervised at all times by someone who has an up to date disclosure check.
- 6.14 Employees, service providers and volunteers in Northern Ireland engaged in “regulated activity” (as defined by the Protection of Freedom Act) are required to have an enhanced check.

7 Retrospective checks

- 7.1 In order to meet our legal obligations, we may need to carry out retrospective disclosure checks.
- 7.2 Before these checks are carried out, the reasons for requiring a disclosure check will be clearly explained with reference made to our Disclosure policy and procedure.
- 7.3 If an employee or volunteer is found to be under investigation by Access NI, we will discuss this issue with the person and carry out a risk assessment to determine the most appropriate course of action. It may be that the person is moved to other duties or suspended pending the outcome of the investigation.

8 Renewing checks

- 8.1 In Northern Ireland, although disclosure checks do not ‘expire’, it is good practice to keep them as up-to-date as possible. This is because disclosure checks only reveal a person’s criminal history up until the date the check is

carried out. In Northern Ireland, disclosure checks will be renewed every three years.

8.2 In Northern Ireland, all employees, service providers and volunteers who require a disclosure check must inform the Executive Administrator if they are convicted of a criminal offence. The Executive Administrator will then notify the relevant member of staff who will carry out a risk assessment.

8.3 Where the MS Society is updated about a person's criminal record a risk assessment will be carried.

8.4 If an employee or volunteer is found to be under investigation by Access NI the issue will be discussed with the person and a risk assessment will be carried out to determine the most appropriate course of action. It may be that the person is moved to other duties or suspended pending the outcome of the investigation.

8.5 If the MS Society dismisses or removes someone from "regulated activity/work" (or would have done so had the person not already left) because:

- they harmed, or
- pose a future risk of harm to vulnerable groups,

the society is legally required to forward information about that person to the relevant disclosure service (i.e. Access NI).

8.6 If a Care Administrator or Day Centre Manager is dismissed from "regulated activity" (or would have been had the person not already left) because:

- they harmed, or
- pose a future risk of harm to vulnerable groups,

this information will also be passed on to the regulation Quality and Improvement Authority (RQIA) and the Northern Ireland Social Care Council (NISCC). The Belfast Health and Social Care Trust will be informed to conform to the terms of the MS Society Day Centre's Service Level Agreement.

8.7 It might be that an employee or volunteer's criminal history is revealed outside of the disclosure check process. For example, a volunteer might disclose details of their criminal history to an employee/another volunteer or a third party might reveal this information. In all cases (even if the role does not need a disclosure check) the National Office Team should be informed as soon as possible, so that a full risk assessment can be carried out – for full details see contact information section at the end of this policy.

8.8 For full details, see the MS Society's policy on the Recruitment of Ex-Offenders.

9 Refusals to complete a disclosure check or renewal

9.1 If an existing employee does not complete a disclosure check when required to do so, we may refer to our Disciplinary Policy and Procedure.

9.2 If a volunteer does not complete a disclosure check for a new role requiring one, they will not be able to start in the volunteer role.

9.3 If an existing volunteer does not complete a disclosure renewal when required to do so, they will be unable to continue in that volunteer role.

9.4 Authority to remove someone from a volunteer role for non-completion of a disclosure check is delegated to the Head of Volunteering, or to relevant Directors.

10 Individuals with a criminal history

10.1 We are committed to complying with the Rehabilitation of Offenders Act and will not automatically prevent anyone with a criminal history from taking on a role.

10.2 Employees and volunteers, including volunteer service providers, are required to self-declare any convictions or cautions which would not be filtered in line with current guidance.

10.3 Where a disclosure certificate is returned with a record, a risk assessment will be carried out by the panel to decide whether the individual can start (or continue) in that particular job or role. The decision of the panel is final and cannot be appealed for three years, or until the convictions are spent, whichever is sooner.

10.4 See our recruitment of ex-offenders policy and procedure for full details, including our risk assessment process.

11 Convictions received or revealed while in role

11.1 Employees, volunteers and service providers in jobs and roles requiring a disclosure check must inform the HR /Disclosure Team if they are convicted of a criminal offence.

11.2 If a staff member or volunteer becomes aware of a conviction or criminal history of another individual, the Head of Volunteering / HR should be

informed as soon as possible. This applies whether or not the individual is in a role that requires a disclosure check.

11.3 Where the MS Society:

- becomes aware of a change to an individual's criminal record while in role, or
- a criminal history is revealed outside of the Access NI process,

we will carry out a risk assessment. The person may be moved to other duties or suspended pending the outcome of the risk assessment.

12 Removal from job or role by the MS Society

12.1 If we dismiss or remove someone from regulated activity - or would have done so had the person not already left because:

- they harmed, or
- pose a future risk of harm to vulnerable groups

we are legally required to forward information about that person to the relevant disclosure service. This may result in an individual being included on barred lists.

13 Storage and handling of disclosure information

13.1 All information (both paper and electronic) relating to the disclosure process will be kept confidential. We recognise that it is a criminal offence to:

- pass on disclosure information to anyone who is not authorized to receive it, without the consent of the individual, and
- knowingly make a false statement for the purpose of obtaining or enabling another person to obtain a disclosure certificate.

13.2 All information will be stored securely or destroyed in line with the Data Protection Act 2018 and General Data Protection Regulations. We will ensure that no reproductions of disclosure information are made, including photocopies or scanned images, unless we have obtained agreement from the relevant disclosure service.

13.3 We will not keep information relating to disclosures for any longer than is necessary, in line with the General Data Protection Regulation.

13.4 Employees responsible for the administration of disclosure checks will be keep a tracking log for each check so that the progress of the application can

be identified at any stage of the process. All logs will be kept in restricted access and password protected folders.

13.5 The society will ensure that all disclosure information is destroyed in a secure manner (i.e. shredding, pulping, or burning) and is not kept in any insecure place while awaiting destruction. Before destroying the disclosure the Society will keep an electronic record of the applicants:

- name and address
- date of birth
- role
- disclosure number and date of issue
- level of check
- details of any risk assessment and decision taken

14 Other relevant policies

Policies relating to staff can be found on our intranet. Policies relating to volunteers can be found on our volunteer website policies page

- Code of conduct
- Data protection policy
- Disciplinary policy and procedure
- Personal care policy
- Recruitment of ex-offenders policy and procedure
- Resolving volunteer issues and concerns policy
- Safeguarding adults policy and procedure (NI)
- Safeguarding children policy and procedure - England, Wales, Northern Ireland

15 Relevant legislation

Department of Health: “Regulated Activity (adults): The definition of “regulated activity” (adults) as defined by the Safeguarding Vulnerable Groups Act 2006 from 10th September 2012

- [Rehabilitation of Offenders Act 1974](#)
- [Rehabilitation of Offenders \(NI\) Order 1978](#)
- [The Rehabilitation of Offenders \(Exceptions\) Order 1979](#)
- [Police Act 1997](#)
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)



Contact information

Northern Ireland – Local Networks Team 02890 802802, or email NINetworkTeam@mssociety.org.uk

16 Appendices

Appendix 1 – Roles that require a disclosure check

Appendix 2 - The disclosure process: Group and support volunteers

Appendix one - Roles that require a disclosure check

Volunteer roles -this list is not exhaustive.

VOLUNTEER ROLE	TYPE OF DISCLOSURE CHECK
Trustee	Enhanced
Group Coordinator	Enhanced
Transport Officer, Volunteer Driver, Passenger Assistant	Enhanced
Lead/Support Volunteer	Enhanced
Activities Organiser (where they attend events or activities)	Enhanced
Activities Volunteer	Enhanced
Event Volunteer	Enhanced
Day Centre Volunteer	Enhanced
All Belfast Resource Centre Volunteers	Enhanced

Individuals who provide a service for a group

Anyone providing a service for a group which constitutes Regulated Activity will require an Access NI check. This includes but is not limited to:

- Counsellors
- Therapists
- Physiotherapists
- Nail Technician
- Exercise instructor
- Hairdressers

If you are unsure if a service provider should have a disclosure check, please contact the Disclosure Team to check.

Employee Roles

- Transport Managers
- Drivers

Northern Ireland only:

- Day Centre Manager
- All Care staff
- All therapists
- NI Director
- All other roles

Appendix 2 – The Disclosure process: Group and support volunteers and service providers (Northern Ireland)

