



## MS Society Criminal Records Disclosure policy (UK)

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|-----------------------|---|
| Purpose:              | <p>The objectives of this policy are to ensure that:</p> <ul style="list-style-type: none"><li>• anyone involved in 'regulated activity' or 'work with adults' (as defined by the Police Act 1997, Safeguarding Vulnerable Groups Act 2006 (England and Wales), The Protection of Vulnerable Groups (Scotland) Act 2007 and Safeguarding Vulnerable Groups Order 2007 (NI)) has an appropriate disclosure check,</li><li>• we make safe and fair recruitment and retention decisions about applicants, current employees and volunteers,</li><li>• we do not create unnecessary barriers to employment or volunteering opportunities</li><li>• we have effective procedures for processing disclosure checks and dealing with issues relating to them,</li><li>• we treat all employees, volunteers, and individual service providers fairly, transparently and consistently,</li><li>• all employees, volunteers and individual service providers are clear about their responsibilities around disclosure checks, and</li><li>• we comply with all legislation that relates to disclosure checks.</li></ul> |
| Region:               | UK-wide   |
| Scope:                | <p>This policy applies to MS Society staff, volunteers and service providers across the UK.</p> <p>This policy relates to safeguarding adults, and does not apply to working or volunteering with children.</p>   |
| Lead Officer:         | Head of Volunteering and Community Networks   |
| Responsible Director: | Executive Director of Services and Support  |
| Key Consultation:     | Head of HR<br>Director MS Society Cymru<br>Director MS Society Northern Ireland<br>Director MS Society Scotland<br>Head of Community Networks and Volunteering<br>Volunteering Operations Manager<br>Heads of Helpline<br>Safeguarding Lead   |
| Approver              | Executive Group   |
| Committee review      | Not applicable  |
| Last Approval         | January 2023  |
| Approval Cycle        | 3 years   |
| Next Approval         | 2026  |

## Introduction

This policy and procedures are to be read in conjunction with our Recruitment of ex-offenders' policy and procedure, Safeguarding Adults, and Safeguarding Children and Young People policy and procedures.

### 1. Policy Principles

The following principles underpin this policy:

- 1.1 As part of our wider commitment to safeguarding, people in particular jobs and volunteering roles at the MS Society will be required to have a disclosure check as part of their recruitment process.
- 1.2 We are committed to complying with The Rehabilitation of Offenders Act (1974) and The Rehabilitation of Offenders (NI) Order 1978 and will not automatically prevent anyone with a criminal record from taking on a job or a volunteering role.
- 1.3 Volunteers and individual service providers must not start in a role requiring a disclosure check until the process has been completed.
- 1.4 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).
- 1.5 Our Disclosure policies and procedures are to be considered within the context of our wider recruitment and safeguarding processes and potential risks.
- 1.6 When we create a new job, volunteering role, or involve individual service provider, we will consider whether a disclosure check is required, and at what level.
- 1.7 We are committed to keeping up to date with changes in law and best practice regarding accepting previous disclosures and will ensure our processes meet current requirements.
- 1.8 All employees, volunteers and service providers will have access to this policy and procedure.

### 2. Definitions

- 2.1 Disclosure Check: In this policy and procedure 'disclosure check' is used as a collective term for all criminal records checks carried out, regardless of the nation.

Basic Checks is a means of providing confirmation of an individual's previous unspent criminal convictions and conditional cautions or lack thereof.

Standard Checks document previous unspent criminal convictions and conditional cautions, and they also include spent convictions, cautions, reprimands and warnings.

Enhanced Checks provide the same level of detail as Standard disclosures, but also contain relevant information from local police.

Enhanced and Barred Check includes information from the Barred list to ensure that no one on either the children's or adults' barred lists will work on a regular basis with children under 18 or vulnerable adults.

- 2.2 Disclosure and Barring Service (DBS): In England and Wales, disclosure checks are administered by the Disclosure and Barring Service (DBS). This replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) in 2012.
- 2.3 Access NI: 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.
- 2.4 The Protecting Vulnerable Groups (PVG) Scheme and Disclosure Scotland: In Scotland, the PVG scheme is managed by Disclosure Scotland. It ensures people whose behaviour makes them unsuitable to work with protected adults, can't do 'regulated work' with these vulnerable groups. The PVG Scheme helps organisations identify people who are not suitable for certain roles that involve contact with vulnerable groups. When someone applies to join the PVG Scheme, Disclosure Scotland carries out criminal record checks and shares the results with individuals and organisation.

### **3. Disclosure Regulations overview**

#### **3.1 England, Wales and Northern Ireland**

In England, Wales and Northern Ireland a person can be subjected to Enhanced and barred, Enhanced, Standard and Basic Disclosure checks, depending on type of activity they are delivering.

- 3.1.1 Enhanced and barred checks are required for any individuals who are involved in 'regulated activity with adults', regardless of the location or number of times an activity is carried out.

The Safeguarding Vulnerable Groups Act 2006 (England and Wales) and Safeguarding Vulnerable Groups Order 2007 (NI) defines six categories of regulated activity:

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

- 3.1.2 Enhanced checks are required for any individuals who are involved in 'Working with Adults' (as defined by the Police Act 1997) under circumstances and with a frequency listed below

A person is classified as 'Working with Adults' (as defined by the Police Act 1997) if they are working with people who are:

- A person aged 18 or over and receiving any of the services below:
  - Is living in the residential accommodation, such as care home or a residential special school
  - Is living in the sheltered housing
  - Is receiving domiciliary care in their own home
  - Is receiving any form of health care
  - Is detained in the lawful custody (in a prison, remand centre, youth offender institution, secure training centre or attendance centre, or under power of the Immigration and the Asylum Act 1999)
  - Is under the supervision of the probation services
  - Is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
  - Is receiving a service or participating in an activity for people who have particular needs because of nursing mother living in residential care
  - Is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or requires assistance in the conduct of their own affairs.
- Providing activities to those adults such as:
  - Any form of supervision
  - Any form of therapy
  - Teaching, training, instruction, assistance, advice or guidance wholly or mainly for adults in receipt of \*health or social care services
  - Moderating a public electronic interactive communication service likely to be used mainly by adults who receive a \*health or social care service
  - Any form of work caring out in a care home which gives the person the opportunity for contact with residents
  - Representation of, or advocacy services for, adults who receive \*health or social care services
  - Conveying an adult who receives a \*health or social care services whether or not accompanied by a carer
  - Day to day management or a person doing any of the above
- Delivers that activity more than 3 times in a 30 day period

3.1.3 Standard check can only be performed for a person who working in the health and social care services, where there is an opportunity for contact with patients.

\*'Health and Social Care Services' are defined as:

- Residential accommodation in connection with dare or nursing required
- Accommodation for an adult who is, or has been, a pupil attending a residential special school

- Sheltered housing
- Care provided by reason of age, health or disability in place where the adult is receipt of such care is living
- Any form of health care, including treatment, therapy, or palliative care
- Support, assistance or advice for purpose of developing an adult's capacity to live independently in accommodation, or sustaining their capacity for doing so
- Any service provided specifically for adults because of age, disability, physical or mental illness (excluding certain learning disabilities)
- Any service provided specifically to an expectant or nursing mother in receipt of residential accommodation

3.1.4 **Basic Checks:** There are no eligibility requirements for a Basic Check, meaning anyone can obtain one regardless of their role.

### 3.2 **Scotland:**

In Scotland any individual involved in "regulated activity" will require to be a member of the PVG scheme.

3.2.1 The Protection of Vulnerable Groups (Scotland) Act 2007 defines regulated activity as:

- It has to be work (i.e. not personal relationships)
- It has to be with either children or 'protected adults'

A 'Protected Adult' is an individual aged 16 or over, who is provided with particular services further defined as 'Regulated Work' (definition of Regulated Work in 3.2.3).

A person is a protected adult by virtue of a service they receive, not because of a particular condition or disability.

- It has to be part of the employee's or volunteer's normal duties
- The activities or services are offered specifically to 'protected adults' (i.e. not to the general public who might include a protected person)
- The employee or volunteer has the possibility for unsupervised contact with a protected adult
- The employee or volunteer is responsible for the welfare and wellbeing of 'protected adults', or where there is a level of trust between the employee or volunteer and the 'protected adult'.
- It is intended to exclude positions where there is no possibility for contact or trust, or where contact is only fleeting.

3.2.2 'Regulated work' may involve any of the following activities:

- Caring for protected adults/children or young people

- Teaching, instructing, training or supervising protected adults/ children or young people
- Being in sole charge of protected adults/children or young people
- Providing assistance, advice or guidance to a protected adult/ child or young person or particular protected adults/child or young person which relates to physical or emotional well-being, education or training
- Inspecting adult or child care services (including inspecting any premises used for the purposes of providing such services)
- Day-to-day supervision or management of employees or volunteers doing regulated work

#### **4. Recruitment**

- 4.1 Decisions relating to which staff jobs, volunteer and individual service provider roles require a check are the responsibility of the Safeguarding Oversight Group (SOG) based on the recommendation from Line Managers and DBS/PVG scheme/AccessNI 'umbrella body'.
- The development of new staff roles will include a recommendation from line managers in respect of Disclosure Checks based on Guidance for line managers regarding [Disclosure checklist form \(England & Wales\)](#). The recommendation will be reviewed by the HR team [hr@mssociety.org.uk](mailto:hr@mssociety.org.uk) to confirm this appears to be consistent with other similar staff roles, if HR are unsure regarding if the role is suitable for DBS/AccessNI/PVG Scheme check they will contact the 'umbrella body' for confirmation by sending Job Description and the paperwork which the line manager will have completed. Whilst a new role is undergoing pay evaluation, the disclosure recommendation will be passed to SOG to endorse. The 'umbrella body' will have the final decision making authority in borderline cases. HR to inform line manager and SOG of outcome in borderline cases that have been submitted to the 'umbrella body'.
  - New volunteer roles are reviewed by an authorised person from the Volunteering Team [Disclosure@mssociety.org.uk](mailto:Disclosure@mssociety.org.uk), if any uncertainty as to if the role suitable for DBS/PVG Scheme/AccessNI checks, the authorised person from the volunteering team will contact the DBS/PVG Scheme/AccessNI 'umbrella body' for confirmation and the recommendations will be passed to SOG for endorsement.
  - New individual service providers roles are reviewed by an authorised person from the Community Network Team Disclosure [Disclosure@mssociety.org.uk](mailto:Disclosure@mssociety.org.uk), if any uncertainty as to if the role suitable for DBS/PVG Scheme/AccessNI checks, the authorised person from the volunteering team will contact the DBS/PVG Scheme/AccessNI 'umbrella body' for confirmation and the recommendations will be passed to SOG for endorsement.
  - SOG approved endorsements are then referred back to the HR/Volunteering/Community Network teams to process the DBS/ PVG Scheme/AccessNI checks.
- 4.2 Where a disclosure check is needed for a job or a role in any of the four nations, this will be clearly stated in recruitment literature, including job or role descriptions.

- 4.3 Employees, volunteers or individual service providers will not be asked to apply for a disclosure check during the initial recruitment process. If an offer is made, we 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.
- 4.4 All employees, volunteers and individual service providers whose job, role or service has been identified as needing a disclosure check, must go through the process.
- 4.5 Any employee, volunteer or individual service provider who has lived for significant periods of time outside the UK must complete further background checks. The Disclosure Procedure provides the detail which must be adhered to on this issue.
- 4.6 We are responsible for making sure that any disclosure check which 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 Disclosure Procedure.
- 4.7 All employees, volunteers and individual service providers must provide results of their disclosure check to the HR/Disclosure Team when they are requested to do so.
- 4.8 A new volunteer and individual service provider must not start in their role until the disclosure process is complete.
- 4.9 If a certificate is returned with a criminal records information on it, the recruitment process is not complete until the necessary risk assessment is completed.
- 4.10 In certain circumstances, there may be external requirements or legislation that means an employee is not permitted to start a job before their disclosure check has been received. We will comply fully with these requirements.
- 4.11 We reserve the right to refuse permission for an employee to take up employment until their disclosure check is complete.
- 4.12 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.

## 5. Accepting previous disclosure checks/Renewing Disclosure checks

- 5.1 In some occasions individuals may be able to provide electronic disclosure certificate (Update Service) which are up to date, and have been taken with them between different organisations or volunteering assignments. This is an optional service and it is the decision of an individual whether they are utilising such service or not.
- 5.2 Where individuals are registered with the Update Service, we may accept their Disclosure records provided this way, if the level and type of a check required for a role with MS Society corresponds with the record provided via Update Service.
- 5.3 We require Disclosure checks to be renewed every three years for staff, volunteers and individual service providers, in roles requiring them.

- 5.4 Existing staff, volunteers, and individual service providers may use the Update Service for DBS renewal checks if they are registered with this service.

## **6. Retrospective checks**

- 6.1 In order to meet our legal obligations, we may need to carry out retrospective disclosure checks.
- 6.2 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.
- 6.3 If an employee or volunteer is found to be under investigation by the DBS, Access NI or Disclosure Scotland, 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.

## **7. Refusals to complete a disclosure check or renewal**

- 7.1 If an existing employee does not complete a disclosure check when required to do so, we may refer to our Disciplinary policy and procedure.
- 7.2 If a volunteer or an individual service provider does not complete a disclosure check for a new role requiring one, or does not complete a disclosure renewal when required to do so, they will be unable to start/continue in the role.
- 7.3 Authority to remove someone from a volunteer role for non-completion of a disclosure check is delegated to the Head of Volunteering and Community Networks.

## **8. Cost**

- 8.1 There is no cost to our employees or volunteers to have a disclosure check.
- 8.2 Individuals who receive payment for providing a service for an MS Society volunteer-led group that requires a disclosure check ('individual service providers') are responsible for the cost of that check. This cost is the fee charged by the Disclosure authority for processing the form. However, a local group may choose to cover this fee if they wish to do so.

## **9. Recruiting individuals with a record of criminal history and receiving further information about a criminal record**

- 9.1 We are committed to complying with the Rehabilitation of Offenders Act (1974) and the Rehabilitation of Offenders (NI) Order 1978 and will not automatically prevent anyone with a criminal history from taking on a role.
- 9.2 Employees, volunteers and individual service providers that are in a role that is eligible for a standard or enhanced Disclosure are required to self-declare:
- i) any unspent conditional cautions and convictions; and
  - ii) spent (adult) cautions and spent convictions which would not be filtered in line with current guidance.
- For further information on filtering refer to:
- a. England and Wales

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

- b. Scotland  
<https://www.mygov.scot/convictions-higher-disclosures>
- c. Northern Ireland  
<https://www.nidirect.gov.uk/articles/information-disclosed-criminal-record-check#toc-3>

- 9.3 For all other role employees, volunteers and individual service providers are required to declare any unspent conditional cautions or convictions only.
- 9.4 Employees, volunteers and service providers must inform the HR/ Disclosure Team if they are convicted of a criminal offence whilst in the role. This applies whether or not the individual is in a role that requires a disclosure check.
- 9.5 If a staff member or volunteer becomes aware of a conviction or criminal history of another individual, the Lead Volunteering/HR professional should be informed as soon as possible. This applies whether or not the individual is in a role that requires a disclosure check.
- 9.6 Where the MS Society becomes aware of a change to an individuals' criminal record while in role, or a criminal history is revealed outside of the DBS process, we will carry out a relevant risk assessment. The person may be moved to other duties or suspended for the duration of an assessment.
- 9.7 Where a disclosure certificate is returned with a record, a risk assessment will be carried out by a 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 relevant convictions are spent, whichever is sooner.
- 9.8 Our Recruitment of ex-offenders' policy and procedure includes further information, including our risk assessment process.
- 9.9 Where the MS Society has employees, volunteers or individual service providers doing 'regulated work', we have a duty to report any harmful behaviour that might affect whether the person is allowed to work with children or protected adults, to relevant Disclosure authority.
- 9.10 If the MS Society dismisses a person/people from "regulated activity or work" (or would have done so had the person not already left), or transfers that person permanently away from work with protected adults, because they harmed or pose a future risk of harm to vulnerable groups, a referral must be made to the relevant Disclosure authority, explaining what's happened. This referral must be made within **3 months** of the decision being made.
- 9.11 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.

## 10. Storage and handling of disclosure information

- 10.1 All information (both paper and electronic) relating to the disclosure process will be kept confidential.
- 10.2 We recognise that it is a criminal offence to:
  - pass on disclosure information to anyone who is not authorised 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.
- 10.3 All Disclosure information will be stored securely or destroyed in line with the Data Protection Act and relevant Codes of Practice. 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.
- 10.4 We will not keep information relating to disclosures for any longer than is necessary, in line with our data retention schedule.

## **11. Implementation**

- 11.1 Induction for employees, volunteers and individual service providers will include guidance on implementing our policies and procedures that help to keep people safe.
- 11.2 Employees, volunteers and individual service providers who have responsibilities under our Disclosure policies and procedures will have access to appropriate guidance and support.
- 11.3 Our HR Team is available to employees for support and procedural guidance throughout the disclosure process by phone on 020 8438 0988 or by email at [HR@mssociety.org.uk](mailto:HR@mssociety.org.uk)
- 11.4 Our Disclosure Team is available to volunteers and individual service providers for support and procedural guidance throughout the disclosure process by phone on 0300 500 8084 option 3 or by email at [disclosure@mssociety.org.uk](mailto:disclosure@mssociety.org.uk)

## **12. Other relevant policies and legislation**

- 12.1 Policies relating to staff can be found on our intranet.
- 12.2 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 policy
  - Safeguarding adults policy and procedure England & Wales
  - Safeguarding Policy Scotland
  - Safeguarding Policy Northern Ireland
- 12.3 Relevant legislation & Information

- Department of Health: 'Regulated activity (adults); The definition of 'regulated activity' (adults) as defined by the Safeguarding Vulnerable Groups Act 2006 from 10<sup>th</sup> September 2012'
- Rehabilitation of Offenders Act 1974
- Police Act 1997
- Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012
- Data Protection Act 2018

#### **Version control**

| Date change made | Description of change made | Person responsible (job role) |
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### **13. Appendices**

Appendix 1 – Disclosure process for new volunteers and self-employed individuals in groups

Appendix 2 – Disclosure process for employees

## **Appendix 1 - Disclosure process for new volunteers and self-employed individuals in group**

### **Introduction**

As part of our wider commitment to safeguarding, volunteers and individual service providers in particular roles at the MS Society may be required to undergo a disclosure check.

This applies to all new and current volunteers/individual service providers if they take on a new role that requires a check, or a disclosure check needs to be renewed in line with our Disclosure policy.

Role which require disclosure check will be listed as such in literature advertising the role.

Disclosure Policy outlines the relevant Disclosure regulations and principles MS Society applies when recruiting new volunteers/individual service providers, assessing, interpreting and storing information about criminal records checks.

This document outlines the operational procedure which is followed by MS Society when processing Disclosure Checks.

### **Procedure**

#### **1. England and Wales**

Disclosure Team (DT) is responsible for processing DBS checks for all volunteers/individual service providers where those are required.

In England and Wales, disclosure checks are provided by the Disclosure and Barring Service (DBS)

##### **1.1 Processing Disclosure for candidates who are not signed up to the Update Service:**

If Disclosure Check is required the DT contacts a candidate (via letter or email) during the Onboarding process, and outlines the necessary steps of the Disclosure process.

If the candidate carries Disclosure Check from other organisation (via Update Service) they should be processed in accordance with the procedure outlined in 1.3.

After receiving communication from the DT, the candidate needs to complete the forms provided in a letter or email and the ID check needs to be performed by the Volunteer Manager

As part of the ID check the Volunteer Manager signs the forms completed by a candidate.

The candidate should use the pre-paid envelope provided to submit their application form and identity check form to DT.

Signed Disclosure forms have to be submitted to the DT (either via hard copy or electronically), ideally within 5 weeks since receiving the forms from DT.

DT processes the application via a third-party company and let the applicant know the Disclosure is being processed.

The third-party company informs DT that Disclosure is processed with information:

- there is no records on Disclosure Certificate
- there are records on the Disclosure Certificate

If there are no records on Disclosure Certificate the candidate is processed via rest of the Onboarding process and confirmed within the volunteering role when entirety of the Onboarding process is completed.

If there are records on Disclosure Certificate the process outlined in Section 6 applies.

## 1.2 Overseas check

If the applicant has lived outside the UK for over 6 months within the last 3 years period, they may have to complete additional checks.

Our Disclosure Team will provide the necessary information to the volunteer to enable them obtaining an overseas check.

If Overseas check is impossible to obtain, the Disclosure Team may consider (after consulting with Head of Volunteering) accepting two UK based references instead.

## 1.3 Processing Disclosure for candidates who use Update Service

Candidates can have existing Disclosure certificates from previous places of employment/volunteering maintained via Update Service.

The Update Service records can be accepted for new candidates and existing volunteers/individual service providers if:

- The Disclosure provided showcases the correct level of checks
- The original (or a scanned copy) Disclosure Certificate is presented to the DT so they can assess the entirety of the Disclosure record

DT informs Volunteer Managers that those conditions were met and request from them to conduct the candidate/existing volunteer or Individual Service Provider ID check (via ID check forms provided).

The Volunteer Manager conducts the ID checks and posts it back to DT.

If there no records are identified on the Update Service the candidate is processed via rest of the Onboarding process and confirmed within the volunteering role when entirety of the Onboarding process is completed.

If there are records on Disclosure Certificate the process outlined in Section 6 applies.

## 1.4 Processing Disclosure for individual service providers:

When a Volunteer Manager recruit a service provider in a role or activity that requires a disclosure check, they should contact the Disclosure Team at [disclosure@mssociety.org.uk](mailto:disclosure@mssociety.org.uk) to inform them of the recruitment.

Disclosure team will then contact the candidate for an individual service provider to start their Disclosure Process, either via process outlined in 1.1 or 1.3.

As part of process outlined in 1.1 the Individual Service Provider must also enclose payment for processing Disclosure Check (either via bank transfer, cheque, or arrange a payment via the group).

#### **1.5 Disclosure Renewals for volunteers/Individual Service Providers:**

Volunteer/Individual Service Providers can choose to join the Update Service which will enable them to have access (and possibility to share) an up-to-date Disclosure records.

Enrolling with the Update Service is free for volunteers and will minimise the administration burden on both volunteers and the MS Society for renewal checks.

MS Society volunteers may request support from the Disclosure Team to enrol them on the Update Service. This must be done within 28 days from the date of issuing the Disclosure Certificate.

Individual Service Providers are required to submit an annual payment for an Update Service if deciding to use it.

- a) If Disclosure Check available via Update Service:

At the time of renewal the DT will contact a volunteer/Individual Service Provider to ask for permission to run an Update Service check.

The Disclosure Team will ensure that there are no records (or change to the known record) on the Disclosure Certificate

If there are no records (or change to the known records) on Disclosure Certificate the candidate is confirmed to continue within the role.

If there are records on Disclosure Certificate the DT contacts candidate to obtain a copy of the Disclosure Certificate so the Risk Assessment could be performed with regards to role suitability.

Based on the result of the Risk Assessment the candidate is either rejected, or confirmed suitable to continue within the role.

If we are unable to accept a previous disclosure from the Update Service, the individual must apply for a new DBS check.

- b) If Disclosure Check not available via Update Service:

If Volunteer/Individual Service Provider is not utilising the Update Service, the renewal of the Disclosure Check will be carried out in accordance to procedure outlined in 1.1

## **2. Northern Ireland**

In Northern Ireland, disclosure checks are provided by Access NI and administered via third party provider.

Process is the same for new applications or renewal applications.

For Volunteers: The Disclosure Team is informed about a candidate for a new volunteer via Onboarding process.

For Individual Service Providers: When a Volunteer Manager recruits an Individual Service Provider in a role or activity that requires a disclosure check, they should contact the Disclosure Team at [disclosure@mssociety.org.uk](mailto:disclosure@mssociety.org.uk) to inform them of the recruitment.

DT contacts a candidate/ISP and informs about the Disclosure procedure. This message includes a link to the Disclosure Check form (administered via a third-party provider) and log in details.

Candidate/ISP completes the online Disclosure forms.

Candidate/ISP provides required ID documents to Volunteering Manager (either copies or original) who verifies the ID documents and posts an ID form and copies of ID documents to the DT.

DT uploads copies of ID documents onto the third-party platform.

DT collects the payment for the Disclosure from ISP/ Disclosure Checks for Volunteers are not charged from a volunteer.

Third-party provider processed the Disclosure Check and provides DT and a candidate/ISP with outcome:

- There are records on Disclosure Certificate
- There are no records on Disclosure Certificate

If there are no records on Disclosure Certificate the candidate is processed via rest of the Onboarding process and confirmed within the role when entirety of the Onboarding process is completed.

If there are records on Disclosure Certificate the process outlined in Section 6 applies.

#### Overseas check

If the applicant has lived outside the UK for over 6 months within the last 3 years period, they may have to complete additional checks.

Our Disclosure Team will provide the necessary information to the volunteer to enable them obtaining an overseas check.

If Overseas check is impossible to obtain, the Disclosure Team may consider (after consulting with Head of Volunteering) accepting two UK based references instead.

### **3. Scotland**

In Scotland, volunteer disclosure checks are provided by the Protecting Vulnerable Groups Scheme (PVG) and administered by Disclosure Scotland.

Individual whom the PVG check is provided for, receives the PVG number which they can use for providing their Disclosure information to any prospective employer/volunteer involving organisation.

There is no need for renewal of PVG, as Disclosure Scotland provides an update on any new information affecting a persons' Disclosure record to the current employer/volunteer involving organisation (if those are necessary for the role the person is carrying out for an employer/volunteer involving organisation).

**For Volunteers:** The Disclosure Team is informed about a candidate for a new volunteer via Onboarding process.

**For Individual Service Providers:** When a Volunteer Manager recruits an Individual Service Provider in a role or activity that requires a disclosure check, they should contact the Disclosure Team at [disclosure@mssociety.org.uk](mailto:disclosure@mssociety.org.uk) to inform them of the recruitment.

The DT informs a candidate/individual service provider about a need to ID checks, and provides a list of required ID, which is to be verified on the meeting (either face to face or online).

Once the ID checks meeting is concluded the DT completed the ID check form and informs Disclosure Scotland that the Disclosure can be carried out.

Disclosure Scotland contacts a candidate/individual service provider to obtain necessary for the Disclosure process information (I.e. residency history).

Disclosure Scotland performs the Disclosure process and informs the DT if:

- There are records on Disclosure Certificate, including details of those records
- There are no records on Disclosure Certificate

If there are no records on Disclosure Certificate the candidate is processed via rest of the Onboarding process and confirmed within the role when entirety of the Onboarding process is completed.

If there are records on Disclosure Certificate the process outlined in Section 6 applies.

The Disclosure Team should upload the PVG number onto Database.

#### Overseas check

If the applicant has lived outside the UK for over 6 months within the last 3 years period, they may have to complete additional checks.

Our Disclosure Team will provide the necessary information to the volunteer to enable them obtaining an overseas check.

If Overseas check is impossible to obtain, the Disclosure Team may consider (after consulting with Head of Volunteering) accepting two UK based references instead.

#### 4. Identity checks

Identity checks are an important part of the disclosure checking process and confirm a person is who they say they are. Identity checks are designed to determine that the identity is genuine and relates to a real person, and to establish that the applicant owns and is rightfully using that identity.

In order to complete an identity check, Volunteer Managers/DT must endeavour to verify that the person is who they say they are by seeing and reviewing original identity documents and validating the authenticity of the documentation obtained.

The MS Society uses a combination of three methods for verifying identity:

- Receiving original documents
- Checking document authenticity
- Cross referencing documents with information provided in the original application

Original documents allow the MS Society to check an individual's:

- Likeness (photographic identification documents)
- Full name – forenames and last name
- Signature
- Date of birth
- Current address

Acceptable identification documents can be found [here](#).

All documents must be:

- Original
- From a trustworthy and reliable source
- Valid, dated and current (document must not have expired)

Checking document authenticity is a crucial part of the identity checking process – fake documentation is increasingly available and used by those assuming the identity of another.

See guidelines here for identifying basic forgeries in identity documents [here](#).

Where checks return information that contradicts the details provided by the applicant and raises concerns, volunteer managers/ DT should:

- Proceed in a sensitive manner – there is often a reasonable explanation for apparent inconsistencies
- Attempt to address any concerns directly with the applicant, through inviting them back for a second interview
- In exceptional circumstances, where checks reveal substantial discrepancies, the Volunteering Team ([volunteering@mssociety.org.uk](mailto:volunteering@mssociety.org.uk)) will advise on whether it is appropriate to report these concerns to the local police.

## 5. Recording Disclosure information

There are strict and specific restrictions on the type of disclosure certificate information that the MS Society records, retention period and location. The MS Society only keeps disclosure information for as long as is necessary and in accordance with our Data Protection Policy.

The information that the Disclosure Team record on Database is as follows:

- The date of issue of the certificate
- The full name of the subject
- Unique reference number on the certificate
- Level and type of check performed
- If a person have been signed up to the Update Service (for England and Wales)
- PVG number (for Scotland)

## 6. Confidentiality and handling of certificate information

Information is only obtained which is absolutely essential to making a recruitment decision.

Information is only passed to those who are authorised to receive it during the course of their duties.

Individuals authorised to receive certificate information include:

- The Disclosure Team
- The Volunteering Team
- The HR Team
- The Director of Digital and Services
- The CEO/ members of the Executive Group

In exceptional circumstances additional people can be authorised to view and make copies of an individual's certificate by the Volunteering Team.

## 7. Risk assessments

Anyone whose Disclosure certificate is identified as containing adverse information must have that information reviewed and agreed as low risk in order for them to proceed with their application. In order to mitigate risk of actual or perceived bias against applicants, risk assessments always take place at national-level, through the Volunteering Team.

If criminal records are identified during the Disclosure process (or this information is obtained outside of the Disclosure process) the DT asks the candidate to provide Disclosure information (original Certificate, or PVG information via direct service in Scotland), and passes it to authorised staff from the Volunteering Team, who will perform the risk assessment.

The first step is to perform the risk assessment using the information presented on the certificate only, if this is felt to be sufficient.

If there is any ambiguity, or if further information is needed, authorised staff from the Volunteering Team must make an appointment with the applicant to clarify matters and to complete the initial risk assessment.

Once this has been completed, authorised Volunteering Team personnel must send the risk assessment, along with a copy of the Disclosure certificate and their recommendation, to the Director of Digital and Services, who will make the final decision in regards to the level of risk the applicant poses to the MS Society and whether they may continue in their application for an MS Society role or not.

In all cases, a standard Disclosure Risk Assessment Form must be completed.

The Volunteering Team will inform the Disclosure Team of the outcome and any further actions that need to be undertaken.

The DT will then send their copy of the Disclosure certificate straight back to the applicant.

## **Appendix 2 - Disclosure process for employees**

It is reviewed by the line manager whether the paid role involves 'Regulated Activity with Adults' or 'Working with Adults' (under Section 3 of the Disclosure policy) and accordingly confirm the required check for the role to the HR team. This is endorsed by the Safeguarding Oversight Group (SOG). The DBS/AccessNI/PVG 'umbrella body' will have the final decision making authority in borderline cases. »

Where a disclosure check is required for a paid role in any of the four nations, this will be clearly stated in recruitment literature, including job or role descriptions by HR »

If an offer is made, HR will send a disclosure application form and guidance to the individual. Any employee who has lived for significant periods of time outside the UK must complete further background checks. The Disclosure Procedure provides the detail which must be adhered to on this issue »

Following the return of the completed disclosure application form to the HR team, the disclosure form application is submitted for processing (subject to the new starter's agreed written consent). The job or role offer is subject to the results of this disclosure check. »

We are responsible for making sure that any disclosure check which 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 Disclosure Procedure »

All employees must provide results of their disclosure check to the HR team when they are requested to do so. We reserve the right to refuse permission for an employee to take up employment until their disclosure check is complete »

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. »

If a certificate is returned with a criminal records information on it, the recruitment process is not complete until the necessary risk assessment is completed »

We require Disclosure checks to be renewed every three years for staff, volunteers and individual service providers, in roles requiring them.