

## Chapter 9: Registration for Organisations

1. Organisations requiring access to Scheme Records and Scheme Record Updates must either:
  - o register with Disclosure Scotland, which will enable them to countersign disclosure applications or requests; or
  - o enrol with a registered body that can provide countersignatory services for them (known as an umbrella body, such as CRBS).
  
2. Organisations that are already registered with Disclosure Scotland do not need to re-register for PVG Scheme purposes. New registration arrangements are planned to take effect from 1 April 2011, although the revised regulations<sup>67</sup> have not yet been considered by the Scottish Parliament. On-line functionality allowing registered bodies to manage their registration accounts with Disclosure Scotland will become available later in 2011.

### 9.1 – What registration means

1 Scheme Records issued by Disclosure Scotland may contain sensitive and personal information, including vetting information. The aim of protecting vulnerable groups from those who might do them harm through their work is supported by making this information available to organisational employers. However, in order to protect the rights and privacy of individuals to whom this information relates, it is important that this information is handled appropriately by those organisations to whom it is released. That is one purpose of registration.

2 Disclosure Scotland manages the registration process. Organisations applying to be registered bodies must have relevant personnel vetted and put in place robust procedures for handling disclosure records securely. There is a Code of Practice<sup>68</sup> and accompanying Explanatory Guide (available from the Disclosure Scotland website) which covers the handling of disclosure information and sets out in detail what registered bodies need to do. Disclosure Scotland carries out audits of registered persons and bodies to check they are complying with the Code of Practice.

3 Each organisation which is a registered body needs to have a registered person who is Disclosure Scotland's primary point of contact within that organisation. The registered person is also known as the lead signatory.

<sup>67</sup> The Police Act 1997 (Registration) (Scotland) Regulations 2010. <sup>68</sup> Published by the Scottish Ministers under section 122 of the 1997 Act (and revised version to account for introduction of the PVG Scheme).

Other people in the organisation who can countersign disclosures are known as countersignatories.

## **9.2 - Action for existing registered bodies**

1 Organisations that are already registered with Disclosure Scotland for the purposes of accessing enhanced disclosures do not need to re-register to access Scheme Records and Scheme Record Updates under the PVG Scheme. However, there are changes to the types of role and positions which are eligible for disclosure. For example, some work in child care positions under POCSA will not be regulated work with children. It may be that some organisations that accessed enhanced disclosure will not have access to Scheme Records. It would be helpful if such organisations advised Disclosure Scotland of this and were de-registered, if appropriate.

2 All organisations should regularly review whether any of their countersignatories are no longer performing this function and advise Disclosure Scotland of this fact. Disclosure Scotland will require this information as part of preparing for the new arrangements from 1 April 2011 (see below).

## **9.3 – New registrations for the PVG Scheme**

8. Organisations that are not currently registered bodies may need to register to access Scheme Records and Scheme Record Updates under the PVG Scheme. Such organisations have not previously required enhanced disclosure but now (intend to) have individuals doing regulated work for them. Their need to register may be because:

- o the organisation is new;
- o the organisation has changed what it does;
- o the introduction of the adults' list means that the organisation wants to do disclosures in respect of the adults' workforce for the first time; or
- o the definitions of regulated work with children and regulated work with adults capture (some of) their workers for the first time.

9. An organisation wishing to register must contact Disclosure Scotland for an application pack. All applications must be made in writing and supported by proof of identity for the organisation, the prospective registered person and any other individuals who are nominated to countersign disclosure applications. The organisation will have to demonstrate that some of its workers are, or will be, doing regulated work. Until 1 April 2011, the cost of registering is a one-off charge of £150 and a further £10 for every countersignatory. (See section 9.7 below for arrangements after 1 April 2011.)

10. The organisation must nominate an appropriate individual to become its registered person and lead signatory. The lead signatory should be a senior figure within the organisation, with a level of management responsibility for those who make recruitment decisions. This individual does not have to be the person who will countersign most or all of the disclosure applications. Other individuals involved in recruitment or management may be nominated as countersignatories to do most of this work.

11. Alternatively, organisations can secure the services of an umbrella body to act as a registered body on its behalf. CRBS is the principal umbrella body for the voluntary sector.

#### **9.4 - Setting up countersignatories in an organisation**

12. Each countersignatory will be checked to ensure they are a person who is suitable to receive disclosure information. The lead countersignatory and the prospective countersignatory will be advised whether or not the nomination for inclusion in the register has been successful. Being a countersignatory is entirely distinct from PVG Scheme membership. That is, an individual does not need to become a member of the PVG Scheme in order to be a countersignatory. Equally, if they also do regulated work for their employer, then being a countersignatory does not exempt them from PVG Scheme membership for that purpose.

13. Countersignatory suitability checks are ongoing. If information comes to light that questions the suitability of an individual to remain a countersignatory, then that individual's right to countersign may be revoked.

14. When an individual is accepted as a countersignatory, they are issued with their registered body's ID code and their own personal ID number which they must include on each disclosure application they countersign. This ID number should not be used by anyone else or for any other purpose. The ID number is only valid where it is used in conjunction with the countersignatory's authorised signature. The registered person must keep Disclosure Scotland up to date with any changes to personal details of countersignatories in their organisation.

## 9.5 – Countersigning disclosure applications

15. When an applicant is asked to complete an application form by an organisation, either to join the PVG Scheme or for a subsequent request for a disclosure record, they should complete the relevant sections of the form. Once that is done, it should be returned to the organisation so that the registered body sections can be completed. Usually, someone in the same organisation will do the countersigning.

16. If the organisation does not have its own countersignatory, then it should send the completed application form to its umbrella body. The umbrella body will check and countersign the form before forwarding it to Disclosure Scotland.

17. Once a countersignatory signs the application form, it becomes a declaration that the application is legitimate. It also means that their organisation is properly registered, is entitled to receive the disclosure requested, that the disclosure will be used in accordance with the PVG Act or the 1997 Act, and the Code of Practice where the obligations about handling, storing and destroying etc are set out. It is an offence for a countersignatory to knowingly make a false statement to gain access to a disclosure record<sup>69</sup>.

18. A successful disclosure application will not only result in the issuing of a disclosure record to the organisation (and individual) but the organisation will also be logged as an interested party in respect of that PVG Scheme member. This means that the organisation will be notified about consideration for listing or listing of the individual (see chapter 7.3). Disclosure Scotland does not know whether an individual was recruited or not by an organisation after a disclosure record is issued. If the organisation does not recruit the individual, it would be helpful to advise Disclosure Scotland of this fact. On-line functionality for managing registered body accounts will make this very straightforward (see section 9.8).

## 9.6 – Duties on registered bodies

19. Organisations should pay close attention to the PVG Act, which states that disclosure record sent to the countersignatory may only be shared within the organisation where it is directly necessary as part of employee recruitment or retention decisions<sup>70</sup>. (See also chapter 5 for more information.) Therefore, organisations should consider carefully who is best placed to ensure their use of disclosure information is complying with the PVG Act. Organisations that lack in-house expertise may seek outside help in interpreting the vetting

<sup>69</sup> Section 65 of the PVG Act.

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information that may be revealed on a scheme record, but if they do so they must not disclose the identity of the individual concerned.

## **9.7 – Changes from 1 April 2011: annual subscription**

20. From 1 April 2011, all new registered bodies will pay an annual subscription for registration. There will be minimum annual charge of £75 for registration and that will cover the lead signatory and up to four countersignatories. Adding a new countersignatory during the course of the subscription year will cost £15 each, irrespective of how many existing countersignatories exist for the organisation. Removing a countersignatory or ending registration will not incur a fee.

21. Existing registered bodies will be migrated over to the new arrangements in a managed process. As part of that process, Disclosure Scotland will work with registered bodies to identify and remove inactive countersignatories on their account.

22. In advance of a registered body's annual subscription falling due, Disclosure Scotland will provide them with a full list of their countersignatories and provide the opportunity to delete any that are no longer active. This will also allow the opportunity to update any other areas of the registration details that are inaccurate, for example, mailing addresses.

23. The purpose of introducing an annual subscription for registration is to place a duty on organisations on an annual basis to confirm the registration of all of their countersignatories, which will allow Disclosure Scotland to maintain accurate records and so reduce the possibility of fraudulent disclosure requests from individuals who are no longer employed in that capacity. Applying a small charge to the re-registration will provide an incentive to organisations to remove inactive countersignatories while the overall cost of re-registrations should, for most organisations, be small (89% of organisations currently registered with Disclosure Scotland have four or less countersignatories).

## **9.8 – Changes from later in 2011: on-line registered body accounts**

24. Later in 2011, registered bodies will be able to manage their accounts with Disclosure Scotland on-line, if they wish. This will allow the lead signatory and countersignatories to log in and manage certain information through a secure web site.

25. Registered bodies will be able to:

- o manage the lead signatory and countersignatory accounts and update personal information;
- o create sub accounts and allocate countersignatories to these accounts – for example, a council might establish separate sub accounts for its education, housing and social work departments;
  - o view and pay invoices – which can be subdivided by sub account; and
  - o remove their interest in a PVG Scheme member who no longer works for them.

### **Case Study C9.1 Change of Registered Person**

A. Nurseries Ltd has recently recruited a new HR Director who will be taking over the role of registered person.

B. As this is a change to their registration, they must advise Disclosure Scotland. If the current lead signatory is no longer working for the company then, as an interim measure, an existing countersignatory could take on that role on a temporary basis. If that is not done, then all of the company's applications will be suspended until such time as a new lead signatory is approved.

C. The new HR Director will have to be checked as to whether or not she or he is a suitable person to receive disclosure information.

### **Case Study C9.2**

A. There have been changes in personnel at Care Homes plc and they need to amend their list of countersignatories.

B. The people who are being removed as countersignatories will be removed as soon as the lead signatory formally advises Disclosure Scotland in writing. The effect for those people is that they will no longer be able to countersign applications for Care Homes plc.

C. The lead signatory asks those whom she wants to nominate as new countersignatories to complete an application form. She should then countersign each form and send them to Disclosure Scotland. The potential countersignatories will be assessed as to whether or not they are suitable people to receive disclosure information. Disclosure Scotland will advise the lead signatory and each potential countersignatory of the outcome of that assessment. For those who are suitable, Disclosure Scotland will write to them with the unique identification number for use on forms that they countersign. A charge of £15 will be made in respect of each new countersignatory application.