

# Disclosure Guidance for Registered Persons and Employers

These notes should be read in conjunction with the Disclosure Scotland Application form. They offer you, as the Registered Person, a simple step-by-step guide to completing the form. Should you encounter any difficulties with either the form or the notes on guidance, you are advised to contact Disclosure Scotland for further assistance on 0870 609 6006; by emailing Disclosure Scotland on [info@disclosurescotland.co.uk](mailto:info@disclosurescotland.co.uk) or by visiting our website on [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). All legislation and documents mentioned in these guidance notes will also be available on our website.

We recommend that the application form be completed in **BLOCK CAPITAL LETTERS** using **black or blue ink**. Write only in the boxes provided and **please ensure that the writing is contained within the boxes** (for scanning purposes); A space should be indicated by leaving an empty box. No other part of the form should be used. **Mandatory fields are highlighted in yellow and a failure to complete a mandatory field will mean that processing will be delayed.**

It is recommended that you keep a note of the Application form number in a safe place for future reference. This is the 16-digit number printed under the barcode, in the top right-hand corner on the front of the Application form. This number is unique to each Application form and should be quoted for tracing purposes in the event of an enquiry.

## Data Protection Act 1998

Personal data must only be processed with the express consent of the data subject. The information supplied on the Disclosure Application form by the applicant should not be used or disclosed in a manner incompatible with the purpose for which it was collected. Any non-obvious use of the data, including the further disclosure to a third party, **must** be with the **written** consent of the applicant. The notification should identify the Data Controller, the purpose for the processing, and any further relevant information.

## NOTE A Type of Application

It is for you as the prospective employer or other person or body offering the position to decide which level of Disclosure is applied for.

A cross 'X' should be marked clearly in the appropriate box. The completion of the remainder of the form will depend on which of the following options has been selected. See below for definitions.

### Basic Disclosure

Basic Disclosures are the lowest level of Disclosure and will be available to anyone who applies on the appropriate form and pays the relevant fee. This type of Disclosure is only issued to the applicant; it will show details of all convictions considered to be unspent under the Rehabilitation of Offenders Act 1974 or state that there are no such convictions. It will be for the individual to decide whether to show the Basic Disclosure to employers/licensees or anyone who wishes to see it.

### Standard Disclosure

Standard Disclosures will be available for those applying for positions listed in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 as amended. A Standard Disclosure will contain details of all spent and unspent convictions and any cautions (from England, Wales and Northern Ireland) held on record or it will indicate that there are no such matters held on record. This means that even minor convictions, if they have not been deleted from central records, may be included on the Disclosure. Two Disclosures will be issued, one to the applicant and a copy to the Registered Person.

Examples of those who are eligible for this check are:

- people involved in the administration of law;
- firearms and explosives licences; and
- senior management in banking and financial services.

## Enhanced Disclosure

Enhanced Disclosures are the highest level of Disclosure and are available **when a Registered Person or their nominee is satisfied that they are entitled to receive Disclosure information when an Exempted Question is being asked for a prescribed purpose as set out in The Police Act 1997 Criminal Record (Scotland) Regulations 2006 (SSI 2006 No 96)**. They include all of the details contained in the Standard Disclosure but may also contain non-conviction information held locally by police/other organisation, where this is considered relevant to the post or voluntary work being sought. The Chief Constable or Chief Officer may also disclose information to the Registered Person only; this information will be sent separately to the Registered Person and will be withheld from the subject of the Disclosure (i.e. the Applicant) in the interests of the prevention or detection of crime.

Other Government Information derived from the lists of disqualifications from working with vulnerable groups, e.g. children, adults at risk/vulnerable adults will also be included where relevant. Again, two Disclosures will be issued.

This type of Disclosure is available to:

- people who perform a childcare role in terms of the Protection of Children (Scotland) Act 2003;
- people who have contact with adults at risk;
- applicants for various gaming and lottery licences;
- applicants for registration for child minding, day care and to act as foster parents or carers;
- applicants for registration as a care service provider, social service worker or social worker in terms of the Registration of Care (Scotland) Act 2001.

## NOTE B Personal Details

### Name(s)

**B1 (Title)** – Mr; Mrs; Ms; Miss – a cross ‘X’ should be marked in the appropriate box. Examples of ‘Other’ may be ‘Reverend’, ‘Doctor’.

**B2 (Present Surname)** – This should be the applicant’s current family name.

**B3/4(Present Forenames)** – This should include all of the applicant’s forenames. Both lines should be used if necessary.

**B5 (Mother’s Maiden or Family Name)** – This should be the surname currently used by the applicant’s mother/adoptive mother, or the name she used prior to marriage, deed poll change, etc.

**B6 (Are you now, have you ever been, or were you at birth known by a different name?)** – This section should be completed ‘Yes’ only where the information is different from above. E.g. the applicant’s name has changed through marriage, divorce, or other means.

#### Please note:

If the applicant is **adopted**, it is not necessary for them to provide their name at birth if the adoption was prior to the age of eight.

In the event that the applicant may be **transgender**, and wishes for this information to remain private, please recommend that they contact the Disclosure Scotland Helpline for further assistance.

**B7-9** This section should be completed if the answer to B6 was ‘Yes’.

**B10-12** This section should only be completed if they are known by, or have been known by, any other names than those already listed.

**B13** This box should be crossed if more space is required to list any other names that have not already been shown on the Application form. A separate sheet with these additional details on should be attached.

## Birth Details

**B14 (Date of Birth)** – This should be date of birth in the format DD/MM/YYYY.

**B15 (Gender)** – Male or female should be selected as appropriate.

**B16 (Town of Birth)** – This should be the postal town, e.g. Inverness; Birmingham. If the applicant is adopted they need only provide the country in which the adoption certificate was issued, it should also be entered in B18.

**B17 (Registration District)** – This is the name of the district where the birth certificate was issued, e.g. Midlothian. This information is shown on the birth certificate and should be provided only if available. If the applicant is adopted they should provide the country where the adoption was registered.

**B18 (Country of Birth)** – This should be the country of birth.

## Additional Information

At **least one** form of identification is required from between B19 and B24:

**B19 (National Insurance No.)** – If known, the applicant’s National Insurance Number should be entered in the format AB 12 34 56 C. This information can be accessed from a number of documents, e.g. National Insurance Certificate; Form UB40, etc.

**B20 (Full Passport No.)** – This is a nine-digit number which can be found on the inside back page of a full UK or European Passport. Non-UK/European passports will differ in format. It is recognised that not everyone holds a passport, in which case the section should be left blank. The number, if available, should be entered in full.

**B21 (Is this a UK Passport?)** – ‘Yes’ or ‘No’ should be crossed as applicable.

**B22 (Driving Licence No.)** – This can be found on all UK driving licences and comes in the form of a 16-digit number and letter combination, e.g. ROSS7/758921/PC7RA. Non-UK licences will differ from this format.

It is recognised that not all applicants will hold a driving licence. If no licence is held, please leave this section blank.

**B23 (Is this a UK Driving Licence?)** – ‘Yes’ or ‘No’ should be crossed as applicable.

**B24 (Electricity Supplier Number)** – Please enter the 21-digit electricity supplier number. This number is commonly referred to as the ‘supplier’ number or ‘s’ number and appears on your electricity bill in the following form:

S	01	123	456
	16	6789 0123	222

**Basic Disclosures Only:** Two forms of identification should be sent with the application. One of these **MUST** include the applicant’s address details, e.g. utility bill, rental agreement or mortgage, bank statement. **DO NOT SEND ORIGINALS.**

**B25 (Previous Disclosure No.)** – Each Disclosure carries a unique reference number in the top right-hand corner. This should only be completed if the applicant is in receipt of a previous Disclosure certificate issued by Disclosure Scotland; if more than one Disclosure is held by the applicant the most recent should be used. Please note this is not considered to be evidence of identity.

## Contact Information

**B26 (Home Phone No. incl. Area Code)** – A full telephone number should be inserted, including area code, at which Disclosure Scotland will be able to contact the applicant if necessary. If this is left blank, and we need to contact the applicant, the processing of the application may be delayed.

**B27 (Business/Mobile Phone No. incl. Area Code)** – Another telephone number at which we can contact the applicant.

**B28/29 (Email Address)** – To be inserted as applicable.

## Current Address

**B30-34 Please note that this will be the delivery address of the Disclosure.** It could be the applicant's home address, Halls of Residence or temporary lodgings. If the address entered is not the applicant's home address they must include details of this address in the Address History section (B37-B57).

**B35 (Resident From)** – The date from which they have been resident at this address. Although the full date is preferable the minimum required is the year of residence.

**B36 (Country)** – Only enter something here if the address is outside of the UK.

## Address History

**B37-57** Five years address history is required. This section should be used to record all previous addresses if the applicant has not lived at their current address for at least this length of time, **most recent first**.

**B58** This box should be crossed if more space is required to include all addresses over the past 5 years. A separate sheet with these additional details on should be attached to the Application form.

## NOTE C Declaration

**C1/C2** The applicant must read the declaration and sign and date the form in boxes C1 and C2. It is important that the signature is kept within the box, as this will be scanned into the Disclosure Scotland system.

In signing the declaration, the applicant is confirming that they consent to, and understand that, information supplied on the Application form may be passed to other Government organisations and law enforcement agencies .

## NOTE D Payment

Part V of the Police Act 1997 places the onus for payment on the individual applicant. It is possible, however, that some organisations may choose to submit payments in the organisation's name on the applicant's behalf.

### D1 Voluntary Sector

If the application is for a volunteer who will be working in an unpaid position within the voluntary sector the Registered Person should cross the 'Yes' box.

### D2 Responsibility for Payment

If this application is to be paid for by a registered body, or an employer paying for Basic applications, then this box should be marked with an 'X' and the rest of this section completed. For the current cost of a Disclosure please refer to the leaflet accompanying the Application form or the Disclosure website or helpline.

### **D3 Method of Payment**

A number of payment methods have been provided; only one method should be selected.

If you are going to be paying by cheque or postal order, then a cheque or postal order should accompany each Disclosure Application or batch of applications and should be made payable to 'Disclosure Scotland'. If paying by voucher please see D10 also.

### **D4-9 Credit/Debit Card Payments**

Please note that Disclosure Scotland accepts the following Cards: VISA, Mastercard, Maestro (formerly Switch), Solo and Delta cards.

### **D10 Voucher Payments**

This should be completed if you are paying by voucher. The voucher number must be entered in the space provided. Please attach the first two copies of the voucher with the Disclosure application.

**'FOR DISCLOSURE SCOTLAND USE ONLY'** – Do not enter any detail in this section.

## **NOTE E (Countersignature – for Standard and Enhanced Disclosures only)**

This section is to be filled out by the Registered Person only. The onus is on the Registered Person to satisfy themselves as to the identity of the applicant.

### **Role Details**

- E1 (Organisation Name)** – Please enter the name of organisation/voluntary organisation at which the applicant will be employed.
- E2/3 (Position Applied For)** – In this field you should enter the full job title for which the Disclosure is to be issued. The job role should clearly indicate the role to be carried out, if not please provide more information as the description may be used to determine relevance of any non-conviction information. No abbreviations please.
- E4** Cross 'Yes' or 'No' to confirm whether or not the work will be carried out at the home address of the Applicant.

### **Exempted Question/Prescribed Purpose**

- E5** An exempted question is a question which employers are not normally allowed to ask in relation to a person's criminal history. The Rehabilitation of Offenders Act 1974 allows offenders to be rehabilitated and their conviction(s) to be deemed 'spent', depending on the sentence given and whether they have re-offended.

However, the act recognises that there are some circumstances where information about spent convictions ought to remain available. The Act has created a number of exceptions where both spent and unspent convictions should be disclosed. These exceptions are positions as described under Note A, including those that involve working with children and other vulnerable people.

- E6** Section 113B(2)(b) of Part V of the Police Act 1997 as inserted by the Serious Organised Crime and Police Act 2005 states that a Disclosure Application must be accompanied by a statement by the registered person that the certificate is required for a prescribed purpose. A prescribed purpose is a category of a position eligible for Enhanced Disclosures as defined in the Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 accompanying the Serious Organised Crime and Police Act 2005.

## List Searches

- E7** Disclosure Scotland has access to the lists of individuals disqualified from working with children. An organisation employing people in 'childcare' positions as defined by regulation should cross the 'Yes' box. For all other positions the 'No' box should be crossed. This is the children's suitability statement as required under Section 113C(1) of The Police Act 1997 as amended.
- E8** Cross 'Yes' if this person is applying for a position with vulnerable adults/adults at risk as defined under regulation. This is the adult's suitability statement as required under Section 113D(1) of The Police Act 1997 as amended.

**Please note it is possible that both E7 and E8 require to be checked or indeed that neither of them are.**

## Registered Body Details

**If you are a Registered Person for more than one organisation please ensure that the information given in E9-E12 is relevant to the same registration.**

- E9 (Registered Body Name)** – This should be the name of the organisation for which you are a registered person.
- E10 (Registered Body Code)** – This should be completed in all cases. The Registered body code is a code specific to your organisation and will be shown on your registration document.
- E11 (Registered Person Name)** – This is the name of the Registered Person countersigning the Application form.
- E12 (Registered Person Code)** – This should be completed in all cases. The Registered Person code is a code specific to the individual who is authorised to countersign Disclosures, and will have been provided when that individual was accepted on to the register.

## Confirmation of Identity

- E13/14** This section provides confirmation of the documentation seen by the Registered Person as proof of the applicant's identity. It is recommended that at least 3 forms of identification are seen, one of which should be photographic. An 'X' should be marked in each of the relevant boxes to confirm which pieces of identification have been seen. Field E14 is for the Registered Person to record any other pieces of identification seen.
- E15 (Authentication Reference No.)** – Currently not in use.

## Umbrella Body Details

- E16 (Organisation Name)** – It is possible that, for whatever reason, an organisation does not wish to act as a Registered body in its own right. In such a case, another organisation may countersign Standard and Enhanced applications on their behalf. That organisation could be one which is prepared to process your applications as well as its own, or it may be an organisation set up specifically to act on another's behalf. Such an organisation is termed an 'Umbrella Body'. If you are acting as an Umbrella Organisation you should enter the name of the organisation you are signing on behalf of in E16.

## Registered Person Declaration

- E17/18** This box is for the signature of the relevant Registered Person. It is important that the signature is kept within the border of the box provided for scanning purposes. The date should be entered in the boxes provided.