



Procedure for Criminal Records Checks

Some posts, particularly those dealing with young people and vulnerable adults, require that Orkney Islands Council carry out a criminal record check on the successful candidate. Checks are made through the Disclosure Scotland which has been established to process checks for all registered bodies in Scotland.

The nature of this post is such that a criminal record check is required and we would be grateful if you could complete a criminal record self declaration form. Orkney Islands Council encourages all applicants to provide details of their criminal record at an early stage in the application process. Failure to disclose convictions which are later revealed in the criminal check process may result in any offer of employment being withdrawn.

What is a Disclosure Check?

Disclosure checks are undertaken by Disclosure Scotland who issue Disclosure certificates. These certificates detail information about a person's unspent convictions, and in the case of Standard and Enhanced Disclosures, spent convictions and whether an individual has been provisionally or fully listed as being disqualified from working with children.

There are three types of Disclosure check:

Basic Disclosure

These are issued to individuals on request, subject to confirmation of identity and contain information about unspent criminal convictions only.

Standard Disclosure

These Disclosures will contain details of both spent and unspent convictions held on central records, including cautions or highlight that no such records exist.

Enhanced Disclosures

These Disclosures will contain details of both spent and unspent convictions held on central records, including cautions or highlight that no such records exist. In addition it will show other non-conviction information considered to be relevant to the application.

What is the Disclosure Application Procedure?

If you are successful at interview we will issue you with the relevant forms and guidance notes on which sections to complete. This should then be returned to the

HR Support Team who will complete the remaining areas of the form, countersign it, and forward it to Disclosure Scotland for Processing.

Once processing is complete the subject of the disclosure will be informed of the implications, if any.

Who has access to the Disclosures?

In all cases the disclosure information would be sent by Disclosure Scotland to the subject of the disclosure.

For Standard and Enhanced Disclosures copies would also be sent to the registered officer in the Council who countersigned the application.

Will a criminal record affect my application?

Having a criminal record will not necessarily debar you from working with Orkney Islands Council. This will depend on the nature of the position, together with the circumstances and background of your offence(s) or other information contained on a Disclosure certificate or provided directly to us by a police force. We will discuss any matter which is revealed on a Disclosure Certificate¹ with you before considering withdrawing a conditional offer of employment. (Please note we are only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by a police force.)

What if I refuse to apply for a Disclosure?

Any candidate or volunteer who refuses to apply for the disclosure appropriate for the post concerned will not be offered employment

Who will see my Disclosure?

Any information supplied by Disclosure Scotland can only be accessed by the subject of the disclosure and the Registered Officers nominated by Orkney Islands Council.

Registered Officers must ensure that any information forwarded by Disclosure Scotland is securely stored and that only they have access to it. All stored information must be destroyed within three months of receipt.

I already hold a Disclosure Scotland certificate, do I need another one?

A disclosure check is required for each post, paid or voluntary, which you hold in the Council. Information contained with a disclosure is made available for the purpose of assisting decisions about the suitability of a candidate for a particular position and is not used for any subsequent applications.

How long is my Disclosure valid for?

Each Disclosure contains the date the Disclosure was produced. The Disclosure is accurate as of this date.

You must inform your Line Manager in writing immediately of any contact you may have with the police on matters likely to affect your work following appointment, for example an interview under caution, a charge or receipt of a Police Warning.

Do I have to pay for the disclosure check?

Orkney Islands Council will pay the disclosure fees on behalf of those persons whom it is intended to make a conditional offer of employment or on behalf of any volunteers under the direct responsibility of the Council.

I have worked overseas, what do I do?

Disclosure Scotland can only provide information on UK criminal records. If you are from overseas or have spent significant time residing overseas you are required to obtain the relevant criminal record information from that country and any official translation that may be required. You will be liable to pay any charges for this that may be applicable.

If you still have questions or concerns over any aspect of this process please do not hesitate to contact the HR Support Team on 01856873535 or email hrsupport@orkney.gov.uk .