

Local consideration - Adverse Disclosures

Background

Obtaining a valid disclosure from the relevant agency (DBS, ANI, PVG), together with completing the relevant Headquarters checks and local appointments process, play an essential part in safeguarding the young people in Scouting.

Where information is provided on a disclosure certificate, that information is assessed in accordance with the Safeguarding and Vetting Decision Guidance document (see POR; the Appointments Process) in order to ensure that appropriate recruitment decisions are made.

It is critical that throughout this procedure that all information provided by the disclosure authorities, applicants and references are held in line with the Codes of Practice of the disclosure authorities and the Data Protection legislation.

Procedure:

On notification that information is on a disclosure certificate:

England, Wales & Northern Ireland

- An email (or letter) is sent to the applicant asking them to provide their original copy of their disclosure certificate.
- An email is sent to the District or County or Area or Regional (Scotland) Commissioner informing them of the request.
- A reminder email (or letter) is sent to the applicant after 10- 15 days if there has been no response.
- If the applicant has not responded by 30 days, their membership of Scouting will be closed on Compass for non- compliance. (ie. failure to complete the National Vetting process). The applicant is sent a letter explaining the decision to close their membership with a copy sent to the District or County or Area or Regional (Scotland) Commissioner.

Scotland

- The HQ Vetting Team receives a copy of the applicant's certificate directly from Disclosure Scotland.

Once the original disclosure certificate has been received by the HQ Vetting Team the information contained on the certificate is assessed under the Safeguarding and Vetting Decision Guidance (see POR the Appointments Process).

Safeguarding and Vetting Decision Guidance – local consideration

In cases where the information contained on the disclosure certificate is assessed under the Safeguarding and Vetting Decision Guidance as requiring local consideration:

- A letter including, a Headquarters return sheet is sent to the District (or other relevant) Commissioner.
- The letter will set out the information given on the disclosure certificate (such as the details of the convictions) along with technical advice on the information provided. In addition the letter will suggest a number of questions that could be asked by the Appointment Advisory Committee (AAC) in assessing the appointment.

The information provided is for the District (or other relevant) Commissioner and members of the Appointments Advisory Committee only. It is an offence contrary to S124 of Police Act 1997 / S66 Protection of Vulnerable Groups (Scotland) Act 2007 to reveal any information contained on a disclosure other than to those directly involved in the appointment decision.

Local procedure:

The local procedure will vary depending upon the type of role under consideration:

- For those appointments where a meeting with the Appointment Advisory Committee is part of the appointments process, then an AAC meeting should take place.

The applicant should be given the opportunity to explain the circumstances surrounding their offence(s). The AAC should take this feedback and the information provided by the Vetting Team into consideration when deciding upon the appropriateness of an appointment.

- For those appointments where a meeting with the AAC is not part of the appointments process (Occasional Helpers, members of Executive Committees etc.) the DC and/or the Chair of the Appointments Advisory Committee should speak to the applicant so that they are given the opportunity to explain the circumstances surrounding their offence(s).

The DC and the Chair of the Appointments Advisory Committee should reach a joint decision.

Questions to ask:

- In addition to any other questions appropriate for the appointment in question (see the Appointment process guidance [here](#)), the applicant should be asked:
 - What were the circumstances surrounding the offence(s)?
 - How have the applicant's circumstances changed since the offence(s)?
 - Any other questions suggested in the letter from the Vetting Team (see above)
- Issues that might also be relevant include:
 - The age of the applicant at the time of the offence(s).
 - The length of time since the offence(s) occurred.
 - Are the conviction(s) relevant to the position applied for.

Issues to consider:

There are three principles, which in order of priority may be helpful to apply in reaching a decision:

1. Do the actions or the behaviours of the individual concerned affect the health and welfare of young people?
If the answer is 'yes', 'probably' or 'possibly', great caution should be exercised before approving the appointment.
2. Do the actions or the behaviour of the individual concerned affect the reputation of Scouting?

By having this person as an adult in the Movement, is it likely to damage the standing of the Movement in the eyes of parents, the general public, other organisations etc.?

3. Do the actions or behaviour of the individual concerned affect that person, other adults and their working relationships?

Sometimes we may have to protect adults against themselves. Continuation of working with young people could cause problems for themselves in their private lives, employment, standing in the community etc.

Potential decisions:

There are three potential outcomes:

1. **Appointment** - It may be agreed that it is appropriate for the person to be approved for the appointment in question
2. **Appointment with restrictions** - It may be agreed to approve the appointment but with some modifications on the role. For example:
 - An Assistant Beaver Scout Leader with a caution for theft 2 years ago, may be appointed but may not handle funds for the Group.
 - A Scout Leader with a conviction for drink driving 3 years ago, may not drive for Scouting purposes.

Any restrictions added to a role must be notified to the Vetting Team.

3. **Not appointed** – It may be decided that it is not appropriate for them to be appointed to the role.

The applicant should be informed that it has been decided that it is not appropriate for them to be appointed to the role. Suitable words might be:

“After viewing the information contained on your disclosure certificate and given how recent your offences are, or how many offences there are, we are unable to grant your application for the role at this present time. We may consider an application in the future subject to you completing the National Vetting process.”

Informing HQ:

- Once a decision has been made locally the Headquarters returns sheet must be sent back to the Vetting Team at vetting@scouts.org.uk to enable the applicant's record to be updated.
- Please note that until the Vetting Team receives the Headquarters return sheet the applicant's disclosure will remain “Application submitted – in progress” on Compass.