

COMPLIANCE AUDITS - GUIDANCE

① ADVICE FOR REGISTERED PERSONS WITHIN REGISTERED BODIES

At the time of registration*, each Lead Signatory and additional Countersignatory should have received a copy of:-

- the *Code of Practice* for Registered Persons and Other Recipients of Disclosure Information* (hereinafter referred to as the “Code”); and
- the associated *Explanatory Guide* on the Code of Practice* (hereinafter referred to as the “Guide”).

* **the Code and Guide have been revised and copies of the revised documents were issued to all existing signatories in October 2007 (the revised documents have been available on our website since 25 July 2007 and all persons registering from this date would have received the revised documents)**

If you do not have a copy or you require further copies of the current Code and Guide, then these are available within the [Publications Page](#) of the Disclosure Scotland Website (www.disclosurescotland.co.uk).

Paragraphs 49 to 52 of the revised Guide places a duty on Disclosure Scotland to carry out compliance checks (audits) in order to satisfy itself that those receiving Disclosure information are behaving responsibly and using the information provided in accordance with the Code, the Guide and the law. This will necessitate Disclosure Scotland Compliance staff visiting the premises of Registered Bodies and meeting with Registered Persons.

② CONFIRMATION OF AUDIT VISIT TO YOUR PREMISES BY REPRESENTATIVE(S) OF DISCLOSURE SCOTLAND’S COMPLIANCE TEAM

	To be completed by Disclosure Scotland Compliance Staff
Name of Disclosure Scotland representative contacting Lead or Counter signatory	
Date contacted	
Name of Lead or Counter signatory contacted ⁽¹⁾	
Agreed time ⁽²⁾ and date for visit/meeting	
Agreed venue for meeting (always at the premises of the Registered Body) ⁽³⁾	
Documents/evidence required (as per Section ④ on Page 2) to be sent to Disclosure Scotland no later than	
Disclosure Scotland Compliance Staff attending meeting	

⁽¹⁾ it is considered appropriate that the Lead Signatory should participate in the meeting and that a number of Countersignatories may also attend. It is important to note that it is the Registered Body who is being audited and it may therefore be advantageous to have as many Signatories as possible to attend in order that we can gain a better picture of the understanding of such Signatories.

⁽²⁾ the audit visit will last approximately 1½ to 2 hours.

⁽³⁾ the audit should take place within the business premises of the Registered Body – as part of the audit, the Compliance Representative(s) will require to be shown the location(s) in which the Disclosure information is stored. It would also assist us greatly if the Compliance Representative(s) had the use of a table or desk to work at.

③ WHAT WILL BE DISCUSSED DURING THE AUDIT VISIT

Disclosure Scotland has developed an “Assurance Checklist” which will form the basis of the Compliance audit.

Each Section of the Checklist has a number of questions and our Compliance Representative(s) will record the Registered Person(s)’s responses and evidence provided. Following the response and evidence provided, the Compliance Representative(s) may give guidance during the meeting or on a follow-up document (report). ⁽⁴⁾

⁽⁴⁾ All Compliance audits will generate a report outlining the responses and evidence provided by the Registered Person(s) and the guidance given by the Compliance Representative(s) together with any other subsequent recommendations which Disclosure Scotland may wish to make to ensure that Registered Bodies and Persons comply with the Code, Guide and the law.

As outlined above, the Checklist is divided into a number of Sections and these have been developed to determine your knowledge of:-

•	the structure of the Registered Body and how the Disclosure service fits into the organisation
•	your understanding of what is meant by the term “exempted question”
•	your understanding and usage of the Disclosure application form
•	how you carry out identity checks on applicants
•	your understanding of the Code and Guide
•	details of your recruitment policy
•	your understanding of the handling, storage and destruction of Disclosure information ⁽⁵⁾
•	your understanding and usage of the information contained on Disclosure certificates
•	if you act as an “Umbrella Body”, your understanding of the role of such a Body and how you ensure that organisations that use your services comply with and observe the Code

④ DOCUMENTS/EVIDENCE TO BE PROVIDED BY REGISTERED BODY/PERSON(S)

Registered Bodies/Person(s) are required to provide the undernoted documents/evidence prior to the Compliance audit visit. The documents/evidence should be sent to the Compliance Representative(s) noted on Section ② of Page 1.

•	A copy of your policy on the recruitment of ex-offenders
•	A copy of your Criminal Conviction Declaration Form
•	A copy of your policy on the handling, storage and destruction of Disclosure information
•	A copy of your recruitment application form
•	Any document that you may have outlining the criteria used to determine the level of Disclosure requested (this could, for example, be included in the following document)
•	Any document which has been prepared and provides instructions to Countersignatories on how to complete and submit Disclosure application forms
•	A list of all current Countersignatories within the Registered Body (this will enable us to cross reference this with our own list)
•	Any document(s) which you use to track the application(s) through the Disclosure and/or recruitment process or to record Disclosure information
•	If you act as an “Umbrella Body”, how is the relationship you have with user organisations formed (is it contractual – if so, please provide copy of non-specific, generic contract document)?
•	If you act as an “Umbrella Body”, how do you satisfy yourself that the organisations you act on behalf of are able to ask the exempted question and that they comply with the Code in accordance with Clause 122(1) of Part V of the Police Act 1997?

This list is not exhaustive and there may be other documents that you consider appropriate for us to examine or there may be other documents or evidence which are highlighted during the audit which we consider would be helpful to us.

⑤ ACCEPTANCE OF COMPLIANCE AUDIT FINDINGS AND RECOMMENDATIONS

Following deliberation of the information contained on the Checklist and/or provided during the audit, the Compliance Representative(s) will prepare a final written report outlining what was discussed and the evidence provided. This report will be submitted to the Registered Body’s representative detailing any recommendations (if any) which we consider necessary to ensure that the Registered Body and Person(s) fully comply with the Code, the Guide and the law and that they are following best practice in their part of the Disclosure system.

If you do not agree with any of the findings and/or recommendations included within the report then please contact the Compliance Representative named in the report. This may result in further discussions and/or visits.

Disclosure Scotland reserves the right to revisit a Registered Body to determine whether or not the recommendations have been acted upon.

Address	Disclosure Scotland, 1 Pacific Quay, Glasgow, G51 1DZ
Telephone No.	0141 585 8***
FAX No.	0141 585 8***
Email	**@scro.pnn.police.uk
Web	www.disclosurescotland.co.uk