

Intermediary Bodies – Non Affiliated

Intermediary Body Contract Form Guidelines

Introduction

What is the Central Registered Body in Scotland?

The Central Registered Body in Scotland (CRBS) is a service which has been operated by Volunteer Development Scotland since 2002.

CRBS manages the essential service of providing free disclosure records, guidance, advice and support to voluntary sector organisations working with children, young people and protected adults.

What are the responsibilities of CRBS?

As a registered body with Disclosure Scotland, CRBS needs to be satisfied that organisations acting as intermediary bodies manage the disclosure process correctly in line with relevant legislation and the Code of Practice

Introduction – What is an Intermediary Body?

An intermediary body is an organisation that is enrolled with CRBS who have sought agreement from CRBS to access disclosure records* on behalf of other not for profit voluntary sector organisations.

Intermediary bodies in general represent their own affiliated groups/clubs, managing the disclosure process and decisions relevant to the disclosure process for them. Some intermediary bodies however represent small organisations/groups that have no affiliation to them.

Organisations and groups accessing disclosure records through an intermediary body are called secondary organisations.

All organisations wishing to act as an intermediary body must complete, sign and submit an intermediary body contract form, for CRBS to agree and confirm, before acting on behalf of secondary organisations.

*Disclosure records means standard, enhanced, PVG Scheme records and PVG Scheme record updates

What are the responsibilities of an Intermediary Body?

The responsibilities of an intermediary body are to ensure secondary organisations follow the correct policies and procedures in line with relevant legislation and the Code of Practice when requesting and receiving disclosure record information.

What is the role of an intermediary body?

The role of an intermediary body is to manage the following processes for each secondary organisation that it represents:

- To agree a main point of contact for each organisation who will be responsible for requesting and receiving disclosure record information

- To advise, guide and agree with each organisation the type of disclosure record that is applicable for positions within the organisation
- To ensure each organisation represented understands its obligations and completes and signs up to a secondary organisation contract of agreement with the intermediary body before any disclosure records are accessed
- To provide CRBS with a copy of all secondary organisations contracts, prior to any disclosure records being accessed
- To provide CRBS with, on an annual basis, a comprehensive and up to date list of all main contacts and organisations represented
- To agree who has responsibility for making recruitment decisions; intermediary body or the secondary organisation
- To ensure organisations adhere to the requirements of the Code of Practice
- To support organisations to provide relevant training to their staff and volunteer members involved in the disclosure process.
- To effectively communicate outcomes of disclosure records to organisations represented, in line with the Code of Practice.
- To ensure organisations accessing PVG disclosure records understand and comply with their obligations under the PVG Act 2007

Guidance

Intermediary Body Contract Form

To operate as an intermediary body, organisations must complete an intermediary body contract form in order for CRBS to be satisfied that your organisation will operate within the requirements of the Code of Practice.

The following guidance should be referred to when completing the intermediary body contract form:

Question 1

Please confirm if your organisation still wishes to act as an intermediary body.

Question 2

Please state whether or not all of the groups you have contact with have the opportunity to access your services as an intermediary body.

Question 3

Please confirm here that you understand your obligations as an intermediary body and the responsibilities this role brings.

Question 4

The Code of Practice is published by Scottish Ministers under Section 122¹ of the Police Act 1977 and it sets out certain obligations about the use of the disclosure information.

Purpose of the Code of Practice

The Code is intended:

- to ensure that disclosure information released by Disclosure Scotland to registered persons including counter-signatories, is used properly and fairly by those persons who are entitled to receive that information;
- to provide assurance to those individuals either applying for a standard or an enhanced disclosure under the 1997 Act or making a disclosure request under the Protection of Vulnerable Groups (Scotland) Act 2007 ("the 2007 Act") that disclosure information will be used properly and fairly by persons who are entitled to receive that information; and
- to ensure that disclosure information is handled and stored appropriately and for only as long as necessary for the purpose it was requested and thereafter disposed of securely

Please confirm that you understand your obligations and as an intermediary body can adhere to the Code of Practice.

Question 5

Please give details of how many secondary organisations your organisation expects to act on behalf of.

Question 6

Please give details of the types of organisations you will represent, for example do they provide services to children, protected adults or both.

Question 7

Please detail the criteria that will be used to determine the type of disclosure records that will be applicable to positions within organisations represented and if representing organisations that provide services/activities to children the criteria that will be used to determine if a position is regulated work with children.

Question 8

Please detail the criteria that will be used to determine the type of disclosure records that will be applicable to positions within organisations represented and if representing organisations that provide services/activities to protected adults the criteria that will be used to determine if a position is regulated work with protected adults.

Question 9

Please give details of whether or not your organisation will make the recruitment decision on behalf of the organisations represented.

Question 10

If your organisation is not making recruitment decisions for the organisations represented, please detail if any training or support will be provided to aid organisations make decisions in relation to disclosure records accessed.

Question 11

Please detail here whether a copy of the Code of Practice will be provided for organisations represented and what discussions will take place to ensure they have read, understand and will fully comply with the Code.

Question 12

Your answer to question 12 should detail how you will manage disclosure records accessed for organisations; where will disclosure records be stored and how you will communicate information about returned disclosure record information to secondary organisations. Please choose from one of the following options to detail how this process will be managed:

Option 1:

As the responsible intermediary body you will forward disclosure records to the named person from the secondary organisation that has requested it and the named person within the secondary organisation be responsible for the storage, handling and destroying of the disclosure records received.

Please note if opting for Option 1, as an intermediary body you should ensure all secondary organisation's receiving disclosure information have clear procedures in place for managing disclosure records received. To confirm that the correct procedures are in place, CRBS requires for all intermediary bodies choosing this option to complete contract form Option 1 with each secondary organisation that they represent.

Option 2

As the responsible intermediary body you will keep and destroy all disclosure records accessed on behalf of secondary organisations. (Please refer to Section 90 of the Code of Practice which states that the disclosure information should not be retained after it has been disclosed to those on whose behalf it was obtained.)

Please note if opting for option 2, CRBS requires for all intermediary bodies choosing this option to complete a contract form Option 2 with each secondary organisation that they represent.

Discussions should also take place in relation to the policy for requesting a Scheme Record Disclosure when the Scheme Record Update details that information has been added or removed since the last Scheme Record Disclosure was carried out.

Question 13

Please give details of any training, support and guidance that you will give to the secondary organisations.

Question 14

Will you provide the secure use, storage and handling policy or will the secondary organisation be expected to provide their own copy? Will you retain a copy of this policy?

Question 15

Each organisation you represent must complete a secondary organisation contract and a copy must be forwarded to CRBS. Once a contract has been signed by the secondary organisations that you represent, it is important that they work to the conditions of the contract. These organisations should also be made aware of the implications of failing to meet these conditions, eg suspension or termination of contract.

Question 16

As part of the secondary organisation contract you have with the secondary organisations that you represent it is important that you monitor and review the progress of the organisations you represent. This must be done annually by a visit or a paper audit – How will you do this?

Please note if acting on behalf of organisations requesting PVG disclosure records it is important that they are made aware of the following points as part of your audit process.

The primary offences detailed in the Protection of Vulnerable Groups (Scotland) Act 2007, namely:

- It is an offence for an individual to do, or to seek or agree to do, any regulated work from which the individual is barred.
- It is an offence for an organisation to offer regulated work to an individual barred from that work.
- An organisation commits an offence if it offers regulated work to a barred individual who is already working for the organisation.
- An organisation also has a legal obligation to make a referral to Disclosure Scotland where the grounds for making a referral have been met.