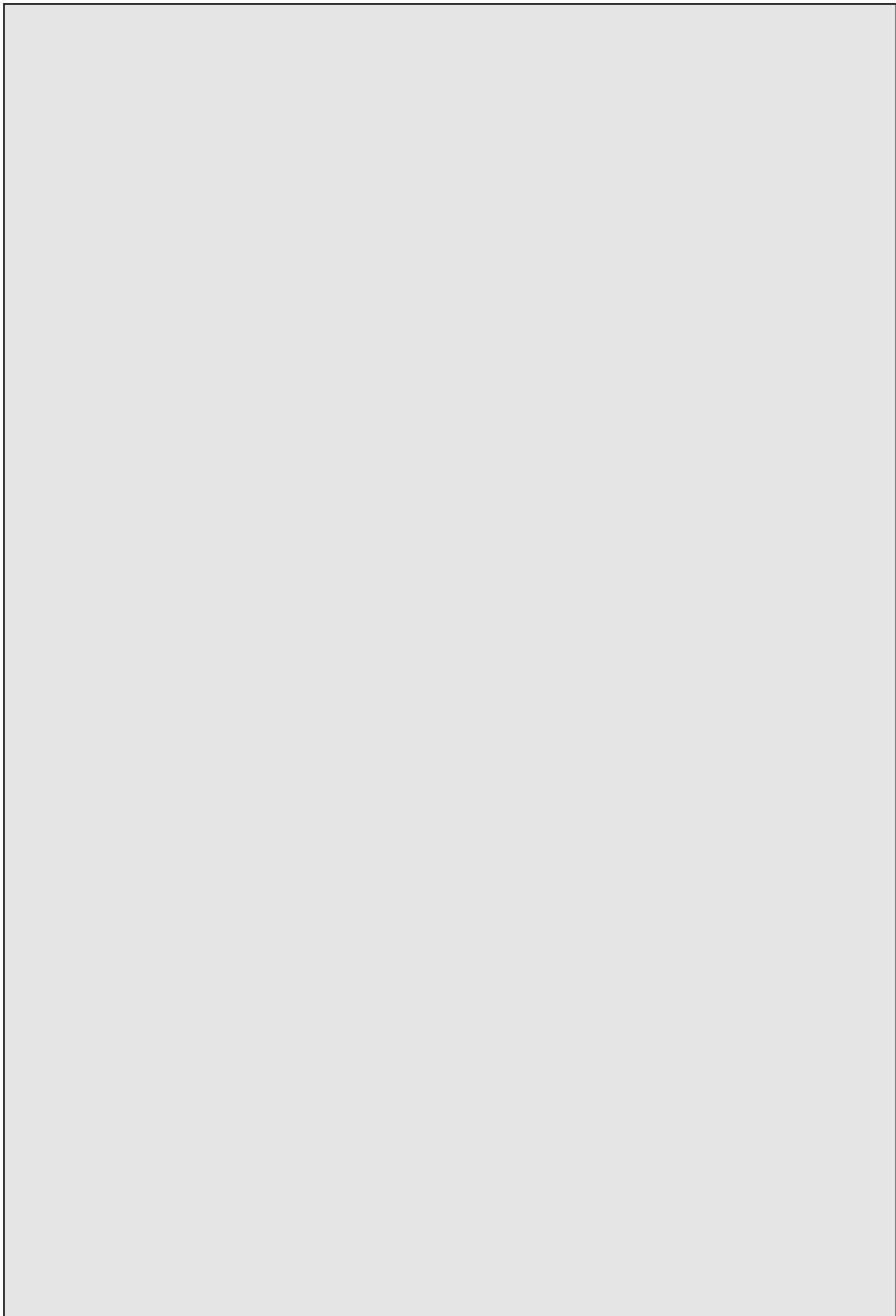


disclosure
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2010/11

Disclosure
SCOTLAND



Disclosure Scotland

An agency of the Scottish Government

Annual Report and Accounts 2010/11

Presented to the Scottish Parliament under
Section 22(5) of the Public Finance and
Accountability (Scotland) Act 2000.

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the Scottish Ministers in October 2011.

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Chief Executive's Foreword

The Annual Report and Accounts for 2010-11 attached are the second prepared by Disclosure Scotland since becoming an Executive Agency of the Scottish Government at the start of 2009-10. This year we have split the reporting into 2 parts – a Management Commentary and the Statements and Accounts.

The Agency maintained its performance standards during the year; dealing with a million disclosures (see Chapter 4). Annual growth was particularly high as regards Basic disclosures. Enhanced disclosures saw a fall during the year. Standard and Enhanced disclosures for people working with vulnerable groups were also replaced by the new PVG Scheme from 28 February.

The organisation underwent internal change in preparation for the PVG Scheme, including the creation of a Protection Unit to undertake the barring duties under the PVG (Scotland) Act 2007 and a large training effort for staff.

This Annual Report also covers our duty to report annually under section 85 of the PVG Act on vetting, barring and disclosure functions during the reporting year, and hence reports on the first month of PVG operations as well as the usual full report on annual disclosure performance. Statements as regards the new IT system introduced with the PVG Scheme are reported in Chapter 10 and in the Notes to the Accounts at Chapter 13.

As in previous years, the staff of Disclosure Scotland have worked extremely well to maintain our service performance while making comprehensive operational changes for the service under PVG and responding to the early challenges. I am most grateful to all the staff and teams, and to the Senior Management Team, for their work during the year.

David Patel
Chief Executive
20 October 2011

PART 1. MANAGEMENT COMMENTARY

1. Who we are and what we do

We are an Executive Agency of the Scottish Government operating on behalf of Scottish Ministers.

Our core function is to contribute to the safety of the vulnerable in our society by providing criminal history information to organisations and potential employers to assist them to make safer and more informed recruitment decisions, and by maintaining barred lists of those individuals unsuitable to work with children or protected adults.

Under the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG), we:

- are introducing individuals undertaking regulated work into the PVG Scheme and issuing PVG Scheme disclosures;
- are administering the barred lists in relation to regulated work with children or protected adults.

Under Part V of the Police Act 1997, we also:

- issue Enhanced Certificates where the individual's role is prescribed in legislation;
- issue Standard Certificates where the individual's role is exempt from the Rehabilitation of Offenders Act legislation; and
- issue Basic Certificates.

For these purposes we access a range of police data as well as data from other sources.

2. Our vision and aims and contribution to the Scottish Government's National Performance Framework

Our vision is to help to make Scotland's communities safer and stronger.

Our aim is to help protect children and protected adults by providing an accurate and responsive service to support organisations recruiting people into positions of trust. To this end we:

- deliver for customers and stakeholders by meeting our public performance target and continuously improve the quality and efficiency of our service;
- improve operations by focusing on our customers and stakeholders; and
- improve the organisation by valuing the people who work for us.

We seek to contribute to the Scottish Government's Purpose "to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth". Disclosure Scotland's principal contribution is to the development of a safer and stronger Scotland by ensuring that those working with the vulnerable in our society have no known information which would make them unsuitable to do so.

The National Performance Framework also sets out 15 **National Outcomes** that the Scottish Government wants all public services to promote. Disclosure Scotland contributes as follows:

⇒ *We have improved the life chances for children, young people and families at risk*

We make a contribution to improved life chances by reducing potential risks to both children and protected adults that may arise in a work setting.

⇒ *We live our lives safe from crime, disorder and danger*

We help to ensure that employers employing people in positions of trust have access to criminal history information where it exists.

⇒ *Our public services are high quality, continually improving and responsive to local people's needs*

Chapter 4 outlines the key performance information for 2010-11.

⇒ *We reduce the local and global environmental impact of our consumption and production*

Chapter 6 notes recent green initiatives at Disclosure Scotland.

3. **Our Strategic Board**

The Strategic Board during 2010-11 comprised:

D Patel	Chief Executive
B Gorman	Head of Disclosure Services
G Hart	Head of Protection Services
L Mackenzie	Head of Corporate Affairs and Policy
T McIntyre	Head of Operations
W McQueen	Non-executive board member
R Gwyon	Non-executive board member
M Gibb	Partner representative

Our current non-executive members bring a wide range of experience in Government administration. W McQueen has 30 years' experience as a civil servant within the Scottish Executive and the Crown Office and Procurator Fiscal Service. He is currently a member of the Accounts Commission for Scotland, the Scottish Legal Aid Board and the Employment Tribunals. R Gwyon is Deputy Director for Housing Markets and Supply within Scottish Government, and is also a member of the Institute of Directors.

4. Our performance in 2010-11

Applications Received

In 2010-11, Disclosure Scotland received over 1 million applications, which was the highest annual total to date. Annual volumes grew by 10 per cent. This information can be broken down as follows:

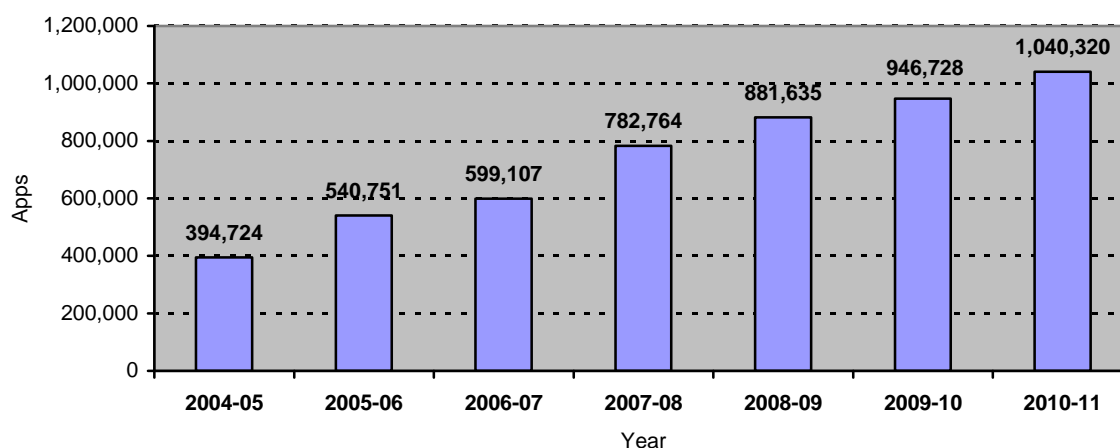
Application Type	Applications Received	Annual Growth
Standard / Enhanced	295,742	-19%
Basic	738,840	+27%
PVG *	5,738	n/a
Total	1,040,320	+10%

**Note PVG only came into force on 28/02/11*

Growth came through the Basics market, which saw a 27 per cent increase due to new business from a number of organisations. The number of Standard and Enhanced disclosure applications saw a 19 per cent drop in volume compared with the previous year, possibly related to wider economic factors. Standard and Enhanced applications for those working with vulnerable groups were also replaced by PVG Scheme disclosures from 28 February 2011. PVG Scheme disclosures began at very low levels, with just over 5,700 applications in March 2011, well below the typical monthly level of the old standard and enhanced disclosure for those working with those groups.

Growth in the last seven years is shown in the following chart.

All Applications Received - 2004-05 to 2010-11



The majority of this growth in applications can be attributed to the Basic market where volumes increased almost six-fold. Increasing numbers of organisations have used this service as part of their recruitment process. Disclosure Scotland has undertaken the service for applicants in Scotland, England and Wales as the Criminal Records Bureau has not provided a Basic disclosure service.

Target Processing Turnaround Time

We operate to a public performance target of producing 90 per cent of all types of disclosure within 14 calendar days. This is measured from the day the (fully and correctly completed) application is received by Disclosure Scotland to the day of dispatch, and excludes time applications are in exception. Examples of exception time include where an enquiry has been sent to a Police Force and the application is put on hold until the Force responds, and where an application is put on hold while further information is requested from the applicant.

The information for 2010-11 is shown in the following table:

Application Type	Average Processing Time	Percentage processed within 14 day target
Standard / Enhanced	8.8 days	93%
Basic	5.5 days	99%
Total	6.6 days	96%

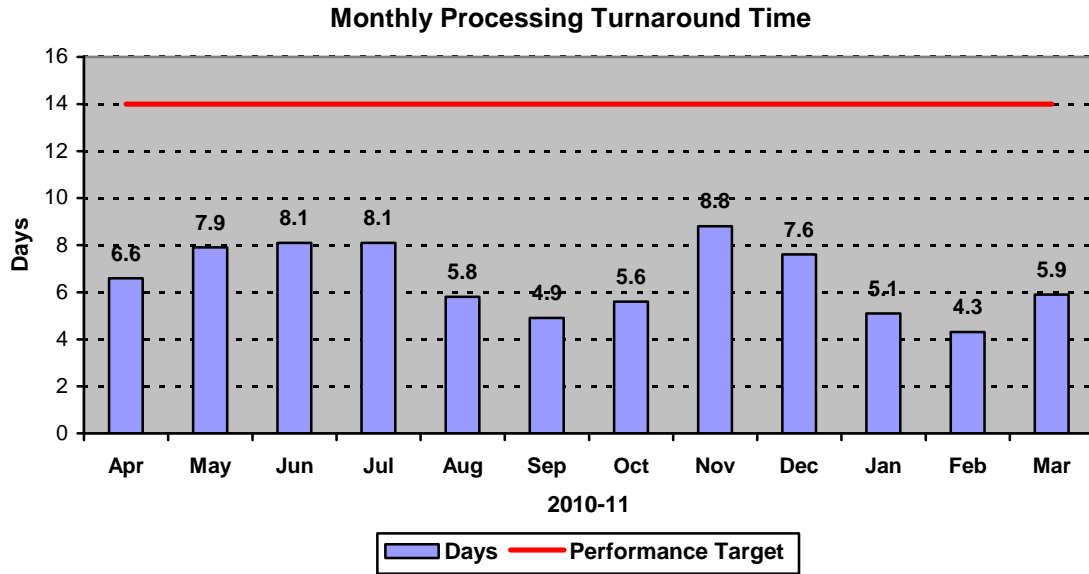
In 2010-11, 96 per cent of the applications processed were completed within the target. The average processing time for the disclosures was 6.6 days. This was similar to the figure for 2009-10.

The new PVG service commenced at the end of February 2011 and is not included in the above annual totals. Early IT issues in relation to the PVG system meant that around 1,000 of those applications were processed in March, with the majority of these completed within 14 days. The remainder were processed thereafter.

A new Protection Unit also commenced as part of the introduction of the PVG Scheme to maintain the barred lists of individuals deemed unsuitable to do regulated work with children and protected adults. Key tasks in the early period were to develop and implement strategies to process a sizeable minority of scheme applicants who have criminal convictions, to accept referrals from employers and courts about those they dismiss and convict for inappropriate conduct, and to apply a fair and proportionate, common sense, approach to making decisions about listing individuals.

In March 2011 the volume of work passing to the Protection Unit reflected the generally lower than expected initial volume of applications and referrals to the scheme. The Protection Unit assessed 80 people with criminal records to decide if they should be placed under formal consideration for listing, and received 10 referrals from employers and courts. In addition it inherited 13 live cases from the Disqualified from Working with Children List (DWCL), which preceded the establishment of PVG.

The following chart shows the monthly average disclosure processing turnaround times in 2010-11:



Overall Processing Turnaround Time

We also report on the overall processing turnaround time. This is calculated in a similar way to the target processing turnaround time, with the difference being that any time an application spent in exception is still counted. So, for example, if a Police Force takes 6 days to respond to a Force enquiry, these 6 days are added to the turnaround time. Hence this provides a more realistic average for how long the applicant has waited for their certificate.

The information for 2010-11 is shown in the following table:

Application Type	Average Overall Processing Time	Percentage processed within 14 days
Standard / Enhanced	14.6 days	75%
Basic	7.9 days	93%
Total	9.9 days	88%

In 2010-11, the average overall turnaround time - including all exception time - was around 10 days, while 88 per cent of applications were processed within 14 days. These figures are also similar to those from 2009-10. Average times for Enhanced disclosures will tend to be longer than for Basic disclosures as the former are subject to Force Enquiries, where relevant.

Force Enquiries

Around 1 in 5 Enhanced or PVG disclosures processed will contain Force Enquiry information from the police forces. There is a Service Level Agreement (SLA) in place with Scottish Police Forces which requires them to respond to 90 per cent of these enquiries within 14 days.

In 2010-11, Disclosure Scotland sent a total of 65,722 Force Enquiries and 27,858 (42 per cent) of these went to Scottish Forces. The total number of enquiries sent was 16 per cent lower than in 2009-10, which is in line with the reduction in Enhanced applications received.

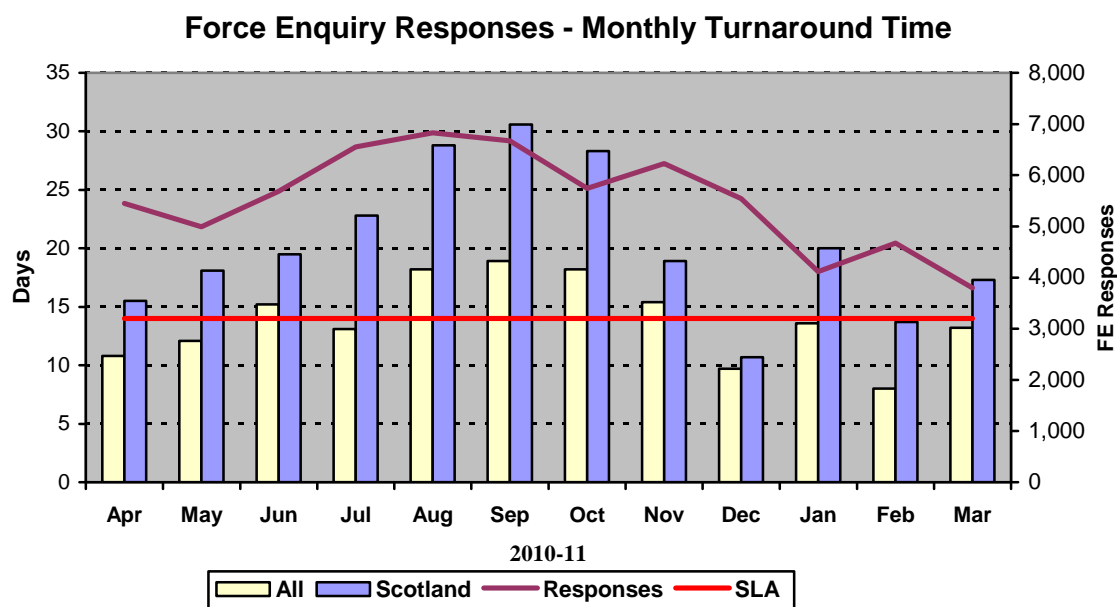
Performance information on Force enquiries sent in 2010-11 is summarised in the following table:

Force	Average Turnaround Time	Percentage processed within 14 days
Scottish Forces	20.7 days	40%
Non-Scottish Forces	9.3 days	82%
Total	14.2 days	64%

This table shows that, on average, Scottish Forces took longer than the SLA standard. The average time was just under 21 days, which is an increase of over 5 days from the average time in 2009-10. Steps were agreed with the forces towards the end of 2010-11 to change the way forces are paid for these enquiries and to lower the time taken for force enquiry completion.

Although there is no formal SLA with non-Scottish Forces, they are expected to perform within the same timescales as the Scottish Forces and these figures tend to suggest that they performed better than Scottish Forces in terms of both the average time to respond and the percentage responding within 14 days. However, it is worth pointing out that the nature of enquiries undertaken by Scottish and non-Scottish forces is not an exact match and hence these figures are not directly comparable.

The following chart shows the monthly force enquiry volumes and the average turnaround time for all forces and for Scottish forces in 2010-11:



Disputes

Disputes originate from anything that is disclosed on a certificate that the applicant feels is incorrect. We categorise the disputes into 3 types: Identity, Accuracy and Other Relevant Information (ORI).

- An identity dispute usually occurs when the recipient of the disclosure challenges the entire content of a certificate - for example, when information from another person's criminal record has been included on the certificate;
- An accuracy dispute arises, for example, when the recipient of the certificate questions the inclusion or exclusion of a conviction that belongs to them, the disposal for the conviction, or that they were charged and convicted for an offence different from that shown; and
- Other Relevant Information (ORI) disputes relate to the information provided by police forces as a result of Force Enquiries made for Enhanced or PVG disclosure applications only.

In 2010-11, Disclosure Scotland received a total of 282 disputes, equivalent to 0.03 per cent of all applications processed. 161 (57 per cent) were upheld. A breakdown of the disputes is shown in the table below:

Dispute Type	Total Disputes	Upheld
Identity	46	36
Accuracy	143	84
ORI	93	41
Total	282	161

Disclosure Scotland's service level is to resolve any dispute within 21 calendar days, although this does not include any time a dispute has spent with a force.

Customer satisfaction surveys and complaints

We aim to build on relationships with our customers and to this end we seek to:

- answer all telephone calls within 20 seconds;
- respond to written correspondence within 10 working days;
- be welcoming, courteous, fair and respectful;
- be helpful and responsive and communicate clearly;
- inform on what we can provide, who to contact, and how to get in touch;
- provide accurate information within our legislative framework; and
- perform within our public performance target for the issuing of our Disclosure Certificates

Where a customer expresses, in writing, dissatisfaction with the service provided by Disclosure Scotland and this can be directly attributable to Disclosure Scotland or its staff, this is considered to be a complaint. Disclosure Scotland takes all complaints seriously and our customer service standards equally apply to how we handle complaints. In particular, we will:

- ensure confidentiality;
- investigate complaints carefully and thoroughly;
- issue a full reply within 10 working days (if we need longer than this, we will inform the customer why and indicate when they can expect a reply); and
- deal with customers in a polite and courteous manner.

In April 2010, we completed our third independent customer survey. The survey showed high levels of satisfaction, slightly above the levels of the 2005 and 2007 surveys. Full results were noted in our 2009-10 Annual Report.

During the reporting year 2010–11, Disclosure Scotland received 148 complaints regarding the service provided. This equates to 1.4 complaints for every 10,000 applications processed. Although our customers on the whole value the service we provide we will endeavour to improve our performance.

5. Human Resources

During the period of this report, we created 30 new posts in preparation for implementation of the new Protection of Vulnerable Groups (Scotland) Act 2007. Five of these posts are within a PVG Help Desk aligned to Disclosure Services and 25 are within a new Protection Unit which maintains the lists of barred individuals under the PVG Scheme. The table below reflects the staffing position at the end of March and the remaining staff joined the Protection Unit during Q1 of 2011-12.

To lead the Agency's governance arrangements, and to undertake the policy requirements of the new PVG Scheme, the Agency also appointed a Head of Corporate Affairs and Policy.

In the past two years, we have embarked on initiatives to increase employee engagement in the organisation. The Chief Executive of Disclosure Scotland chairs a quarterly staff forum with representatives from across Disclosure Scotland, and staff have contributed to a range of initiatives arising from our results in the Civil Service wide staff survey. The results for Disclosure Scotland improved considerably in the 2010 survey, but we recognise that there is scope to improve overall engagement further.

Our staff resourcing by service area, and the grades of staff, are shown in the Table below.

Staff Numbers

Grade	Department			Total
	Corporate Affairs & Policy	Disclosure Services	Protection Services	
SCS	1*	0	0	1
C2	1	1	1	3
C1	1	1	1	3
B3	6	13	4	23
B2	1	0	5	6
B1	1	21	6	28
A4	2	22	0	24
A3	3	85	1	89
SG Total	16	143	18	177
Agency	0	74	0	74
Total Staffing	16	217	18	251

Notes: The table above details the breakdown of staffing, by grade, on **25 March 2011**.

Agency staff account for **29.5%** of the total number of staff.

* denotes the Chief Executive.

6. **Environmental report**

Disclosure Scotland's environmental and travel policies were launched during January 2011. Our policies are consistent with the Scottish Government's strategic objective to create a Greener Scotland. We aim to reduce the negative impact the day-to-day activities of the Agency have on the environment by:

- minimising waste, reducing use of resources, reuse wherever possible, repairing and recycling wherever possible;
- using energy efficiently to minimise greenhouse gas emissions;
- purchasing products and services with regard to their environmental impact; and
- increasing sustainable travel, both in commuting and business, and reducing the need for business travel.

Waste Management

The tenancy of the building we occupy was secured on behalf of Scottish Ministers by the former Scottish Criminal Record Office (SCRO). In recent years, SPSA (formerly SCRO) has redeployed staff from our building across its estate, and from January 2010, its occupancy was 28% of the building with Disclosure Scotland (and its business partner BT) occupying the remaining 72%.

SPSA, as principal tenant, introduced significant changes to waste management practice. Disclosure Scotland was consulted and fully supported the initiatives. Centralised waste points were created across the building including receptacles for mixed recyclable items.

Between October 2010 and March 2011, 78.4% of waste was recycled.

Travel

During 2010-11, the majority of our business travel was between Glasgow and Edinburgh. Staff are encouraged to use public transport when travelling as the carbon emissions from public transport are lower than using motor vehicles.

Video conference facilities were installed during January 2011 and staff are encouraged to use this as an alternative to travel to meetings.

A cycle rack area is available and regularly used by staff. During summer 2010, we identified that the number of staff cycling to work had increased and we have commissioned the installation of increased cycle racks.

In 2011-12, we will fully evaluate our commuting travel by issuing a travel survey to our staff. The results will be analysed and the Agency's Environmental Forum will formulate and take forward an action plan.

Sustainable Procurement

The Agency fully supports the Scottish Government's Sustainable Procurement Action Plan. Wherever possible we use collaborative contracts where 'sustainability' has been a key

evaluation criterion. Where we cannot source a particular commodity other than by individual tender, our own policy requires a similar evaluation criterion.

Contributing to a 'Greener' Scotland

The Scottish Government is working towards a Greener Scotland by improving the natural and built environment and protecting it for present and future generations. Disclosure Scotland supports this objective through its Environmental Forum.

Although Disclosure Scotland is a sub-tenant of SPSA, the Agency has a representative on the SPSA Carbon Management Group, where decisions are taken regarding changes to the building to reduce the carbon footprint.

David Patel
Chief Executive
20 October 2011

PART 2: STATEMENTS AND ANNUAL ACCOUNTS

7. Statement of the Agency's and Chief Executive's Responsibilities

Statement of the Disclosure of Information to Auditors

So far as the Accountable Officer is aware:

- There is no relevant audit information of which Disclosure Scotland's auditors are unaware;
- The Accountable Officer has taken all steps that he ought to have taken to make himself aware of any relevant audit information, and to establish that the entity's auditors are aware of this information.

Statement of Agency's and Chief Executive's Responsibilities

Under section 19(4) of the Public Finance and Accountability (Scotland) Act 2000, the Scottish Ministers have directed Disclosure Scotland to prepare a statement of accounts for each financial year in the form and on the basis set out in the direction on page 55 at the end of the accounts. The accounts are prepared on an accruals basis and must give a true and fair view of the Agency's state of affairs at the year-end and of its operating cost statement, balance sheet, statement of changes in taxpayers' equity and cash flows for the financial year.

In preparing accounts, the Accountable Officer is required to:

- observe the accounts direction, including the relevant accounting and disclosure requirements;
- apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed, and disclose and explain any material departures in the financial statements;
- prepare the financial statements on the going concern basis, unless it is inappropriate to presume that the Agency will continue in operation.

The Principal Accountable Officer of the Scottish Administration has appointed the Chief Executive of Disclosure Scotland as the Accountable Officer for the Agency. The relevant responsibilities as Accountable Officer, including responsibility for the propriety and regularity of the public finances and for the keeping of proper records, are set out in the Memorandum to Accountable Officers issued by the Principal Accountable Officer.

8. Financial and Other Commentary

Financial Statements

The Financial Statements cover the period from 1 April 2010 to 31 March 2011. They have been prepared in accordance with the Direction given by Scottish Ministers in pursuance of the Public Finance and Accountability (Scotland) Act 2000, and in accordance with the Government Treasury Financial Reporting Manual (FRoM). As Disclosure Scotland is an Executive Agency of the Scottish Government, the financial statements are consolidated within the Scottish Government Consolidated Resource Accounts.

Disclosure Scotland's Annual Report and Accounts are published on the Agency website at: www.disclosurescotland.co.uk and the Scottish Government Consolidated Resource Accounts at: www.scotland.gov.uk

Financial Performance in 2010-11

Disclosure Scotland's service provides employers, voluntary sector organisations and individuals with disclosure information to assist in their recruitment decisions. The process involves the receipt and processing of disclosure applications and the distribution of completed disclosure certificates. The cost of the disclosure application is set at a level to enable the Agency to be broadly break-even at the end of each financial year. On 1 April 2010, the fee for all types of disclosure was £23. It changed to £25 on 28 February 2011 for all disclosures other than PVG. The cost of PVG scheme membership is £59, the cost of a Scheme Record Update is £18 and where this leads to a request for a Scheme Record, the cost is £41.

The Agency was allocated baseline transfers of £1.45m in the 2010-11 Budget Bill, which comprised £900k for grant funding to the Central Registered Body in Scotland¹ (CRBS) and £550k to cover the depreciation cost of the Agency's key intangible asset.

In addition, new costs were incurred by the Agency on behalf of the PVG Implementation programme and as a result, £1.471m was secured as support from the Scottish Government in respect of the pressures in the Spring Budget Revision.

As in prior years, the Agency reported forecast out-turns to DG Education's Finance Team on a monthly basis. The basis of the forecasts was the Agency's volumetric model, which uses information based on trend analysis and regular discussions with key clients. The model differentiated between types of disclosures (e.g. Basic and Enhanced) and was monitored, updated and evaluated on a regular basis.

The out-turn reported was based on Disclosure Scotland's detailed budget analysis for 2010-11 and is summarised in the table below.

Disclosure Scotland Year to 31 March 2011	Actual £'000	*Budget £'000	Variance £'000
Income & Budgets	26,967	28,684	(1,717)
Expenditure	(25,844)	(28,534)	2,690
Surplus/(Deficit)	1,123	150	973

*** Disclosure Scotland's detailed budget for management reporting purposes.**

In the table above, the budgets authorised by DG Education are incorporated within Income and this was the format used for internal management reporting purposes. The following table re-states the out-turn and compares the actual 2010-11 result against the budgets authorised per the Budget Bill.

¹ The Central Registered Body in Scotland 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.

Disclosure Scotland Year to 31 March 2011	Actual £'000	*Budget Bill £'000	Variance £'000
Income (excluding budgets)	24,046	20,138	3,908
Expenditure	(25,844)	(23,059)	(2,785)
Surplus/(Deficit)	(1,798)	(2,921)	1,123
Represented by:			
10-11 baseline transfers	(1,450)	(1,450)	-
PVG costs transfers	(1,471)	(1,471)	-
2010-11 surplus	1,123	-	1,123
		-	
	(1,798)	(2,921)	1,123

As Disclosure Scotland's results are consolidated into the Scottish Government accounts, the surplus of £1,123k was effectively returned to DG Education as an unspent budget at the year-end (2009-10- £1,170k). The surplus was mainly due to PVG go-live being postponed until 28 February 2011. As a consequence much of the associated expenditure will now occur in Financial Year 2011-12.

The bulk of the Agency's Operating Costs of £25,844k consist of direct expenditure such as operational salaries, PPP contract payments, cost of accessing police information etc. Almost all of Disclosure Scotland's budget is spent directly or indirectly on operational activities.

Agreed Funding for 2011-12

The Agency was allocated baseline transfers of £1.45m in the 2011-12 Budget Bill, which comprised £650k for grant funding to the Central Registered Body in Scotland (CRBS), £550k to cover depreciation costs and £250K for other costs.

Employee involvement

Disclosure Scotland staff are made aware of what is happening in the organisation through a number of practices and project groups. It is our view that these activities contribute to the better delivery of corporate initiatives, develop and improve the effectiveness of our workforce, and build on our reputation as an employer.

Among our staff groups at a corporate level are the Staff Forum, the Training and Development Group, the Environmental Group and the Continuous Improvement Group. Additionally, we have established a partnership Group with representation from Scottish Government HR business partners, trade unions and management.

Our staff take part in the annual Civil Service Staff Survey.

Diversity

Opportunities are made available equally to disabled members of staff as to others to assist in their career development. Every effort will be made to retain people who have become disabled. This may be done through supplying appropriate equipment or offering different work patterns.

Equal Opportunities

Disclosure Scotland is an Executive Agency of the Scottish Government, and adheres to the Scottish Government policy on equal opportunities. All Disclosure Scotland staff are treated equally irrespective of their sex, marital status, age, race, ethnic origin, sexual orientation, disability or religion. We value the different perspectives and skills of all our staff and make full use of these in our work. It is this Agency's aim to increase the diversity of its workforce to better reflect the diversity of the people of Scotland.

Pensions

Pension benefits are provided through the Civil Service pension arrangements. More details on the Principal Civil Service Pension Scheme and the treatment of liabilities in Disclosure Scotland's financial statements can be found in the annual accounts at note 4 and in the Remuneration Report

Relationship with Suppliers

Disclosure Scotland is committed to prompt payment of bills for goods and services received and operates to the Scottish Government target of paying suppliers within 10 working days. In 2010-11, Disclosure Scotland paid 96 per cent of invoices within the target turnaround time (2009-10 – 98.3%).

Environmental Matters

Disclosure Scotland occupies its premises as a sub-tenant of the Scottish Police Services Authority. Our contribution, in terms of the environmental impact of our occupation of the premises, is recorded in Part 1 of this Report as is the impact of our business travel.

Staff Absence

For the twelve month period from 1 April 2010 to 31 March 2011, 6.8 per cent of working days were lost as a result of sickness absence (2009-10 – 8.95%).

Audit and Risk Committee

The role and membership of the Audit Committee and the Risk and Control framework are set out in the Chief Executive's Statement on Internal Control.

Board Members' Interests

Board member interests are recorded in a "Register of Interests" maintained by Disclosure Scotland and the key information is summarised in the "Remuneration Section" of this Annual Report.

Related Party Transactions

A related party transaction is a business arrangement between two parties who are already linked prior to the deal. For example, a business arrangement between Disclosure Scotland and the Scottish Government.

Appointed Auditors

The accounts for 2010-11 are audited by Audit Scotland and are appointed by the Auditor General for Scotland. The notional fee for this service was £20k, (2009-10 - £19k) which related solely to the provision of the statutory audit service.

Freedom of Information

The Freedom of Information (Scotland) Act 2002 aims to make information held by public authorities accessible. Disclosure Scotland aims to provide information (unless exempt) within 20 working days.

In 2010-11, we refined our local handling procedures for Freedom of Information Requests to ensure they provided a full response within the 20 working day deadline. In the period of this report, we received 12 requests, all of which were answered within 20 working days.

A Publication Scheme is now operational and on our website. In terms of this scheme we now routinely publish the minutes of our Strategic Board and other corporate and operational information which may be of interest to our customers and others.

Events after the Reporting Period

There is information on the development of the Protecting Vulnerable Groups arrangements in the Statement on Internal Control and in Note 8 to the Accounts. Except for these disclosures, there have been no significant events since the end of the financial year that require adjustment or disclosure under the terms of IAS 10: *Events after the Reporting Period*. In accordance with the requirements of IAS 10, events are reviewed and considered up to the date on which the accounts are authorised for issue. This is interpreted as the date on which the Independent Auditor's report is signed.

David Patel
Chief Executive
20 Oct 2011

9. **Remuneration Report**

Remuneration Policy

The remuneration policy of all the Agency's management and employees is set by the Scottish Government under its standard terms and conditions of employment.

Service Contracts

Civil Service appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be on merit on the basis of fair and open competition but also includes circumstances when appointments may be otherwise made.

Unless otherwise stated below, the officials covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commissioners can be found at www.civilservicecommissioners.gov.uk.

Disclosure Scotland does not have a remuneration committee.

Salary & Pension Entitlements (Audited)

The following sections provide details of the remuneration and pension interests of the Strategic Board of Disclosure Scotland for the year to 31 March 2011.

Salary

The salary includes gross salary; overtime; and any other allowance to the extent that it is subject to UK taxation. The report is based on payments made by the Agency during the financial year.

Bonus Payments

No performance pay or bonuses were paid in 2010-11.

Benefits in Kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by Her Majesty's Revenue & Customs as a taxable emolument. In 2010-11 this value was £nil.

The External Non-Executive Board member of the Strategic Board was appointed on a two-year contract (with an option to extend for a further year) after a public appointment process and is a remunerated position. The Internal Non-Executive member participates as a staff developmental opportunity and is not remunerated. Both Non-Executive board members also serve on the Agency's Audit Committee, with the External member serving as the Chair. Both members are eligible for relevant travel expenses.

In addition to the Non-Executive directors, Strategic board meetings are attended by Mr M Gibb, the representative of Disclosure Scotland's PPP partner, BT plc. This position does not attract remuneration, daily fees or travel expenses.

The information in this section of the Remuneration Report covering salary and pension entitlements is subject to audit.

Remuneration

	2010-11 £'000	2009-10 (from 16 Feb 2010) £'000
D Patel Chief Executive (0.8 full time equivalent)	50-55 (Full-time equivalent 65-70)	5-10 (60-65 full year equivalent)
B Gorman Head of Disclosure Services	55-60	5-10 (50-55 full year equivalent)
T McIntyre Head of Operations	45-50	5-10 (40-45 full year equivalent)
G Hart Head of Protection Services	55-60	5-10 (50-55 full year equivalent)
L Mackenzie Head of Corporate Affairs (from 07.02.11)	5-10 (50-55 full year equivalent)	Not applicable
W McQueen Remunerated External Non- Executive Director	0-5	0-5
R Gwyon Non-Remunerated Internal Non- Executive Director (from Senior Civil Service of Scottish Government)	Not applicable	Not applicable
M Gibb, Representing BT Plc	Not applicable	Not applicable

Pension Benefits

	Accrued pension at age 60 as at 31/03/11 £'000	Real increase in pension at age 60 £'000	Lump sum at age 60 as at 31/03/11 £'000	Real increase in lump sum at age 60 £'000	CETV at 01/04/10 (As Restated) £'000	CETV at 31/03/11 £'000	Real Increase in CETV £'000
D Patel	15 – 20	0 - 25	45 – 50	0 – 25	200	219	2
B Gorman	0 – 5	0 – 25	0	0	61	87	19
T McIntyre	0 - 5	0 – 25	0	0	22	33	6
G Hart	15– 20	0 – 25	0	0	127	154	14
L Mackenzie (from 07.02.11)	20 – 25	0 – 25	0	0	N/A	326	N/A

The actuarial factors that are used in the CETV calculation were changed during 2010, due to changes in demographic assumptions and the move from the Retail Prices Index (RPI) to the Consumer Prices Index (CPI) as the measure used to uprate Civil Service pensions. As a result, the opening CETV value shown in 2010-11 report will differ to the amount shown as the corresponding closing CETV value in 2009-10 report.

Non-Executive Agency board members' positions are non-pensionable.

Civil Service Pension

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil servants may be in one of four defined benefit schemes; either a "final salary" scheme (*classic*, *premium* or *classic plus*) or a "whole career" scheme (*nuvos*). The Schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under *classic*, *premium*, *classic plus* and *nuvos* are increased annually in line with changes in the Retail Price Index (RPI). New entrants from 1 October 2002 may choose either the appropriate defined benefit arrangement or a good quality "money purchase" stakeholder pension with a significant employer contribution (*partnership* pension account).

Employee contributions are set at the rate of 1.5 per cent of pensionable earnings for *classic* and 3.5 per cent for *premium*, *classic*, and *nuvos*. Benefits in *classic* accrue at the rate of 1/80th pensionable salary for each year of service. In addition, a lump sum equivalent to three years pension is payable on retirement. For *premium*, benefits accrue at a rate of 1/60th final pensionable earnings for each year of service. Unlike *classic*, there is no automatic lump sum (but members may give up some of their pension to provide a lump sum). *Classic plus* is essentially a variation of *premium* but with benefits in respect of service before 1 October 2002 calculated broadly the same way as *classic*. In *nuvos*, a member builds up a pension based on his pensionable earnings during the period of the scheme membership. At the end of the scheme year (31 March), the member's earned pension account is credited with 2.3 per cent of their pensionable earnings in that scheme year and, immediately after the scheme year end, the accrued pension is updated in line with RPI. In all cases, members may opt to give up pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3 per cent and 12.5 per cent (depending on the age of the member) into a stakeholder product chosen by the employee from a panel of three providers. The employee does not have to contribute but where they do contribute, the employer will match these up to a limit of 3 per cent of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8 per cent of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately ceasing to be an active member of the scheme if they are already at or over pension age. The pension age is 60 for members of *classic*, *premium* and *classic plus* and 65 for members of *nuvos*.

Further details of Civil Service pension arrangements can be found at the website www.civilservice-pensions.gov.uk.

Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is an actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. It is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement where the member leaves a scheme and chooses to transfer the pension benefits they have accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total actual service as a civil servant, not just their service in a senior capacity to which disclosure applies. The figures include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service schemes. These include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

Real Increase in CETV

This reflects the increase in CETV effectively funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and the end of the period.

Pension Contributions

The Executive members of the Strategic Board are members of the Principal Civil Service Pension Scheme (PCSPS) which provides benefits on a final salary basis at normal retirement age of 60. Disclosure Scotland's contributions to the scheme in respect of these members amounted to £46,811 for the year to 31 March 2011.

Register of Interests

The following appointments or other significant interest were held by members of the Strategic Board:

W McQueen is a remunerated Commission Member of the Accounts Commission for Scotland. He is also a remunerated board member and member of Scottish Legal Aid Board and Employment Tribunals (Scotland) respectively and the director of W McQueen Ltd, Consultancy Services.

M Gibb is Director of Strategy, Devolved Government, BT Global Services. He is also a member of various boards within BT Global Services. BTPLC is a strategic partner to Disclosure Scotland, delivering a range of ICT services under a PPP contract valid to 2014.

David Patel
Chief Executive
20 October 2011

10. **Statement on Internal Control**

Scope of Responsibility

As Accountable Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the organisation's policies, aims and objectives set by the Scottish Ministers, whilst safeguarding the public funds and assets for which I am responsible, in accordance with the responsibilities assigned to me.

Purpose of the System of Internal Control

The Scottish Public Finance Manual (SPFM) is issued by the Scottish Ministers to provide guidance to the Scottish Government and other relevant bodies on the proper handling and reporting of public funds. It sets out the relevant statutory, parliamentary and administrative requirements, emphasises the need for economy, efficiency and effectiveness, and promotes good practice and high standards of propriety.

The SPFM sets out a framework of accountability for public bodies in relation to the use of public funds. As mentioned, the Chief Executive is the Accountable Officer of the Agency and as such is directly responsible for the funds under his stewardship.

The SPFM sets out a robust risk management process which provides assurances to Chief Executives in completing a Statement on Internal Control (SIC). In particular, the SIC is supported by Certificates of Assurance from all the business areas within the Agency. The responsible officers provide a Certificate of Assurance only after they complete the risk management process set out in an Internal Control Checklist. This system helps embed an ongoing process in our corporate practices which evaluates, monitors and addresses risks in a way which is efficient, economical and effective.

Risk and Control Framework

The SPFM requires all public bodies to maintain a risk management system which complies with its guidelines. Within the Agency risks are managed as follows:

- Corporate risk is a standing agenda item which is discussed at meetings of our Strategic Board, the Audit Committee and our Senior Management Team, and is managed by a Risk Review Group chaired by the Heads of Corporate, Disclosure and Protection Services;
- Departmental risks are identified and managed at Departmental level. Where necessary, these are escalated to the corporate risk register and managed through the Risk Review Group;
- The Head of Disclosure Services is the Senior Information Risk Owner (SIRO) for the Agency. He is a member of the Agency's Information Security Forum and Risk Review Group, and works with the Information Security Officer on the development of the Agency's security policies.

During 2010-11, mitigation to address identified risk also included:

- a managed transfer of the operational risks from the PVG Programme Board led by SG PVG Implementation Team, prior to and after 'go-live'. At each stage risks were either transferred to the Corporate or Operational risk registers as appropriate or retained on the Programme risk register where they properly remained within the programme and were for the SG team to maintain until the Programme properly transferred to the Agency. Care was taken to analyse transferring risks against existing risks to determine whether the risk was already covered or whether a new risk had to be raised. At go-live, a number of issues emerged affecting operations and the organisation took immediate steps to manage them. This is explained further at the end of this Statement on Internal Control.
- the Agency operated under a formal scheme of delegated financial authority with the budget holders for the various cost centres having responsibility for controlling costs and taking purchasing decisions. A Procurement Capability Assessment conducted in September established that the Agency needed clearer separation of duties between those approving expenditure from budgets and those making purchasing decisions. To this end, the Agency completed a formal scheme of delegated purchasing authority in June 2011. All staff holding financial or purchasing authority are undergoing training in Procurement law.

The Agency is committed to an ongoing process of improvement and development involving its people, the organisation as a whole, and its stakeholders. In this business year we;

- Amended the funding model to enhance the process by which police forces in Scotland respond to our force enquiries;
- developed an Information Security Handbook for all staff. Staff discussed the use of this resource at team meetings;
- developed a fraud policy and response plan for the Agency. Again, this was outlined at team meetings;
- adopted core values and behaviours developed by our staff;
- developed a programme of initiatives emerging from our staff participation in the Civil Service Staff Survey;
- published our equality action plan;
- underwent a Procurement Capability Assessment; and
- participated in the Corporate Services Benchmarking exercise.

We made use of some core Scottish Government processes, including the SEAS system for financial processing, e-HR for a range of staff reporting matters, and eRDM for electronic filing. We relied on core Scottish Government for the management of the effectiveness of these systems.

Review of effectiveness

As Accountable Officer, I have to review the effectiveness of the internal control system. My review was informed by:

- My management team's completion of certificates of assurance (see below);
- A report, I and Audit and Risk Committee colleagues, received from Scottish Government Internal Audit colleagues on internal audit activities during 2010-11;
- The work of the Audit and Risk Committee over the year; and
- Comments made by the external auditors in their management letter and other reports.

The Audit and Risk Committee

In 2010-11, the Audit Committee comprised the Non-Executives Directors, was chaired by one of the Non-Executive Directors, and was attended by our external auditors, Scottish Government Internal Audit colleagues, and Executive members of Disclosure Scotland. It considered internal and external reports, and monitored internal processes and internal and external audit work.

Managers' Reports and Assurances

I have received individual certificates of assurance and supporting Internal Control Checklists from the Heads of Corporate, Disclosure and Protection Services. I am satisfied that my management team has involved staff within their areas in this exercise and as such have adopted a robust approach to risk management and reporting. I am content, therefore, to submit my Statement on Internal Control to the Scottish Government.

Health and Safety

Disclosure Scotland adheres to a health and safety policy which recognises that, as an employer, we must ensure the health and safety of our staff and visitors to the premises and reduce any risks they might face to a level where they are as low as reasonably practicable

In February 2011, the Scottish Government Internal Audit Division conducted an audit of Disclosure Scotland's Health and Safety Management system. They found all previous audit recommendations to be complete and the Health and Safety management system within Disclosure Scotland to be appropriate.

Monthly Health and Safety reports (including statistical information on reported accidents, safety training completed etc) are provided to Senior Management.

A Health and Safety Committee will be set up in Autumn 2011 and this will ensure that the focus on good health and safety remains.

In the period of this report, there have been a total of 15 reported accident/incidents, only 1 of these was reported under Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR). These were mostly small incidents and considering the high numbers of staff and

visitors to the building, this is a low number. There have been no significant breaches of health and safety regulations that resulted in risk or injury.

Information Security Forum

Disclosure Scotland has a quarterly Information Security Forum with members from our main delivery partners, external experts and stakeholders, Scottish Government Security colleagues, and internal Agency business areas. The Forum provides advice and governance on information security and is chaired by me as Chief Executive. As noted, we have now developed a single handbook covering all aspects of information security.

Significant Events Since the End of the Financial Year

Early difficulties were experienced with the IT system introduced on 28 February as part of the introduction of the PVG Scheme. To maintain as timely a service as possible in regards to the early PVG service, Disclosure Scotland issued interim PVG certificates using its existing IT system, which continued to handle its Basic Disclosure service unaffected. Following some early rectifications to the system, from the end of April all new PVG applications have been loaded onto the new IT system with the interim arrangement continuing for exceptions. Disclosure Scotland has since begun re-processing applications for those who joined through the interim arrangements so that final PVG Scheme memberships can be issued. This reprocessing is due to complete in October, depending on overall volumes of business.

BT's work to rectify the new IT system has been undertaken through tactical and strategic plans and it will continue over 2011-12 to ensure the system meets the requirements of the contract with BT. We have undertaken, and continue with, a number of workarounds while the IT system is being developed. There are additional costs which are being discussed for reimbursement. Accounting issues in regard to the new IT system are addressed in Note 8 to the Accounts in this Report.

Senior Responsible Owner (SRO) responsibilities for the remaining aspects of the IT programme transferred to Disclosure Scotland in June 2011. The necessary budget to cover depreciation of the new IT asset has been included in the Spending Review and if there is any need to impair the asset in the future, then budget can be sought from Scottish Government.

David Patel
Chief Executive
20 October 2011

11. Independent auditor's report to Disclosure Scotland, the Auditor General for Scotland and the Scottish Parliament

I have audited the financial statements of Disclosure Scotland for the year ended 31 March 2011 under the Public Finance and Accountability (Scotland) Act 2000. The financial statements comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Cash Flow Statement, the Statement of Changes in Taxpayers' Equity and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and International Financial Reporting Standards (IFRSs) as adopted by the European Union, and as interpreted and adapted by the 2010/11 Government Financial Reporting Manual (the 2010/11 FReM).

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 123 of the Code of Audit Practice approved by the Auditor General for Scotland, I do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

Respective responsibilities of Accountable Officer and auditor

As explained more fully in the Statement of the Accountable Officer's Responsibilities, the Accountable Officer is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and is also responsible for ensuring the regularity of expenditure and receipts. My responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland) as required by the Code of Audit Practice approved by the Auditor General for Scotland. Those standards require me to comply with the Auditing Practices Board's Ethical Standards for Auditors. I am also responsible for giving an opinion on the regularity of expenditure and receipts.

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts, disclosures, and regularity of expenditure and receipts in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the body's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Accountable Officer; and the overall presentation of the financial statements. In addition, I read all the financial and non-financial information in the Annual Report and Accounts to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my report.

Opinion on financial statements

In my opinion the financial statements:

- give a true and fair view in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers of the state of the body's affairs as at 31 March 2011 and of its net operating cost for the year then ended;
- have been properly prepared in accordance with IFRSs as adopted by the European Union, as interpreted and adapted by the 2010/11 FReM; and
- have been prepared in accordance with the requirements of the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

Emphasis of matter – valuation of new IT system

I draw attention to Note 8 to the financial statements and the commentary in the Statement on Internal Control relating to the transfer of assets from the Scottish Government to Disclosure Scotland on 28 February 2011 to support the introduction of the Protecting Vulnerable Groups legislation. The performance of these assets fell significantly short of the standard anticipated, which created uncertainty as to the appropriate value of the assets. Disclosure Scotland considered the valuation of the IT system as an asset and concluded that, because an immediate recovery plan was in place to deliver the required standard of performance at no extra cost to Disclosure Scotland, an impairment review was not necessary at that stage and the asset is valued at the cost transferred less one month's depreciation. My opinion is not modified in respect of this matter.

Opinion on regularity

In my opinion in all material respects:

- the expenditure and receipts in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers, the Budget (Scotland) Act covering the financial year and sections 4 to 7 of the Public Finance and Accountability (Scotland) Act 2000; and
- the sums paid out of the Scottish Consolidated Fund for the purpose of meeting the expenditure shown in the financial statements were applied in accordance with section 65 of the Scotland Act 1998.

Opinion on other prescribed matters

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers; and
- the information given in the Financial and Other Commentary included in the Annual Report and Accounts for the financial year for which the financial statements are prepared is consistent with the financial statements.

Matters on which I am required to report by exception

I am required to report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records; or
- I have not received all the information and explanations I require for my audit; or
- the Statement on Internal Control does not comply with Scottish Government guidance.

I have nothing to report in respect of these matters.

October 2011

Murdoch McCamley, CA
Senior Audit Manager
Audit Scotland
Osborne House
1 Osborne Terrace
Edinburgh
EH12 5HG

12. End year financial information

Statement of Comprehensive Net Expenditure for the year ended 31 March 2011

		2010/11	2009/10
			(As restated)
	Notes	£'000	£'000
Expenditure			
Staff costs	4	6,267	5,020
Other operating costs	5	18,642	17,395
Depreciation	6,7	935	555
		<u>25,844</u>	<u>22,970</u>
Income			
Income from Disclosure Fees	2	23,682	20,634
Other operating income	3	364	293
		<u>24,046</u>	<u>20,927</u>
Net cost of operations		<u>1,798</u>	<u>2,043</u>

The above results relate to continuing activities

The notes on pages 37-54 form part of these accounts.

Statement of Financial Position at 31 March 2011

	Note	2010/11 £'000	2009/10 £'000
Non-Current Assets			
Property, Plant and Equipment	6	1,621	10
Intangible Assets	7	19,399	565
Total Non-Current Assets		21,020	575
Current Assets			
Trade Receivables and Other Current Assets	9	4,354	3,507
Total Current Assets		4,354	3,507
Total Assets		25,374	4,082
Current Liabilities			
Trade Payables and Other Current Liabilities	10	(4,571)	(4,103)
Provisions for Liabilities and Charges	12	(17)	(222)
Total Current Liabilities		(4,588)	(4,325)
Total Assets less Current Liabilities		20,786	(243)
Non-Current Liabilities			
Provisions for Liabilities and Charges	12	(36)	0
Total Non- Current Liabilities		(36)	0
Assets less Liabilities		20,750	(243)
Taxpayers' Equity			
General Fund	13	20,750	(243)
Total Taxpayers' Equity		20,750	(243)

The notes on pages 37-54 form part of these accounts.

David Patel
Chief Executive
20 October 2011

Cash Flow Statement for the Year ended 31 March 2011

	Note	2010/11 £'000	2009/10 (Restated) £'000
Cash Flows from Operating Activities			
Net operating cost	13	(1,798)	(2,043)
Adjust for non –cash transactions	6,7,14	955	574
Add back : interest payable recognised in net operating cost for financing		20	40
(Increase)/decrease in receivables and other current assets		(847)	52
Increase/(decrease) in trade and other payables		1,046	1,140
Increase/(decrease) in provisions		(169)	(327)
Net cash outflow from operating activities		<u>(793)</u>	<u>(564)</u>
Analysis of cash flows from investment activities			
Purchase of property, plant and equipment		(91)	(11)
Purchase of intangible assets		0	(33)
Net cash outflow from investment activities		<u>(91)</u>	<u>(44)</u>
Analysis of cash flows from financing activities			
From Scottish Consolidated Fund	13	1,482	2,046
Capital elements of payments in respect of the finance leases and on- balance sheet PFI/PPP contracts		(578)	(559)
Interest element of finance leases and on-balance sheet PFI/PPP Contracts		(20)	(40)
Cash flows from financing activities		<u>884</u>	<u>1,447</u>

The notes on pages 37-54 form part of these accounts.

Statement of Changes in Taxpayers' Equity for the Year ended 31 March 2011

	Note	2010/11 General Fund £'000	2009/10 General Fund £'000
Balance at 31 March 2010		(243)	0
Prior year adjustments for changes in accounting policy and material errors			
Restated balance at 1 April 2010		(243)	0
Changes in taxpayers' equity for 2010/11			
Non cash charges	14	20	9
Net operating cost for the year	13	(1,798)	(2,033)
Total recognised income and expense for 2010/11		(2,021)	(2,024)
Parliamentary Funding	13	1,482	2,046
Transfer from Scottish Government to Agencies	8	21,289	(265)
Balance at 31 March 2011		20,750	(243)

The notes on pages 37-54 form part of these accounts.

13. Accounts and Notes

Note 1 Accounting Policies

1.1 Authority

In accordance with the accounts direction issued by Scottish Ministers under section 19(4) of the Public Finance and Accountability (Scotland) Act 2000 these accounts have been prepared in compliance with the principles and disclosure requirements of the Government Financial Reporting Manual (FReM) issued by HM Treasury, which follows International Financial Reporting Standards as adopted by the European Union (IFRSs as adopted by the EU), International Financial Reporting Interpretations Committee (IFRIC) interpretations and the Companies Act 2006 to the extent that they are meaningful and appropriate in the public sector. They have been applied consistently in dealing with items considered material in relation to the accounts.

The preparation of financial statements in conformity with IFRS requires the use of certain critical accounting estimates. It also requires management to exercise judgement in the process of applying the accounting policies. The accounts policies, and where necessary estimation techniques, selected are done so in accordance with the principles set out in International Accounting Standard 8: Accounting Policies, Changes in Accounting Estimates and Errors.

1.2 Accounting Convention

These accounts are prepared on a historical cost basis, as modified by the revaluation of property, plant and equipment, intangible assets and financial assets and liabilities at fair value.

1.3 Going Concern

The accounts are prepared on the going concern basis, which provides that the entity will continue in operational existence for the foreseeable future.

1.4 Change of Accounting Policy

Her Majesty's Treasury, under Clear Line of Sight – the Alignment Project has removed the Cost of capital charges from budgets, estimates and resource accounts. From Financial Year 2010-11 onwards the cost of capital charges are no longer applicable. The prior year comparatives have been restated to reflect this change.

2009/10 Outturn £'000	2009/10 Cost of Capital Removal £'000	2009/10 Revised Outturn £'000
<u>2,033</u>	<u>10</u>	<u>2,043</u>

1.5 Property, Plant and Equipment

Recognition

All PPE assets will be accounted for as non-current assets unless they are deemed to be held-for-sale.

Capitalisation

All assets falling into the following categories are capitalised:

- Plant and Equipment which is capable of being used for a period which could exceed one year, and have a cost equal to or greater than £5,000.
- Information and Communications Technology (ICT) systems are capitalised where the individual cost is over £1,000.

Expenditure on furniture, fixtures and fittings are charged to the operating cost statement in the year the cost is incurred and are not capitalised.

Measurement

All plant and equipment assets are measured initially at cost, representing the costs directly attributable to acquiring or constructing the asset and bringing it to the location and condition necessary for it to be capable of operating in the manner intended by management.

All assets are measured subsequently at fair value. Plant and equipment assets that have short useful lives or low values (or both) are reported on a depreciated historic cost basis as a proxy for fair value.

Subsequent expenditure is capitalised into an asset's carrying value where it is probable the future economic benefits associated with the item will flow to the Agency and the cost can be reliably measured. Where subsequent expenditure does not meet these criteria the expenditure is charged to the operating cost statement. If part of an asset is replaced, then the part it replaces is de-recognised, regardless of whether or not it has been depreciated separately.

Depreciation

Items of property, plant and equipment are depreciated to their estimated residual value over their remaining useful economic lives in a manner consistent with the consumption of economic or service delivery benefits.

Depreciation is charged on a straight line basis on each main class of property, plant and equipment as follows:

Equipment – non fixed plant	3 to 10 years
ICT equipment	3 years
Bespoke ICT equipment	5 years

1.6 Intangible Assets

Recognition

Intangible assets that meet the recognition criteria are capitalised where they are capable of being used in the Agency's activities for more than one year and they have a cost of at least £1,000.

Measurement

Intangible assets are recognised initially at cost, comprising all directly attributable costs needed to create, produce and prepare the asset to the point that it is capable of operating in the manner intended by management.

Subsequently intangible assets are measured at fair value. Where an active (homogeneous) market exists, intangible assets are carried at fair value. Where no active market exists, the intangible asset is revalued, using indices or some suitable model, to the lower of depreciated replacement cost and the value in use where the asset is income generating. Where there is no value in use, the intangible asset is valued using depreciated replacement cost. These measures are a proxy for fair value.

Revaluations and Impairment

Increases in asset values arising from revaluations are recognised in the revaluation reserve, except where, and to the extent that, they reverse an impairment previously recognised in the operating cost statement, in which case they are recognised as income.

Decreases in asset values and impairments are charged to the revaluation reserve to the extent that there is an available balance for the asset concerned, and thereafter are charged to the operating cost statement.

Intangible assets held for sale are reclassified to 'non-current assets held for sale' measured at the lower of their carrying amount or 'fair value less cost to sell'.

Amortisation

Intangible assets are amortised to their estimated residual value over their remaining useful economic lives in a manner that is consistent with the consumption of economic or service delivery benefits.

Amortisation is charged on a straight line basis to the operating cost statement on each of the main class of intangible assets as follows:

Computer software – internally developed	5 years
Computer software – licences	3 years or life of licence if shorter
Held for sale	Not amortised

1.7 Impairment of Non-Financial Assets

Assets that are subject to depreciation and amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

Where an asset is not held for the purpose of generating cash flows, value in use is assumed to equal the cost of replacing the service potential provided by the asset, unless there has been a reduction in service potential. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units). Non-financial assets that suffer an impairment are reviewed for possible reversal of the impairment. Impairment losses charged to the operating cost statement are deducted from future operating costs to the extent that they are identified as being reversed in subsequent revaluations.

1.8 Leasing

Finance Leases

Disclosure Scotland currently has no finance leases.

Operating Leases

Disclosure Scotland has an operating lease with the Scottish Police Services Authority (SPSA) to lease approximately 72% of the shared premises. As with the Agency's other operating leases for equipment, the rental is charged to the Operating Cost Statement on a straight-line basis over the term of the lease.

1.9 Employee Benefits

Short-term Employee Benefits

Salaries, wages and employment-related payments are recognised in the year in which the service is received from employees. The cost of annual leave and flexible working time entitlement earned but not taken by employees at the end of the year is recognised in the financial statements to the extent that employees are permitted to carry-forward leave into the following year.

Pension Costs

Present and past employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS) which is a defined benefit scheme and is unfunded and non-contributory. The Agency recognises the expected cost of providing pensions for their employees on a systematic and rational basis over the period during which they benefit from their services by payment to the PCSPS of amounts calculated on an accruing basis (relevant disclosures are reported in Note 4). Liability for the payment of future benefits is a charge to the PCSPS.

In respect of the defined contribution schemes, the Agency recognises the contributions payable for the year.

1.10 Value Added Tax

Operating Costs are stated net of VAT where VAT is recoverable by the Agency. Disclosure Scotland is registered for VAT as part of the Scottish Government which is responsible for recovering VAT from HM Revenue & Customs on behalf of the Agency.

1.11 Segmental Reporting

The Agency identifies operating segments on the basis of internal reports that are regularly reviewed by the Chief Executive, and the Strategic Board, in order to allocate resources to the segments and assess their performance. Disclosure Scotland reports on one single core segment which represents the principal objective of the administration and processing of disclosure applications.

Note 2 **Income from Disclosure Fees**

	2010/11 £'000	2009/10 £'000
Disclosure Fees	23,682	20,634
	<u>23,682</u>	<u>20,634</u>

Note 3 **Other Operating Income**

	2010/11 £'000	2009/10 £'000
Recharges to Other Government Entities		
Criminal Records Bureau	345	283
Access Northern Ireland	11	10
Recharges to Other Entities- BT	8	0
	<u>364</u>	<u>293</u>

Note 4 **Staff Numbers and Costs**

The average number of whole time equivalent persons employed (including senior management) during the year to 31 March 2011 was as follows:

	2010/11	2009/10
Senior Managers	7	7
Support Staff	21	27
Operations	140	128
Agency & Temporary Staff	46	22
	<u>214</u>	<u>184</u>

The average number of disabled employees employed during the year was 7.

Over the period of this report, the number of operational staff increased to support the introduction of the PVG scheme.

The aggregate payroll costs of these persons were as follows:

	2010/11 £'000	2009/10 £'000
Wages & Salaries	4,097	3,595
Social Security Costs	288	235
Other Pension Costs	687	605
Agency & Temporary Staff	1,181	561
Movement in Employee benefits	14	24
	6,267	5,020

The pension costs are analysed as follows:

	2010/11 £'000	2009/10 £'000
Contributions paid to PCSPS	684	604
Contributions paid to partnership pension	3	1

Principal Civil Service Pension Scheme

The Principal Civil Service Pension Scheme (PCSPPS) is an unfunded multi-employer defined benefit scheme where Disclosure Scotland is unable to identify its share of the underlying assets and liabilities.

The scheme Actuary valued the scheme as at 31 March 2007. Details of this can be found in the resource accounts of the Cabinet Office: Civil Superannuation (www.civilservice-pensions.gov.uk).

During the year to 31 March 2011, employers contributions of £684K (2009-10 £604K) were payable to the PCSPPS at one of the four rates in the range 16.7% to 24.3% of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The contribution rates are set to meet the cost of the benefits accruing during 2010-11 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

Reporting of Civil Service and other compensation schemes - exit packages

Comparative data shown (in brackets) for 2009/10

1	Exit package cost band	Number of compulsory redundancies	Number of other departures agreed	Total number of exit packages by cost band
2	<£10,000	0	0	0
3	£10,000 - £25,000	0	1 (1)	1 (1)
4	£25,000 - £50,000	0	1	1
5	£50,000 - £100,000	0	1	1
6	£100,000-£150,000	0	0	0
7	£150,000-£200,000	0	0	0
8	Total number of exit packages	0	3 (1)	3 (1)
9	Total resource cost /£	0	£119,849 (£36,004)	£119,849 (£36,004)

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure. Where the department has agreed early retirements, the additional costs are met by the department and not by the Civil Service pension scheme. Ill-health retirement costs are met by the pension scheme and are not included in the table.

Note 5 Other Operating Costs

	2010/11 £000	2009/10 £000
Administration		
Notional costs - audit fees	20	19
Accommodation	1,120	922
Travel subsistence & hospitality	48	40
Early Severance/Retirement	120	36
General administration	434	519
	1,742	1,536
Programme		
Payments to PPP Partner	12,377	10,950
Grant Funding	2,004	900
Other programme costs	2,519	4,009
	16,900	15,859
	18,642	17,395

The audit fee is a notional charge as notified to the Agency by the external auditors, Audit Scotland.

No remuneration has been paid for non-audit services.

Note 6 Property, Plant and Equipment

2010/11	ICT Systems 2010/11 £'000	Total 2010/11 £'000
Cost or valuation		
Balance at 1 April 2010	13	13
Additions	91	91
Disposals	(2)	(2)
Transfers from Scottish Government on 28 February 2011	1,561	1,561
At 31 March 2011	1,663	1,663
Depreciation		
Balance at 1 April 2010	3	3
Charged in year	41	41
Disposals	(2)	(2)
Transfers from Scottish Government	0	0
At 31 March 2011	42	42
Net book value	1,621	1,621

2010/11	ICT Systems 2010/11 £'000	Total 2010/11 £'000
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Analysis of asset financing:

Owned	1,621	1,621
Finance leased	0	0
Net book value	1,621	1,621

2009/10	ICT Systems 2009/10 £'000	Total 2009/10 £'000
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Cost or valuation

Balance at 1 April 2009	0	0
Additions	11	11
Disposals	0	0
Transfers from Scottish Government on 1 April 2009	2	2
At 31 March 2010	13	13

Depreciation

Balance at 1 April 2009	0	0
Charged in year	1	1
Disposals	2	2
Transfers from Scottish Government on 1 April 2009	0	0
At 31 March 2010	3	3

Net book value	10	10
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2009/10	ICT Systems 2009/10 £'000	Total 2009/10 £'000
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Analysis of asset financing:

Owned	10	10
Finance leased	0	0
Net book value	10	10

Note 7 Intangible Assets

2010/11	Software Licenses 2010/11 £000	IT Software 2010/11 £000	Total 2010/11 £000
Cost or valuation			
Balance at 1 April 2010	33	4,555	4,588
Additions	0	0	0
Disposals	0	0	0
Transfers from Scottish Government on 28 February 2011	0	19,728	19,728
At 31 March 2011	33	24,283	24,316
Amortisation			
Balance at 1 April 2010	11	4,012	4,023
Charged in year	22	872	894
Disposals	0	0	0
Transfers from Scottish Government	0	0	0
At 31 March 2011	33	4,884	4,917
Net book value current year	0	19,399	19,399

2010/11	Software Licenses 2010/11 £000	IT Software 2010/11 £000	Total 2010/11 £000
Analysis of asset financing:			
Owned	0	19,399	19,399
Finance leased	0	0	0
Net book value current year	0	19,399	19,399

2009/10	Software Licenses 2009/10 £000	IT Software 2009/10 £000	Total 2009/10 £000
Cost or valuation			
Balance at 1 April 2009	0	0	0
Additions	33	0	33
Disposals	0	0	0
Transfers from Scottish Government on 1 April 2009	0	4,555	4,555
At 31 March 2010	33	4,555	4,588
Amortisation			
Balance at 1 April 2009	0	0	0
Charged in year	11	543	554
Disposals	0	0	0
Transfers from Scottish Government on 1 April 2009	0	3,469	3,469
At 31 March 2010	11	4,012	4,023
Net book value current year	22	543	565

2009/10	Software Licenses 2009/10 £000	IT Software 2009/10 £000	Total 2009/10 £000
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Analysis of asset financing:

Owned	22	0	22
Finance leased	0	543	543
Net book value current year	22	543	565

Note 8 Transfer of Assets from Scottish Government

To accommodate changes arising from PVG legislation, a programme of new software and hardware was developed, led by the Scottish Government. On 28th February 2011 the PVG scheme was implemented and the assets transferred to the Agency. The total cost of the assets transferred was £21,289K (£1,561K – hardware and £19,728K – software). A further cost in the range of £1,681K is expected to be incurred during 2011/12. The estimated life of the asset is 5 years, which is in line with Scottish Government policy.

The assets were transferred by core Scottish Government to Disclosure Scotland on 28 February 2011 at cost. At go-live there were significant performance and stability issues. The problems were quickly acknowledged by BT who deployed their Rapid Response Unit to assess the situation and establish and implement a recovery plan. BT has deployed additional resources and progress is being made across a range of issues identified. The recovery plan establishes a clear set of outcomes against which progress will be monitored. If the recovery

plan is achieved then the value of the asset will be confirmed. Should that progress not be made to any significant degree then Disclosure Scotland will carry out an impairment review.

Key outcomes associated with the recovery plan are expected to be delivered in the autumn and the expected transition of Basic Disclosures onto the new system is planned for spring 2012. The Milestone payment of £2,768K, due at go-live, has been withheld pending successful completion of further remedial work. This amount was accrued by the Scottish Government and included in the asset transfer valuation of £21,289K. The £2,768K outstanding is being held by Scottish Government Finance. Subsequent payments due for Release 2, which provides further enhancements to the system, have also been withheld as the work is on hold pending completion of the Release 1 remedial activities.

Note 9 Trade Receivables and Other Current assets

	2010/11 £'000	2009/10 £'000
Trade receivables	1871	1,482
Accrued income	2,482	2,010
Prepayments	1	15
	<u>4,354</u>	<u>3,507</u>

The PPP partner, BT plc, is contracted to operate and maintain the trade receivables ledger. Under the PPP contract, BT plc is responsible for the cost of any debts in excess of 90 days. The net balance at 31 March 2011 representing recoverable debt was incorporated into the Disclosure Scotland ledger as Trade Receivables.

Accrued income represents the balance of Disclosure fees collected by BT plc but not yet transferred to Disclosure Scotland.

All receivable balances are with bodies external to government

Note 10 Trade payables and Other Current liabilities

	2010/11 £'000	2009/10 £'000
Trade payables	2	1,155
Accruals	4,428	2,243
Holiday pay/Flexi accrual	141	127
Finance leases	0	578
	<u>4,571</u>	<u>4,103</u>

Intra-Government Balances

	2010/11	2009/10
	£'000	£'000
Balances with other central government bodies	141	127
Balances with bodies external to government	4,430	3,976
	<u>4,571</u>	<u>4,103</u>

Disclosure Scotland policy is to pay all invoices within 10 days that are not in dispute. The Agency aims to pay 100% of invoices, including disputed invoice once the dispute has been settled, on time in these terms. For the year ended 31 March 2011, the Agency paid 96% of all invoices within 10 days of receipt. This represents 461 invoices out of an annual total of 480.

Note 11 Cash and cash equivalents

There were no cash or cash equivalent balances in 2010-11 and 2009-10.

Note 12 Provision for Liabilities and Charges

	As at 1 April 2010	Transfers from Scottish Government	Released	As at 31 March 2011
	£'000	£'000	£'000	£'000
Pension	0	222	(222)	0
Transfer Costs				
Early Departure Costs	0	53	(0)	53

Pension Transfer Costs

Disclosure Scotland staff who are ex-employees of Strathclyde Police were given the option to transfer their past service credits accrued in the Strathclyde Pension Scheme (SPS) into the *premium* scheme of the PCSPS. A provision was established in Scottish Government to meet the total cost of the transfers. This provision was transferred to Disclosure Scotland on 1 April 2009 and the final payments of £123K in respect of the TUPE transfer were made during 2010-11. The unused balance of £99K was returned to Scottish Government in March 2011.

Early Departure Costs

Disclosure Scotland meets the additional costs of benefits beyond the normal PCSPS benefits in respect of employees who retire early by paying the required amounts annually to PCSPS over the period between early departure and normal retirement date. The agency provides for this in full when the early retirement programme becomes binding by establishing a provision for the estimated payments.

	Total 2010/11 £'000	Total 2009/10 £'000
Within 1 year	17	0
Within 2 to 5 years	36	0
After 5 years	0	0
	53	0

Note 13 General Fund

	2010/11 £'000	2009/10 £'000
At 1 April 2010	(243)	0
Transferred from Scottish Government	21,289	(265)
Scottish Government funding	1,482	2,046
Notional charges	20	9
Net operating costs for the period	(1,798)	(2,033)
Balance at 31 March 2011	20,750	(243)

Note 14 Notional Charges

The following charges have been included within the accounts:

	2010/11 £'000	2009/10 £'000
Auditor's remuneration	20	19
	20	19

Note 15 Related Party Transactions

Disclosure Scotland is an Executive Agency of the Scottish Government. The Scottish Government is regarded as a related party and during the year, Disclosure Scotland had various material transactions with the Scottish Government.

In addition, Disclosure Scotland has had a small number of material transactions with other government departments, central government bodies, non-departmental public bodies and other similar organisations.

During the year, apart from their service contracts, no Board member or key manager has undertaken any material transactions with Disclosure Scotland.

Note 16. Operating Leases

At 31 March 2011, Disclosure Scotland was committed to making the following payments in respect of operating leases:

	Equipment £'000	Property £'000	Total 2010/11 £'000	Total 2009/10 £'000
Within 1 year	1	385	386	623
Within 2 to 5 years	2	1,538	1,540	1,565
After 5 years	0	3,492	3,492	3,944
	<u>3</u>	<u>5,415</u>	<u>5,418</u>	<u>6,132</u>

The property leases are in respect of Disclosure Scotland's premises and equipment lease relates to one photocopier.

Note 17 Finance Leases

Disclosure Scotland has no Finance Leases as at 31 March 2011.

Note 18 Contracted Capital Commitments & Contingent Liabilities

There were £4,766K of contracted capital commitments outstanding at 31 March 2011 which were not otherwise included within these accounts. These relate to the contract with BT plc for the delivery of Release 2 of the PVG asset.

Contingent liabilities for 3 possible minor claims against Disclosure Scotland also existed at 31 March 2011.

Note 19 Financial Instruments

Under FRS 25 "Disclosure & Presentation of Financial Instruments", the Agency requires to disclose information about the significance of financial instruments held over the year and the nature and extent of risks arising from those financial instruments. Disclosure Scotland is not exposed to the degree of financial risk faced by business entities because of the way it is funded. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 25 mainly applies.

Financial assets and liabilities are generated by day to day operational activities and are not held to change the risks facing the Agency in undertaking its' activities.

Financial Assets	Loans & Receivable 2010/11 £'000	Loans & Receivable 2009/10 £'000
Trade Receivables (note 9)	1,871	1,482
Accrued Income (note 9)	2,482	2,010
	4,353	3,492

Financial Liabilities	Loans & Receivable 2010/11 £'000	Loans & Receivable 2009/10 £'000
Trade Payables (note 10)	2	1,155
Accrued Expenditure (note 10)	4,428	2,243
Lease Creditors	0	578
	4,430	3,976

Liquidity Risk

The Scottish Parliament makes provision for the use of resources by Disclosure Scotland in a Budget Act for each financial year. The Agency is primarily self-financing whilst the resources allocated through the Budget Acts is in respect of specific annual projects. Cash authorisation is provided by the Scottish Government to the extent that expenditure is covered by budget authority. Disclosure Scotland is not therefore exposed to liquidity risks.

Fair Values

Assets and liabilities are carried at fair value in the balance sheet of Disclosure Scotland. The Agency's financial assets consist of trade receivables (note 9) and accrued income (note 9).

Note 21 Post Balance Sheet Events

There have been no post balance sheet events of which the Agency is aware.



DISCLOSURE SCOTLAND

DIRECTION BY THE SCOTTISH MINISTERS

in accordance with section 19(4) of the Public Finance and Accountability (Scotland) Act 2000

1. The statement of accounts for the financial year ended 31 March 2010 and subsequent years shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FReM) which is in force for the year for which the statement of accounts are prepared.
2. The accounts shall be prepared so as to give a true and fair view of the income and expenditure, recognised gains and losses, and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
3. This direction shall be reproduced as an appendix to the statement of accounts.

A handwritten signature in black ink, appearing to read 'Alison Stanger', written in a cursive style.

Signed by the authority of the Scottish Ministers

Dated 9 February 2010

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