



Protection of Vulnerable Groups (PVG) Scheme

Briefing for Sports Clubs/Organisations

OCTOBER 2014



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WE TAKE ACTION**
for Scotland's vulnerable
children and families

sportscotland
the national agency for sport

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Background

- The Protection of Vulnerable Groups (Scotland) Act 2007 (“The PVG Scheme”) has been live since February 2011.
- This Law applies to organisations and groups across the statutory, voluntary and private sectors that provide services and activities for children, young people and/or protected adults. This includes Scottish Governing Bodies of Sport (SGBs), sports clubs and other sports organisations.
- The PVG scheme allows employers of individuals who are seeking to do or doing regulated work on behalf of that employer to ensure that there is no known historical reason which prevents that individual from carrying out regulated work. This is done by application for membership of the PVG scheme.
- For the majority of SGBs, sports clubs and sports organisations the PVG Scheme will relate to their work with children and young people. Only in very specific circumstances will it involve work with protected adults.
- Volunteer Scotland Disclosure Services is the branch of Disclosure Scotland which acts on behalf of voluntary sector organisations in Scotland. The vast majority of SGBs and sports clubs are deemed qualifying voluntary organisations and as such the cost of their PVG checks is met by the Scottish Government.

Eligibility to join the Scheme

- Only people doing regulated work (see page 4, Assessment of Regulated Work), with children, young people and/or protected adults can apply to join the PVG Scheme e.g. sports coaches.
- On first application for membership to the Scheme, checks will be carried out by Disclosure Scotland and a Scheme Record established for each individual. Unless these checks uncover information which makes the applicant unsuitable for regulated work with children, protected adults or both, the applicant will become a Scheme Member.

Offences

- It is an **offence** for someone who is barred from regulated work to do, or seek to do, that type of regulated work.
- It is an **offence** for an organisation to employ an individual in regulated work if that person is barred. The way to avoid either offence is to incorporate Scheme Membership into the recruitment process for regulated work roles.
- The employer organisation will commit an **offence** if it does not submit a referral to Disclosure Scotland where an individual is dismissed or removed from a regulated work role when the 'referral criteria' are met: i.e. a child has been harmed, or put at risk of harm AND the person responsible has been dismissed or removed from the regulated work role OR would have been dismissed but for their removing themselves from the role. This referral must be made within 3 months of the decision to dismiss being taken.

Key Provisions within PVG:

- **Effective Barring** – The Protection Unit of Disclosure Scotland doesn't just collect and update vetting information. It also assesses it, so that individuals who are considered unsuitable on the basis of vetting information are prevented from entering the workforce, or can quickly be removed from the workforce if new information arises which makes them unsuitable.
N.B. – Being 'fully listed' means barred from regulated work and vice versa.
- **Continuous Updating** – The individual records held by Disclosure Scotland will be updated automatically if new vetting information (i.e. convictions and other information held by the police) becomes known, or when a person's circumstances change. This will make it quicker and easier for clubs and sports organisations to check on an individual's suitability to do regulated work.
- **Status Advice** – Each employing organisation which registers interest in an individual, either via a Scheme Record or a Scheme Record Update will be advised of new information which might affect the of status of an individual through the 'considered for listing' process. This does not mean that employers will be advised of every piece of new vetting information as it arises. This is the role of the Scheme Record update process.
N.B. – When Disclosure Scotland receives information which may have a bearing on an individual's suitability to work with children/protected adults the individual may be 'Considered for listing'.
- **Access to Disclosures for Personal Employers** – Personal employers, such as a parent employing a sports coach for their child, can request to see a PVG Scheme Membership Statement to confirm that the person is not barred. The PVG Scheme Membership

Statement only indicates that the individual is not barred from regulated work. It does not contain any vetting information.

Implementation of the PVG Scheme

- Volunteer Scotland Disclosure Service (VSDS) is the principal umbrella organisation for the voluntary sector.
- The PVG Scheme disclosure application process is now working well for new and role change applications. A three year programme of retrospective checking was launched in October 2012. This aims to ensure that everyone doing regulated work is in Scheme membership by October 2015.

Supporting Sports Clubs/Organisations in complying with PVG

- Sports clubs/organisations need to ensure that their Child Protection policies and procedures are robust. SGBs are now well placed to offer assistance with this process. The aim is to ensure that Policies and Procedures act as an effective deterrent to those who would harm children and that they sit comfortably alongside the new Scheme.

Effective Policies and Procedures will include:

- Robust recruitment & selection procedures:
 - Clear job/role description
 - Fair selection process including interview
 - Self-declaration
 - References
 - Identity checks
 - Appropriate PVG Scheme Membership Application
- An induction process:
 - Review of the Code of Conduct
 - Support and supervision
 - Relevant Child Protection training
 - Safeguarding and Protecting Children for all in regulated work.
 - In Safe Hands for those in Child Protection Officer role.
- Safeguarding procedures:
 - Child Protection Policy/Procedure
 - Responding to Concerns Procedure
 - Disciplinary Procedure
 - Health and Safety procedures

The Recruitment Process

- The barring function of the PVG legislation bars those individuals who are unsuitable due to vetting information from becoming Scheme members and removes from the workforce those who become unsuitable to work with children. However, it remains the responsibility of the employer to make the final decision on an individual's suitability for any specific role.

- A PVG Scheme check is only one of a number of recruitment tools (see above) available to assess the suitability of a person to work with children and young people in a sports club/ organisation.
- Under the PVG Scheme sports clubs/organisations need to:
 - Assess whether a role is 'regulated work'
 - Select the right person for the role
 - Select the appropriate PVG check

Assessment of 'regulated work'

- We recommend you refer to the Disclosure Scotland Regulated Work Assessment Tool when deciding if a post is 'regulated'. It can be found on their website: http://www.disclosurescotland.co.uk/pvg_training
- Regulated work is defined by five criteria:
 1. It has to be **work, (paid or unpaid)** i.e. not simply an arrangement between friends/family
 2. It has to be with either **children/young people, (or protected adults)**
 3. It has to be part of **normal duties** i.e. the activity is reasonably anticipated and could appear on the person's job description
 4. The work has to include:
 - **caring** for children/young people
 - **teaching, instructing, training or supervising** children/young people
 - **being in sole charge** of children/young people
 - **having unsupervised access** to children/young people
 - being a **host parent**
 5. The activity has to be targeted at children eg where an adult section/team has one or two under 18s in attendance, this is termed '**incidental**' and does not constitute regulated work. Clearly many roles within sport for children will meet the regulated work criteria.
- The role of **managing a person or people** who are in regulated work also meets the definition of regulated work, e.g. a youth section convenor.

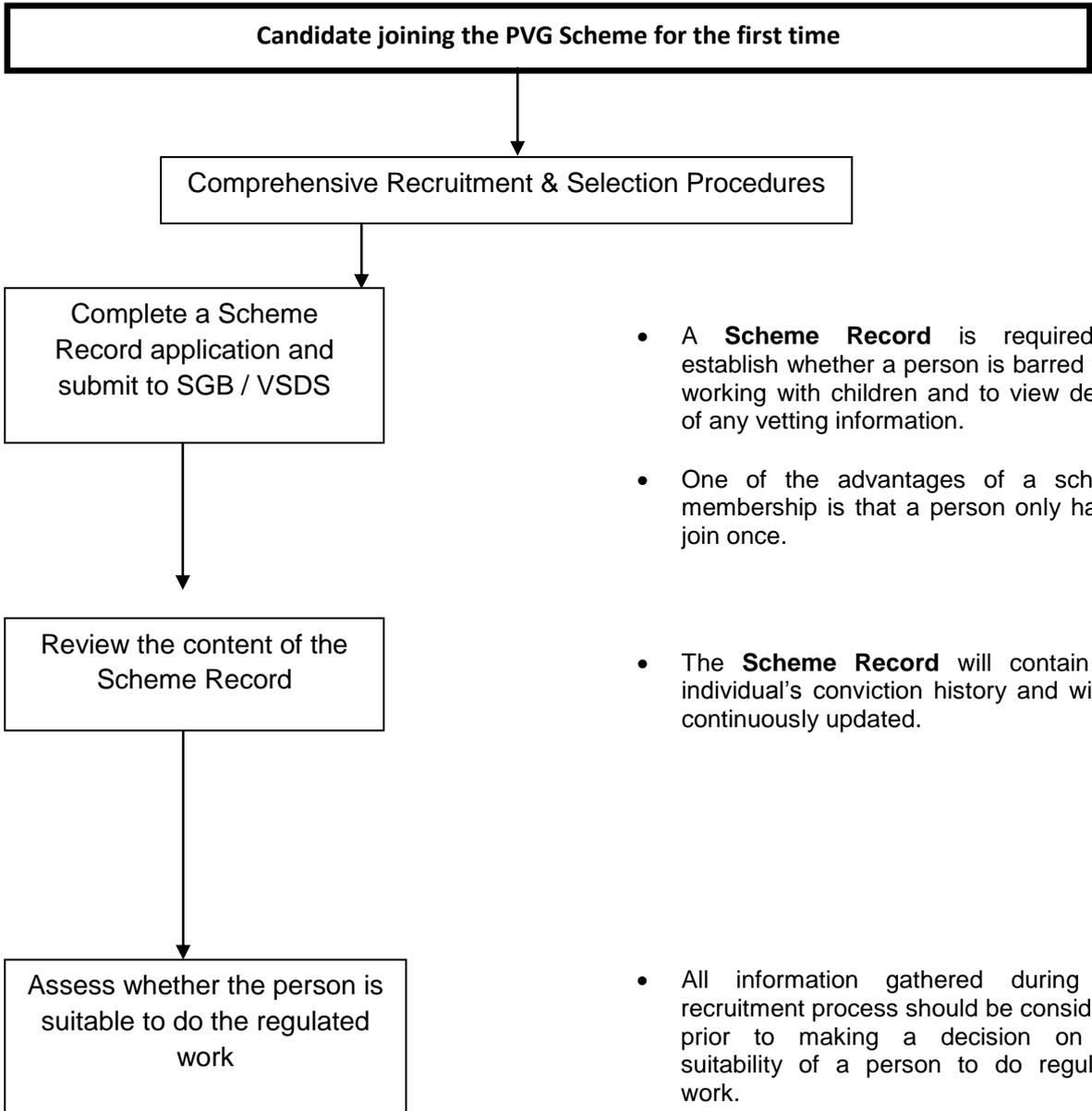
Selecting the Appropriate PVG Scheme Check

- This will be dependent on whether the person is an existing Scheme Member or is yet to join the PVG Scheme. The table overleaf outlines the three PVG checks, the purpose of each and what information is provided on each record/statement.
- Scottish Ministers have waived the fees for PVG checks for volunteers doing unpaid, regulated work in qualifying voluntary organisations in Scotland. This includes SGBs which are registered with VSDS and act as an intermediary body on behalf of its affiliated clubs.
- A fee is payable for any PVG check for an employee doing paid regulated work. For more information please reference the Scottish Government PVG FAQs at the website listed.
- The applicant will receive a Scheme Record certificate from VSDS as will the counter-signatory on the application form.

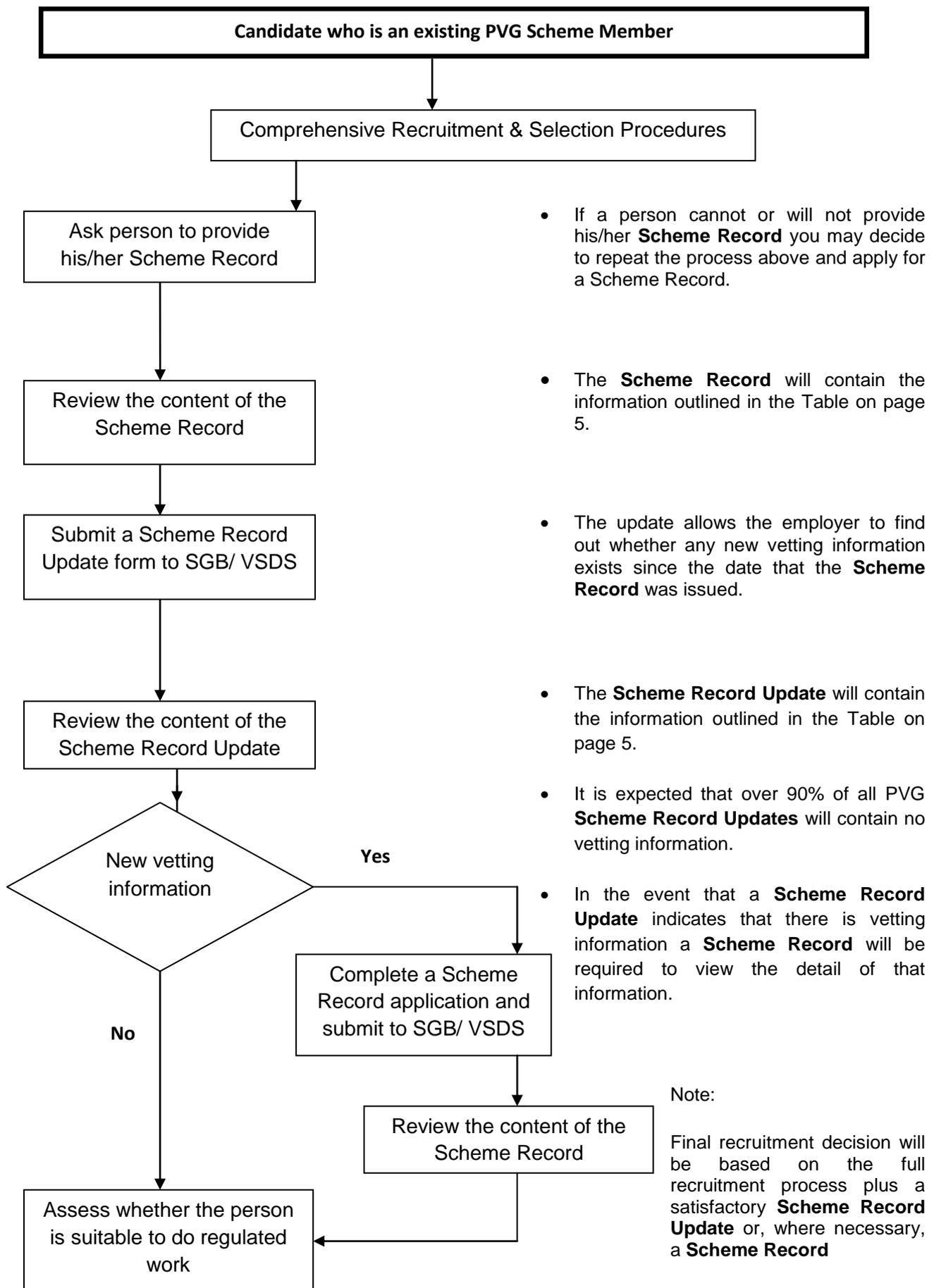
Table – Types of PVG Scheme Checks

Type of PVG Scheme Check	Purpose	Information Provided
1. Scheme Record	When a person joins the PVG Scheme for the first time to work for a club/organisation or when a club/organisation requires a full PVG Scheme Record to ascertain the detail of new vetting information highlighted in a Scheme Record Update	<ul style="list-style-type: none"> ▪ confirm that the person is a PVG Scheme member ▪ include all vetting information (criminal history information and information that the police consider relevant to the type of regulated work) ▪ indicate whether or not the person is under consideration for listing
2. Scheme Record Update	Register employer interest in an existing PVG Scheme member or as part of a regular review of existing employees	<ul style="list-style-type: none"> ▪ confirm that the person is a PVG Scheme member ▪ specify the date of disclosure of the last PVG Scheme Record ▪ state whether any existing vetting information was included in the member's PVG Scheme Record on the date it was last issued ▪ indicate whether any new vetting information has been added to the member's PVG Scheme Record and the date each item was added (without detailing the substance of any such vetting information); ▪ indicate whether or not the person is under consideration for listing
3. Scheme Membership Statement	For self-employed people or people seeking to work with vulnerable groups to confirm that they are members of the PVG Scheme and not barred from regulated work	<ul style="list-style-type: none"> ▪ confirm that the person is a PVG Scheme member ▪ indicate whether the individual is under consideration for listing

- The following flowcharts illustrate the PVG checking process. The first outlines the recruitment process for a person who is joining the PVG Scheme for the first time. The second outlines the recruitment process for a person who is an existing Scheme Member.



- A **Scheme Record** is required to establish whether a person is barred from working with children and to view details of any vetting information.
- One of the advantages of a scheme membership is that a person only has to join once.
- The **Scheme Record** will contain the individual's conviction history and will be continuously updated.
- All information gathered during the recruitment process should be considered prior to making a decision on the suitability of a person to do regulated work.



- If a person cannot or will not provide his/her **Scheme Record** you may decide to repeat the process above and apply for a Scheme Record.
- The **Scheme Record** will contain the information outlined in the Table on page 5.
- The update allows the employer to find out whether any new vetting information exists since the date that the **Scheme Record** was issued.
- The **Scheme Record Update** will contain the information outlined in the Table on page 5.
- It is expected that over 90% of all PVG **Scheme Record Updates** will contain no vetting information.
- In the event that a **Scheme Record Update** indicates that there is vetting information a **Scheme Record** will be required to view the detail of that information.

Note:
 Final recruitment decision will be based on the full recruitment process plus a satisfactory **Scheme Record Update** or, where necessary, a **Scheme Record**

More Information

Volunteer Scotland Disclosure Service (VSDS) provides free PVG Scheme training events for the voluntary sector. These events are being held at the VSDS offices in Stirling.

For those sports clubs/organisations that may be unable to attend a PVG Scheme training event, VSDS has a series of four web conferencing sessions which cover: PVG Scheme Membership; Referrals and Listing; Role of the Signatory and Retrospective Checking. Each session lasts approximately two hours. To book please go to www.volunteerscotland.net

Further guidance and information is available from a variety of sources including:

- Scottish Government's PVG website: <http://www.scotland.gov.uk/Publications/2011/08/04111811/1>
- VSDS PVG Scheme Help Service: 01786 849 777, then option 3
- PVG Scheme Email: pvg.enquiries@scotland.gsi.gov.uk.
- PVG guidance documents: <http://www.volunteerscotland.net/disclosure-services/resources/>
- VSDS Training: <http://www.volunteerscotland.net/disclosure-services/training/>
- VSDS interactive 'webinars' (training delivered over the internet) <http://www.volunteerscotland.net/disclosure-services/training/the-pvg-scheme-online/>
- Regulated Work assessment : www.disclosurescotland.co.uk/pvg/selfassessment/index.html
- Safeguarding in Sport: 0141 418 5674 or safeguardingsport@children1st.org.uk