

An Overview of the PVG Scheme

Version 1.0: June 2010

Structure of the presentation

follows the Guidance

- Chapter 1 Introducing the PVG Scheme
- Chapter 2 Regulated Work
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Introducing the PVG Scheme

Chapter 1 of the Guidance (1.1)

CHECK TO PROTECT

The PVG Scheme aims:

- To ensure that individuals who are unsuitable do not gain access to children or protected adults through their work
- To ensure that individuals who become unsuitable are detected early and prevented from continuing to work, or seeking to work, with children or protected adults
- To minimise bureaucracy.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.1)

Improvements offered by the PVG Scheme:

- **Effective barring** - vetting information is assessed.
- **Adults' list** – new in Scotland.
- **Continuous updating** – new information is acted upon.
- **Streamlined disclosure processes** – PVG Scheme membership makes moving between jobs easier.
- **Access to disclosure for personal employers** – for the first time.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.2)

Quickstart guide: key points

- Individuals in post – don't need to do anything.
- Organisations recruiting individuals to do regulated work should ask them to join the PVG Scheme and get a Scheme Record.
- Application form resembles enhanced disclosure.
- Fee is £59 to join, unless for a volunteer for a qualifying voluntary organisation in which case it's free.
- **Enhanced disclosure not available** for work with vulnerable groups.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.3)

CHECK TO PROTECT

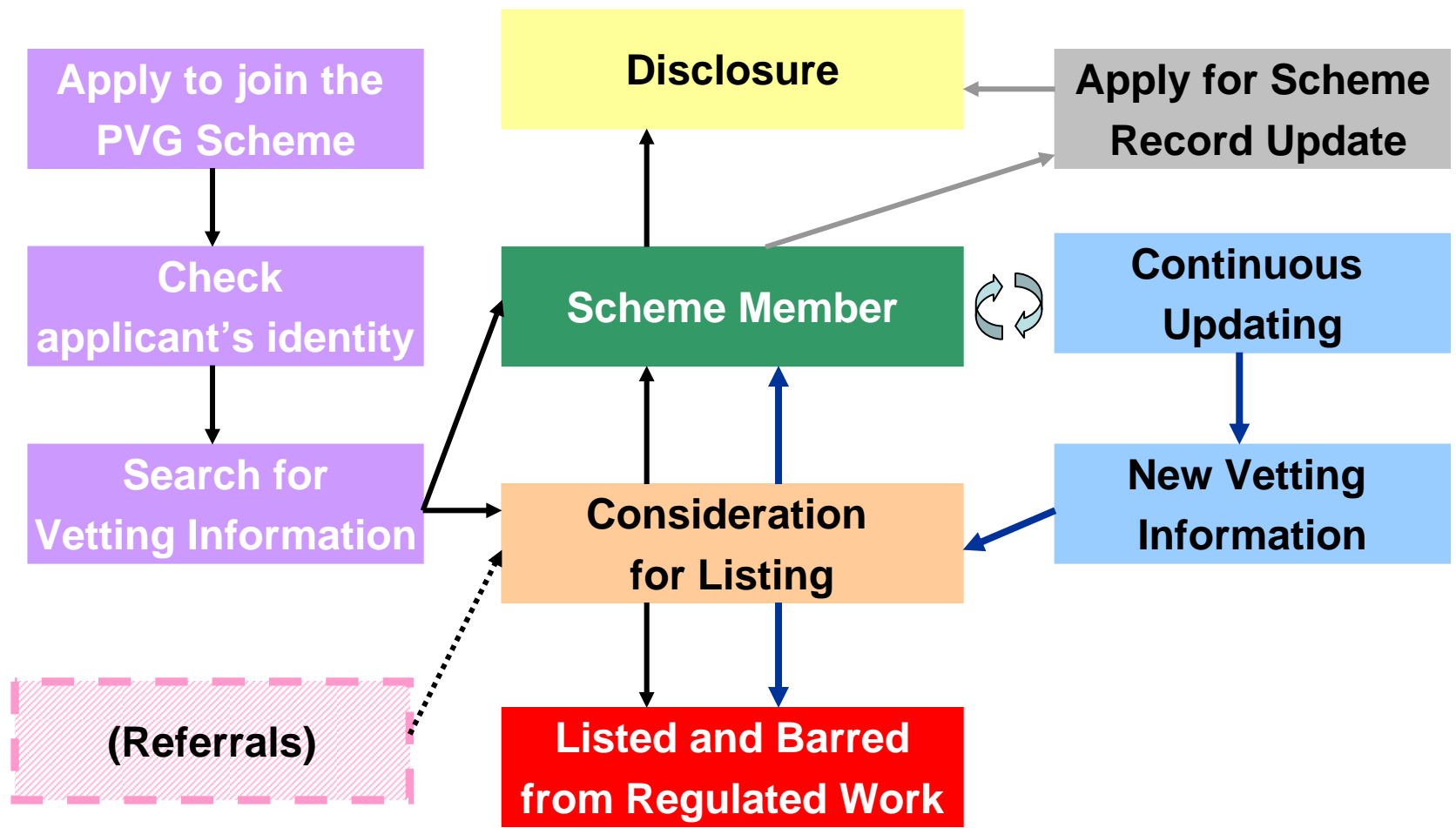
Applying for PVG Scheme membership

- Reminder about safe recruitment: PVG is only one part!
- Organisations should ask for Scheme Record.
- Personal employers should ask for a Scheme Membership Statement.
- *More about these “disclosure records” in a minute...*
- Individuals can join by themselves.
- Difference between:
 - “not being unsuitable to do regulated work” and
 - “being suitable for a particular position”.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.3)

CHECK TO PROTECT



Introducing the PVG Scheme

Chapter 1 of the Guidance (1.4)

CHECK TO PROTECT

Scheme Record

- Scheme membership: one or both workforces.
- Consideration for listing – for the workforce(s) above.
- Vetting information:
 - Convictions and cautions
 - Sex offender registration
 - “Other Relevant Information”
 - Certain civil orders.
- Personal membership information, including PVG Scheme membership number.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.5)

CHECK TO PROTECT

Scheme Record Update

- Scheme membership: one or both workforces.
- Consideration for listing – for the workforce(s) above.
- Changes to Scheme Record:
 - date the Scheme Record was last disclosed
 - whether or not there was vetting information on last Scheme Record
 - dates of any vetting information added or removed from Scheme Record since.
- Personal membership information, including PVG Scheme membership number.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.5)

CHECK TO PROTECT

Scheme Record Update - benefits

- **Simpler** – existing PVG Scheme member can use “short” form and doesn’t need to provide full personal details again (*also applies to other disclosure records*).
- **Cheaper** – Scheme Record Update is **£18**.
- **Faster** – no delay to application as information is ready to print immediately. From 2011, Scheme Record Updates will be viewable online, allowing almost instant access.
- Remember, in over 90% of cases, a Scheme Record Update will state that there is no vetting information!

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.6)

Scheme Membership Statement

- Scheme membership: one or both workforces.
- Consideration for listing – for the workforce(s) above.
- **Nothing about vetting information!**
- Personal membership information, including PVG Scheme membership number.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.7)

CHECK TO PROTECT

Membership matters for individuals

- Look after disclosure records... may be needed later.
- Duty to notify a change of name or gender within 3 months.
- Advised to notify a change of address to ensure future applications turned round fast.
- Advised to notify when they stop work for an organisation – but don't have to do so.
- Can remain for life or leave at any time (if not doing regulated work).
- Can dispute their vetting information (as with enhanced disclosure).

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.8)

Do's and don'ts for organisations

- Must not offer regulated work to a barred person.
- Should use the PVG Scheme to prevent this.
- Must only use PVG Scheme for regulated work.
- Must look after disclosure records in their possession and only retain for as long as is necessary.
- Should advise of any workers leaving their organisation – this will be easy with on-line accounts.
- Must remove a person from regulated work if Disclosure Scotland tell them they have become barred.

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.9)

Do's and don'ts for personal employers

- Can offer regulated work to a barred person, so don't need to use the PVG Scheme.
- (*Barred person is still committing an offence, though.*)
- Can use PVG Scheme:
 - to obtain Scheme Membership Statement
 - but only for regulated work.
- After recruitment – the Scheme Membership Statement should be returned to the individual or destroyed!
- Cannot make a referral (more on this later).

Introducing the PVG Scheme

Chapter 1 of the Guidance (1.10)

CHECK TO PROTECT

Outside Scotland: VBS and overseas

- PVG Scheme is for Scotland.
- VBS for England, Wales and Northern Ireland.
- People working all over the UK may need to join both schemes.
- Disclosure Scotland has access to all UK barred lists so nobody can join PVG if listed elsewhere in the UK.
- Recruiting from overseas:
 - Individuals should be asked to join PVG Scheme, like anyone else.
 - Importance of safe recruitment practice.

Regulated Work

Chapter 2 of the Guidance

Five stage assessment process:

1. Is it work?
2. Who are they working with?
3. What do they do?
4. Is it their normal duties?
5. Are there any exceptions which apply?

... then it is clear whether it is regulated work or not.

- Remember: it may not be necessary to complete all five steps to rule a position out of scope.

Regulated Work

Chapter 2 of the Guidance (2.2)

CHECK TO PROTECT

Step 1. Is it work?

- Work is very broad – includes paid, unpaid, under contract, statutory office, foster carer, caring for or supervising any individuals participating in any organised activity.
- But work excludes:
 - any work for a family member: mother, uncle, grandparent, sibling and individuals in same household who treat each other like family; or
 - unpaid work for a personal friend.

Regulated Work

Chapter 2 of the Guidance (2.3)

CHECK TO PROTECT

Step 2. Who are they working with?

Children?

- Defined as an individual aged under 18 years.

Protected adults?

- An individual aged 16 or over in receipt of one or more of:
 - registered care services
 - health services
 - community care services
 - welfare services.

Both?

Regulated Work

Chapter 2 of the Guidance (2.4 & 2.5)

Step 3. What do they do?

- They may be doing **regulated work with children** and / or **regulated work with adults** depending on which of these applies:
 - Activities (e.g. teaching)
 - Establishments (e.g. care homes)
 - Positions (e.g. trustees of certain charities)
 - Day to day supervision or management.
- **These are different** for work with children and protected adults – it is important to identify the specific provision which applies – the guidance helps with this.

Regulated Work

Chapter 2 of the Guidance (2.6)

CHECK TO PROTECT

Step 4. Normal duties

- The work: doing an **activity**, in an **establishment**, or **day to day supervising or managing** must be the individual's normal duties for it to be regulated work.
- There is no particular frequency or duration specified for something to be normal duties.
- Likely to be normal duties when the work:
 - appears in a job or task description or contract
 - can reasonably be anticipated, **or**
 - occurs regularly.
- See the guidance for more on this...

Regulated Work

Chapter 2 of the Guidance (2.7)

CHECK TO PROTECT

Step 5. Are there any exceptions which apply?

- Incidental activity...
 - Limits **certain** activities with children, protected adults
- Children in work or employment...
 - 16 or 17 year olds who are themselves working.
 - Any age in employment.
- Opportunity for contact...
 - Limits **certain** activities with children.
- Limitations on work in establishments...
 - Has to be unsupervised to be regulated work.

PVG Scheme Fees

Chapter 3 of the Guidance

CHECK TO PROTECT

Circumstance	Fee
Joining the PVG Scheme	£59 – but disclosure record at same time is included.
Scheme Record	£59 – unless... £41 – within 30 days of SRU...
Scheme Record Update	£18
Scheme Membership Statement	£18 – for existing members
Volunteer working for qualifying voluntary organisation	FREE

Retrospective checking...

Chapter 4 of the Guidance

CHECK TO PROTECT

Year 1: Organisations should...

- ask new recruits to regulated work to become PVG Scheme members **and**
- continue with existing re-checking policies – these people should become PVG Scheme members.

Years 2 to 4: Organisations should...

- ask existing staff doing regulated work to become PVG Scheme members,
- ensure all staff doing regulated work are PVG Scheme members by the end of year 4 **and**
- engage with Disclosure Scotland on how this process is best managed. (*Larger registered bodies only.*)

Sharing Disclosure Records

Chapter 5 of the Guidance

CHECK TO PROTECT

- Permissions and prohibitions:
 - **PVG Scheme members...**
 - Can share their own disclosure records
 - **Organisations...**
 - Can share a disclosure record within the organisation but only for the purpose of enabling them to assess suitability for regulated work.
 - Cannot request a disclosure record for other purposes.
 - Cannot seek third party access (but see below).
- Third party access for commissioners of transport services... does not expand the scope of regulated work.

Referrals by Organisations

Chapter 6 of the Guidance

CHECK TO PROTECT

- Referral grounds:
 - Doing / done / supplied for regulated work **and**
 - harm to, or inappropriate conduct against, a child or protected adult (in or out of work),
 - corresponding to the type of regulated work.
- Duties on organisations and personnel suppliers:
 - Permanently removed the individual from regulated work **or** would have done so.
 - Refer within 3 months of duty arising.
- Powers for regulatory bodies and NHS Tribunal.
- Information in a referral – set out on a standard form.

Consideration for Listing

Chapter 7 of the Guidance

CHECK TO PROTECT

- Triggers for consideration for listing:
 - Organisational referral
 - Court referral
 - Vetting information
 - Named in a relevant inquiry report.
- Notifications: the individual and “interested” organisations.
- Consequences:
 - Individual can continue to do regulated work.
 - It will appear on a disclosure record.

The Lists

Chapter 8 of the Guidance

- Two lists:
 - children's list; and
 - adults' list.
- Listed means barred from regulated work.
- Two processes which can lead to listing:
 - consideration for listing (*sometimes listed*)
 - automatic listing (*always listed*).
- Individuals can appeal a listing decision.
- Individuals can apply to be removed from the list(s).
- Duty to notify changes to personal information.

Registration for Organisations

Chapter 9 of the Guidance

CHECK TO PROTECT

- Only registered bodies can access Scheme Records and Scheme Record Updates.
- Existing registrations will be transferred over for the PVG Scheme.
- New annual charges from 1 April 2011:
 - £75 minimum per year (covers the lead and four additional countersignatories)
 - £15 per year for each additional countersignatory.
- (*Before then, one-off £150 + £10 per countersignatory.*)

More information

There is more information about the PVG Scheme at:

www.infoscotland.com/pvgscheme/