

Protecting Vulnerable Groups (PVG) Policy

Descriptor	Changes made	Date	Version
Policy first implemented	-	Sept 2012	1.0
Review no.1	Updated to reflect current practice and statutory responsibilities	July 2024	2.0

Name of policy being superseded (if applicable)	N/A
Related policies	Resourcing Policy Safeguarding Policy Code of Conduct
Related SOPs	Child and Vulnerable Adult Protection Procedure
Related Guidance	N/A
Equality Impact Assessment completed	No
Island Community Impact Assessment completed	N/A
Intended Audience	All colleagues
For publication	Internal and external publication
Team responsible for policy	HR
Policy owner contact details (email)	Luke Hopkin
Policy due for review (date)	July 2027

Policies should have a clear purpose and perform at least one of the following functions. Please identify all the functions this policy performs.	If statement applies, please mark with an X below
Outline how we allocate limited resources to deliver services or outcomes	
Outline how SDS adheres to legislation, statutory duty etc.	X
Ensure fair and consistent allocation of benefits	
Protect organisational assets, including data	
Define expectations around the employee/employer relationship	X
Other (please specify)	

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1. Policy summary

SDS is registered with Disclosure Scotland for the purposes of ensuring employees in specific roles are eligible to undertake regulated work with young people. In addition, our co-location with some partners requires that employees have a PVG disclosure. This policy explains how SDS will fulfil these obligations.

2. Policy purpose and objectives

The purpose of this policy is to outline legal obligations and responsibilities within SDS in relation to both the Protection of Vulnerable Groups (Scotland) Act 2007 and the Disclosure (Scotland) Act 2020 (which will be enforced by April 2025). This includes obtaining and maintaining PVG scheme membership for employees employed to undertake regulated work as defined by the Protection of Vulnerable Groups (Scotland) Act 2007.

3. Strategic context

Skills Development Scotland (SDS) is the national skills agency and provides person-centred career information, advice and guidance (CIAG) to people of all ages across Scotland. SDS is registered with Disclosure Scotland for the purposes of ensuring that colleagues employed in roles that are defined as regulated work are eligible to do so.

Skills Development Scotland has a key role in ensuring appropriate safeguarding of vulnerable groups and PVG Disclosure checking is one way in which we fulfil our obligations. SDS requires PVG Scheme membership for those employed to undertake regulated work with children. Individuals who have a satisfactory PVG disclosure will become PVG scheme members.

SDS services are less likely to be provided to protected adults as defined by the Protection of Vulnerable Group (Scotland) Act 2007. Although SDS employees may on occasion interact with protected adults SDS is not required by Disclosure Scotland to undertake PVG disclosure checks for regulated work with protected adults. For information on how SDS fulfil obligations in relation to protected or vulnerable adults please refer to the SDS Safeguarding Policy.

SDS has certain obligations to ensure the safety of children such as:

- i. Commencing employment of individuals in regulated roles only once PVG membership has been obtained.
- ii. Conducting appropriate identification checks.
- iii. Following a consistent process when harmful behaviour is reported, including referral to Disclosure Scotland.

Under part two of the Protection of Vulnerable Groups (Scotland) Act 2007, the PVG Scheme, administered by Disclosure Scotland, ensures that individuals carrying out regulated work are not barred from doing so.

In addition to employees undertaking regulated work, co-location with some partners places an obligation on SDS to process a PVG disclosure for employees, for example, colleagues who will regularly work out of college premises. This is because colleges are deemed to be a regulated establishment. Whilst the employee themselves may not be undertaking regulated work in the college, the nature of the college environment necessitates that a PVG is required.

The Disclosure (Scotland) Act 2020 resulted in changes to the disclosure system in Scotland which will be implemented by April 2025. They include:

- Making it mandatory for those carrying out regulated roles to be a member of the Protecting Vulnerable Groups (PVG) scheme.
- Replacing the lifetime PVG scheme membership with a five-year membership period, meaning SDS colleagues will need their PVG membership renewed periodically.
- Creating new powers for Disclosure Scotland to impose conditions on individuals while they are being considered for listing.
- Allowing applicants to request a review of certain disclosure content from an independent reviewer.
- Providing those with childhood convictions eligible for review the opportunity to explain the context of their previous behaviour before any disclosure to a third party is made.

SDS will follow relevant Disclosure Scotland guidance and processes as changes are implemented and ensure appropriate internal communication to affected colleagues.

4. Definitions

In this document, the following key terms and abbreviations are used:

- **Children** – The Child and Young Person Act (2014) defines a ‘child’ or ‘young person’ as anyone aged under 18 years of age. The extension of the use of the term ‘child’ beyond 16 years of age is to ensure that there is not an abuse of the position of trust that exists in a position of trust relationship. Where a young person aged 16-18 requires protection it must be noted that the Adult Support and Protection (Scotland) Act 2007 legislation may apply.
- **Counter-Signatory**: An individual who has the authority to check and approve PVG applications.
- **Disclosure Scotland**: An executive agency of the Scottish Government that checks and shares information about people's criminal records. They manage the PVG Scheme. They help to ensure that people who are unsuitable to work with children or vulnerable adults cannot do this type of work.
- **Listed Individual**: Someone who has been barred from working in a regulated role.
- **Protected Adult**: an individual aged 16 or over in receipt of one or more of: registered care services; health services; community care services; and/or welfare services.
- **PVG Scheme Membership**: This applies to anyone who has passed PVG disclosure and has become a member of the PVG scheme.
- **Regulated Work/Role**: A position which routinely involves working with children or protected adults. For a fuller definition please refer to the Disclosure Scotland website.

5. Scope

This policy applies to all SDS employees, however, it is of direct relevance to individuals who undertake regulated work. The policy further applies to anyone involved in SDS business which involves regulated work, including individuals who are seconded into SDS from another organisation, or employed through an agency and to voluntary placements (e.g., students and those on work experience).

All roles involving regulated work with children require PVG scheme membership. Within SDS, the roles requiring a PVG are:

- Careers Advisers, Key Workers, Personal Advisers and Trainee Careers Advisers, CIAG Technical Apprentices and Modern Apprentices – all are deemed to be undertaking regulated work with children.
- Regional Operations Team Leaders – as they have direct management responsibility of employees who undertake regulated work with children and may, on occasion, undertake regulated work with children themselves.

This list is not exhaustive. If a colleague believes that their role requires them to undertake regulated work, this should be discussed with their people manager prior to the work being undertaken.

Any job role which necessitates a PVG should be advertised as such; no individual should be employed in regulated work without a PVG Disclosure.

In addition, there may be an expectation placed on us by partner organisations with whom we share premises, that employees working from their premises on a regular basis will require a PVG check. Where this applies, the employee will be required to have a satisfactory PVG.

6. Policy detail

Roles and Responsibilities

PVG Scheme Member Responsibilities

Colleagues who are members of the PVG Scheme must:

- Provide updates to Disclosure Scotland of any changes to personal details. This includes change of address, change of employer, change of name or gender.
 - You must notify Disclosure Scotland of the update within three months of the changes by completing an 'Update PVG Details Form' from the Disclosure Scotland website. The completed form must be emailed to them along with any supporting documentation.
- Inform SDS immediately of any criminal investigations, charges, or convictions.
 - As outlined in SDS's Code of Conduct, colleagues must inform their manager and the HR department if they are being investigated for, charged with, or convicted of any criminal offences. This allows SDS to investigate and respond proportionately to maintain the safety and wellbeing of the colleague and their customers.
- Inform Disclosure Scotland that you are no longer employed in regulated work within SDS or have left SDS employment.
- Complete the 5-yearly PVG disclosure renewal if still employed in regulated work. Failure to complete the renewal will mean that the employee is no longer able to undertake regulated work and may be subject to disciplinary proceedings.

Manager Responsibilities

Recruiting Managers who believe their job role involves regulated work with children should discuss this with their HR representative prior to starting the recruitment process. Job roles

which involve regulated work with children must be advertised stating that a PVG will be required.

People managers of employees who undertake regulated work with children must act immediately on any concerns raised in relation to a team member's conduct toward children, taking HR advice as required.

HR Responsibilities

HR will:

- Ensure a PVG has been completed and is satisfactory before a new employee starts in a role which undertakes regulated work.
- Provide coaching and advice to managers where concerns are raised in relation to a team member's eligibility to work with children.
- Maintain policy and associated guidance.
- Ensure the cycle of PVG membership is renewed for relevant individuals in the 5-year membership cycle; working with PVG scheme members and Disclosure Scotland to do so.
- Where appropriate, periodically undertake an audit of PVG membership; ensuring that all required individuals have a PVG.

Obtaining PVG Membership

When an individual is newly appointed to SDS in a post which undertakes regulated work (or which involves regular work at a site where a PVG check is required), the offer of employment will be made subject to receipt of a satisfactory PVG Scheme Record check. The conditional offer will include a request for ID to support the start of the online PVG application process. Where SDS requires a PVG application to be made or renewed SDS will meet the standard costs associated with a PVG application when SDS requires that application to be made.

The application scheme is managed online. The completed PVG Scheme application form and associated documentation must be returned promptly to HR, who will verify the identity, check the details, countersign the PVG application and forward it to Disclosure Scotland.

Disclosure Scotland will then carry out the necessary checks. The counter-signatory and employee will receive electronic notification of this. If the PVG Scheme application is successful, the offer of employment will be confirmed. If it is not successful, SDS will normally withdraw the offer of employment.

Internal Moves to Regulated Roles

The PVG Scheme application process is the same for external and internal candidates. If an internal candidate applies to a regulated role within SDS, they will be required to have PVG Scheme membership before the new appointment is confirmed. If the candidate is already an SDS registered PVG Scheme member they are not required to complete a new PVG as the existing PVG Scheme membership will continue to apply.

Maintaining PVG Scheme Membership

The Disclosure (Scotland) Act 2020 requires Scheme membership to be renewed every 5 years from April 2024. SDS will follow relevant Disclosure Scotland guidance on renewals and employees will be required to maintain their PVG Scheme Membership to continue to work in regulated roles.

Handling of Sensitive Information

SDS complies with the Data Protection Act 2018 and Disclosure Scotland's Code of Practice regarding the secure handling, use, storage, and retention of membership information. SDS retains PVG Scheme membership numbers for current colleagues in their employee files. SDS does not retain paper or electronic copies of PVGs. Employees who are PVG scheme members are encouraged to retain their own record of their PVG Scheme membership number.

Raising Concerns

Colleagues who have concerns about another colleague's suitability to undertake regulated work with children must raise concerns without delay and should refer to the SDS Code of Conduct policy.

SDS will use the SDS Disciplinary Policy and Procedure to investigate and respond reasonably and proportionately to any concerns raised in relation to an SDS colleague's suitability to undertake regulated work.

Where appropriate SDS must notify Disclosure Scotland of harmful behaviour.

7. Further guidance


Further guidance can be sought from the Disclosure Scotland website:

www.disclosure.gov.scot

For additional information on our Child and Vulnerable Adult Protection Procedure please refer to Connect.

Policy jointly agreed:

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