

HR & OD POLICIES

human resources and organisational development



Information on the Protection of Vulnerable Groups Scheme Policy

INDEX

INTRODUCTION	2
MEMBERSHIP MATTERS FOR INDIVIDUALS	4
LOOKING AFTER DISCLOSURE RECORDS	4
NOTIFYING DISCLOSURE SCOTLAND OF CHANGES TO PERSONAL INFORMATION	4
STOPPING DOING REGULATED WORK FOR AN ORGANISATION	5
LEAVING THE PVG SCHEME	5
DISPUTING VETTING INFORMATION	5
FALSIFICATION OF DISCLOSURE RECORDS	6
DOING REGULATED WORK WHEN BARRED	6

1. INTRODUCTION

Many staff will already be familiar with Disclosure Scotland and the requirement for anyone whose role involves regulated work with children and / or protected adults to complete application form to undertake a Disclosure check

The Protection of Vulnerable Groups (Scotland) Act came about in 2007 to bolster this area of legislation by introducing the Protecting Vulnerable Groups (PVG) scheme. This is designed to help prevent unsuitable persons from doing regulated work.

Under this scheme there are two types of regulated work – with children or with protected adults – and unsuitability to work with one group does not always go hand in hand with unsuitability to work with the other.

It is an offence for an individual to do, seek or agree to do regulated work if they have been barred from doing so under the scheme and the Act also imposes a duty on employers not to offer employment in regulated work to anyone who has been barred.

What this means for the council is that any employee starting a post that involves regulated work, whether they are a new employee or existing employee moving jobs, will be required to become a member of the scheme for the relevant workforce/s.

In addition, the Scottish Government has asked for all employees currently carrying out regulated work to become members of the scheme retrospectively. This process will be paid for and managed by the council, with a phased approach commencing at the end of October 2012.

This process will take three years to complete and employees whose role involves regulated work will be provided with hard copy application forms to complete in due course.

The following information is taken from 'Protecting Vulnerable Groups Scheme: Guidance for Individuals, Organisations and Personal Employers June 2010'

2. MEMBERSHIP MATTERS FOR INDIVIDUALS

One consequence of the PVG Scheme being a membership scheme is that the individual has an ongoing relationship with Disclosure Scotland and that some PVG Scheme documentation issued has an ongoing relevance. This is different to the enhanced disclosure process.

3. LOOKING AFTER DISCLOSURE RECORDS

All disclosure records contain the individual's PVG Scheme membership number, which will not change (unlike the disclosure number which is unique to every disclosure record issued). PVG Scheme members should keep a careful note of this number as it will speed up any applications made to Disclosure Scotland at a later date. Any Scheme Record issued to a PVG Scheme member should be retained, in case any organisation wants to see it when the individual seeks to do regulated work elsewhere. Scheme Record Updates are not portable and can be destroyed.

4. NOTIFYING DISCLOSURE SCOTLAND OF CHANGES TO PERSONAL INFORMATION

The PVG Act requires PVG Scheme members to notify two types of change to personal information to Disclosure Scotland within three months of the change taking effect, these being:

- a change in the member's name; or
- a change in gender (as indicated by the issue of a full gender recognition certificate).

Failure to do so, without reasonable excuse, is an offence.

Individuals should keep other personal information up to date too. Ensuring Disclosure Scotland has, for example, a current home address, telephone number or email address means that contact can be made quickly in the event of any query about PVG Scheme membership.

It will also ensure no delay in issuing a subsequent disclosure record. A change in personal information will sometimes require re-vetting. This process can take time. If the change in personal information only comes to light at the time of a disclosure application, this will delay the issuing of the disclosure record.

5. STOPPING DOING REGULATED WORK FOR AN ORGANISATION

PVG Scheme members should notify Disclosure Scotland if they cease to work for a particular organisation. When Disclosure Scotland receives such a notification, it will seek confirmation from the organisation before removing the organisation's interest in the individual. There is no requirement on individuals to do this but, if they do not, they risk previous employers being notified of any consideration for listing or listing decision.

6. LEAVING THE PVG SCHEME

A PVG Scheme member may ask to leave the PVG Scheme in respect of one or both workforces at any time, provided they are no longer doing the type of regulated work to which their request for removal relates. An individual with no interested organisations will normally be assumed to be no longer doing regulated work and therefore free to leave the PVG Scheme. But note that if the individual wished to re-join the PVG Scheme at a later date, the application process (including fee charged) would be the same as if they had never been a PVG Scheme member. Disclosure Scotland will not remove an individual without a request.

7. DISPUTING VETTING INFORMATION

Individuals may request correction of any information on their Scheme Record including the vetting information. A review of conviction information, sex offender notification details and details of civil orders can be requested on the grounds of accuracy (i.e. that a particular conviction, caution or civil order does not belong to the individual or is incorrectly described). A review of non-conviction information provided by the police can be requested on the grounds of accuracy or relevance to the regulated work performed by the PVG Scheme member.

Disputes about the accuracy of vetting information in a disclosure record must be raised within 3 months of the date of the scheme record being issued. There is detailed guidance about how to dispute the content of disclosure records on the [Disclosure Scotland website](#).

If the request for review is about the non-conviction information provided by a police force, Disclosure Scotland will contact the police force or forces that provided the information with details of the dispute. Only if the police force agrees to amend the information will Disclosure Scotland be able to amend the Scheme Record.

In all cases where a Scheme Record is corrected, Disclosure Scotland will issue new Scheme Records to the scheme member and organisations for whom they know the person is doing regulated work if they had received an inaccurate version of the Scheme Record. There will not be a charge for the disclosures that are reissued and these will be dated with the date of the original Scheme Record.

8. FALSIFICATION OF DISCLOSURE RECORDS

Section 65 makes it an offence to falsify a disclosure record. Reasons why an individual might attempt to falsify a disclosure record include attempting:

- to avoid paying a fee for a disclosure application;
- to avoid embarrassment over some historic incident or conviction; or
- to obtain a position, or enter regulated work generally, unlawfully.

It should be noted that there are a number of security measures which make falsifying a disclosure record extremely difficult. These include information on the disclosure records which can be corroborated against identity documentation presented by the individual.

9. DOING REGULATED WORK WHEN BARRED

It is an offence for an individual who is barred to undertake the type of regulated work from which they are barred. Such an individual would usually be aware of their barring (because they would have been listed following a conviction or organisational referral etc through proceedings in which they would have participated).

Information on the Protection of Vulnerable Groups Scheme

Index of Documents

Revision Date	Previous Revision Date	Summary of Changes
23-07-2013	-	Creation of all Documents
12-09-2016	23-07-2013	Revision