

Disclosure Scotland and PVG Frequently Asked Questions for Staff

These notes are intended as a guide for staff – for further information on disclosure checks and the Protection of Vulnerable Groups (PVG) scheme please refer to the Disclosure Scotland website

<http://www.disclosurescotland.co.uk/>

What is the PVG Scheme?

From 28 February 2011, the new membership of the PVG scheme replaced the Enhanced Disclosure check arrangement for those working with vulnerable groups:

The PVG scheme was established by the Protection of Vulnerable Groups (Scotland) Act 2007 and is managed by Disclosure Scotland.

Vulnerable groups are defined as:

Children – an individual under 18 years of age and **protected adults** – an individual aged 16 or over in receipt of one or more of the registered care services i.e. health care, community care or welfare services.

The PVG scheme which delivers on the provision outlined in the PVG (Scotland) Act 2007 is intended to:

- Help to ensure that those who have regular contact with children and protected adults through paid or unpaid work, do not have a known history of harmful behaviour
- Be quick and easy to use, reducing the need for PVG scheme members to complete a detailed application form every time a disclosure check is required
- Strike a balance between proportionate protection and robust regulation and make it easier for employers to determine who should be checked to protect their client group
- Scheme membership is portable for the individual and membership is essentially for life. Records remain live and any new or related information can be flagged up to employers for consideration at any time.

I am currently employed by the University, what do I have to do now the PVG scheme is live?

Current staff do not have to do anything until you are approached by the University and informed otherwise. If you are joining the University in regulated work or moving posts into regulated work, then the University will ask you to join the PVG scheme.

What is different?

The PVG scheme replaces the previous enhanced disclosure checks which are no longer available for people undertaking regulated work with children and protected adults. The scheme also offers:

- Continuous updating – the collection of vetting information about an individual after the initial disclosure check has been made ensuring that new information retrieved from criminal justice systems and other information held by the police that they consider relevant to the type of work can be acted upon promptly.
- Streamlined disclosures – recognising that some people have several roles and that many people move and change jobs over time, the PVG scheme membership is also portable allowing the member to change jobs or types of work within Scotland without the need to re-register

During the first year from February 2011, if you are appointed by Robert Gordon University into regulatory work, or already a staff member and moving into a new position that is regulated, you will be asked to become a member of the PVG scheme.

What will happen when other RGU disclosure requirement that are not covered by the PVG scheme?

Arrangements in relation to disclosure for those roles identified as requiring basic or standard disclosure checks will be communicated to those individuals applying for posts within the recruitment process.

What is the transitional period and what do I have to do now?

If you are currently employed by RGU, you do not have to do anything as yet. During the first year of the scheme (which commenced on 28 February 2011) the changes only apply to new staff and those staff moving into regulatory work. The transitional period is a 4 year period over which the University will be contacting staff identified as carrying out regulated work in due course to make the arrangements for them to join the PVG scheme.

Who can I get information from?

For staff seeking assistance or advice regarding disclosure checks or the PVG scheme, please contact your HR Coordinator or Client Partner.

What is regulated work?

It is important to note that not all staff who come into contact with children or protected adults through their work are doing regulated work. In order for HE staff to fall within the definition, they must be specifically employed in roles which require them to either care for, or supervise and advise children/protected adults for the majority of their working time.

The scope of regulated work is narrowed by the 'incidental test'. Lecturers, for example, may deliver lectures and tutorials to children under 18, however the majority of the students they engage with, and indeed supervise and advise will be adults, which renders the contact they have with those students that are children as 'incidental'. The majority of lecturers in the University, out with the Faculty of Health and Social Care, would therefore not be carrying out regulated work.

What if I am already a member of the PVG scheme?

For individuals who come to us with a scheme record and who are already members, we need only request a scheme record update. This is designed to be a quicker, cheaper and simpler check. A scheme update will be issued and it will state whether or not vetting information was on the original scheme record as well as whether or not new information has since been added. It will not provide details of the information. It may be that in such cases we would wish to ask for another scheme record to be able to fully assess an individual's suitability for the role they will be undertaking.

Existing Scheme Members – Certificates

It is not mandatory to view the certificate of an existing member. However, if a new employee tells you they are already in the Scheme, there are good reasons in looking at their certificate.

You should:-

- Note the PVG Scheme ID - This is to be found on the left hand side of the certificate, a third of the way down and **must** be inserted at B1 on the "Existing Scheme Member" application form
- The PVG certificate will advise which type of regulated work the member is in, it may be Children or Protected Adults or it will say both.
- MOST IMPORTANTLY, note the date of the certificate the member provides, as this date **MUST** match the date provided on the subsequent SRU we send to ensure you have the most recent information. (E.G. The member provides a certificate dated e.g. 1 June 2011). You ask for a SRU. We will send the SRU back stating one of two things -

"Since <Name> was last disclosed on (e.g.)1 June 2011, no vetting information has been added (or deleted) to his record".

"Since <Name> was last disclosed on 1 June 2011, vetting information has been added (or deleted) to his record".

- By virtue of the fact we have issued the SRU, the member is still in the Scheme and therefore "Not Barred" - If you wish to view the additional vetting information, you would need to submit a further check, this time asking for a full "Scheme Record" and providing you did this within 30 days of the SRU being issued we will charge £41.

However, there may be occasions when the SRU may state - "Since <Name> was last disclosed on (e.g.) **1 September** 2011, no vetting information has been added (or deleted) to his record".

"Since <Name> was last disclosed on (e.g.) **1 September** 2011, vetting information has been added (or deleted) to his record".

In other words, the certificate produced to you was dated 1 June 2011, but the Scheme member was last fully disclosed on 1 September, so there **MAY** be vetting information on the certificate dated 1 September which you have not seen, and whilst it was not enough to 'Bar' him, it maybe enough for you not to offer a position.

When would it be appropriate to complete a self-disclosure?

If a post is classified as regulated work then an individual must apply for and receive PVG scheme membership prior to commencing employment.

If the post is subject to a disclosure check and therefore not regulated work, you will be asked to complete a self disclosure to cover the period whilst the university is waiting for the disclosure certificate to come back. This will be covered within the recruitment process. In the case of a fixed term post of less than five months, the University will ask you to complete a self disclosure and will not apply for a disclosure check. If however the position is for five months or more, a full disclosure check will be carried out.

Can I start employment before my PVG scheme membership application is completed?

No. The University must receive your PVG scheme membership certificate and be satisfied that there is no impediment to you working in a regulated role before you can commence employment with the University. This may lead to a delay in your start date.

Can I sign an application for other schools in the absence of a designated signatory for a particular school?

Signatories are permitted, if they are confident of the evidence of identity and other information they have received, to sign applications for other schools in the absence of the designated signatory for that school

Students have been asked by employers to provide the PVG certificate from RGU. Is this acceptable?

The University is not allowed by law to keep PVG certificates and students should not use existing PVG certificates from RGU for the purpose of placement employers or for obtaining employment. The employer must request a fresh scheme record update from Disclosure Scotland.

Some students do not provide information to administrators in a timely fashion, what should I do?

Schools are advised to put in place an escalation procedure in this respect where the staff member responsible encounters difficulties and needs support.