

## **SUMMARY OF THE PROTECTION OF VULNERABLE GROUPS (PVG) SCHEME**

### **Background:**

On 28 February 2011 new legislation came into force in Scotland, under the Protecting Vulnerable Groups (Scotland) Act 2007 launching a registration Scheme for staff and who are involved in doing 'regulated work' with children and/or protected adults. The new PVG scheme is managed and delivered by Disclosure Scotland and has almost entirely replaced the Enhanced Disclosure checking process.

The main aim of the changes was to improve controls to ensure that individuals who are (or who become) unsuitable do not gain access to children or protected adults through the workplace. Individuals who are barred from working with children/protected adults will not be able to become scheme members and scheme members who later become barred from working with children/protected adults will have their relevant scheme membership withdrawn and their employer will be informed.

The Scheme is designed to be quick and easy to use, streamlining administration as well as reducing costs. The Scheme is 'live' with any new and relevant vetting information being added to the record and communicated to the employer so that the record is always active and up-to-date. In addition the Scheme is also portable allowing the member to change jobs or types of work within Scotland without the need to re-register.

The PVG scheme is a Scotland-wide scheme for Scottish employers and does not extend to the rest of the UK. However, it should be noted that it does cover conviction information from the whole of the UK.

Initially Scheme membership was only be a requirement for new staff or staff transferring internally to new roles which require Scheme membership and was phased in for existing staff over a 3 year period from 2012.

### **University Posts Requiring PVG Scheme Membership:**

The University has identified the types of post that will require scheme membership although this list cannot be definitive and will always be evolving.

An indicative list is detailed below:

- Clinical staff
- Nurses
- Posts which require the post holder to hold an Honorary NHS Contract
- Chaplaincy staff
- Counsellors
- Disability Advisers
- Occupational Health Staff
- Nursery Staff
- Wardens
- FASIC and Furbush staff
- Teaching and Research staff working with schools or FE
- Students undertaking course work that involves children or protected adults

## How to Determine Whether a Post Requires PVG Scheme Membership:

To require PVG scheme membership the individual must be doing 'regulated' work with children/and or protected adults. It is against the law to request PVG scheme membership if the role the individual will be employed in does not fall into the definition above. Advice should be sought from Human Resources, usually at the point of grading a job description, to determine whether the post holder's duties will require PVG.

**Regulated work** involves caring for, or supervising, individuals participating in any organised activity. There are two types of regulated work: regulated work with Children and regulated work with protected adults. The reason for having two types of regulated work, and two corresponding lists of individuals who are unsuitable to do such work, is to allow for the fact that unsuitability to work with one group does not always go hand in hand with unsuitability to work with the other.

- **'Children'** are all people under the age of 18
- **'Protected adults'** are individuals aged 16 or over who are provided with (and thus receive) a type of care, support or welfare service. It is a service based definition and avoids labelling adults on the basis of disability. A person will be a protected adult for the duration that they are receiving the service. Therefore some adults will be protected most of the time (e.g. residents within a care home) whereas others will only be protected for short periods (e.g. whilst receiving medical treatment at a hospital)

### ***"Normal" Duties & the Incidental Rule***

The work must also be part of an individual's "normal" duties and not be incidental. The concept of normal duties is extremely important in limiting the scope of regulated work.

- Normal duties can be considered as something the individual might be expected to do as part of their post on an ongoing basis, for example appearing in a job description. Normal duties exclude one-off occurrences and unforeseeable events. It should be noted that even activities performed once a year could still be considered 'normal' duties – they do not need to necessarily be frequently performed.
- If the contact with children or protected adults is incidental and not part of the person's normal duties, they do not require PVG scheme membership.

Critically, Higher Education establishments are considered to be educational establishments whose target audience is adults. Therefore it is considered incidental that a small number of students may be under 18 and that some students are 'protected adults' by dint of their own characteristics.

Consequently, it is not considered applicable for staff such as non-clinical Lecturers to require PVG scheme membership for working with children, as they are teaching a class aimed at adults, which incidentally may have a few under 18s present.

However, it may be part of someone's normal duties to specifically go into schools to deliver lectures to school children. In this case PVG scheme membership would be required as it would be part of the person's normal duties to specifically teach school children.

Clinical Staff require PVG scheme membership for both children and protected adults as it is part of their normal duties to care for patients (protected adults) and patients who are under 18 (children)

### **PVG Scheme Processes:**

- PVG applications are now online. The application is initiated by countersignatory in HR then the applicant will receive an email that invites them to complete their details. If there is no information to disclose on an applicant's PVG scheme record, the countersignatory receives an initial email notification. A hard copy disclosure certificate will still be issued to both the applicant and the University, but the email can improve efficiency.
- New members of staff who are already registered with the PVG scheme (through their previous employer) will be asked to complete a PVG update application which will register the University as their employer.
- If a current member of staff is transferring internally within the University and is already registered with the PVG scheme (for the required list, whether Children, Protected Adults or both lists), then they do not need to complete an update. The University will already be registered as their employer and will therefore be notified if there are any changes in the person's PVG scheme record.
- The University will notify Disclosure Scotland when a PVG scheme member is no longer an employee, or where their membership is no longer required, and will be removed as an interested party in relation to the individual

### **Further Information:**

The full University Policy on the Protection of Vulnerable groups scheme should be viewed at: <https://www.ed.ac.uk/human-resources/policies-guidance/a-to-z-of-policies-and-guidance>

Information on the PVG Application Process can be found at: <https://www.ed.ac.uk/human-resources/about/in-colleges/medicine-vet-medicine/nhs-honorary-cover/disclosure-risk-assess>

Further general information on the PVG Scheme can be found at: <https://www.mygov.scot/pvg-scheme>