

PVG and Disclosure Scotland

For June's Scotland Member Meeting, we teamed up with [Disclosure Scotland](#) to co-produce and co-host an interactive workshop discussing the [Protecting Vulnerable Groups \(PVG\) scheme](#). Following the meeting, we have produced a briefing summarising some of the topics discussed and tips taken away from the session.

Background on the PVG scheme

The **PVG scheme started in 2011** and hasn't changed since then. Currently, the scheme is optional and there is no requirement for an employer to participate. However, **there are changes coming up which will make the PVG scheme mandatory**. It will also aim to make it simpler and easier to understand. There are two types of PVGs, one for working with children and one for working with protected adults.

Who count as protected adults?

Aged 16 or over, and in receipt of certain prescribed services, including:

- **Registered care service:** Regulated by the Care Inspectorate
- **Health service:** Secured or provided by a health body
- **Community care service:** Social work or mental health services provided or secured by a council
- **Welfare service:** Must involve providing support, assistance, advice or guidance to individuals with 'particular needs'.

What are 'particular needs'?

'A particular need is a specific requirement an individual may have arising from either physical or mental ill-health, or physical or mental disability which may disadvantage that person when compared to the rest of society.' For example, those suffering from physical or mental ill-health, have prolonged impairment completing ordinary tasks, or with drug/alcohol problems.

How does the PVG scheme work?

When an individual has a PVG check completed, **the organisation who arranged for it will be sent a certificate and will be linked to the volunteer/staff member**. This means if there are further minor offences they will be notified. If the individual then starts working/volunteering with another organisation, **the new organisation will need to arrange for another PVG check** to ensure they are also notified of any new offences.

It may be worth noting that *Disclosure Scotland* would only alert employers about some minor offences, and **driving offences often aren't included**.

Types of Disclosure

There are 4 types of disclosure checks that can be requested by an employer, these are: **Basic Disclosures; Standard Disclosures; Enhanced Disclosures and PVG.**

In the majority of roles, the only two types of checks that will be relevant **are Basic Disclosures and PVGs**. In most jobs, employers are only entitled to ask for a basic check to be carried out. This is partially due to **the Rehabilitation of Offenders act, as employers are only permitted to see unspent convictions.**

When are PVG checks required?

Only where an individual operating part of a **targeted service** where they are working with children or protected adults would a PVG check be required. There is an emphasis on the need for this **service to be targeted, rather than incidental.**

For example, a bus driver working for a private company driving a registered bus route which drives past a school regularly has to collect and drop off school pupils at one of the standard bus stops they pass.

Even though the bus driver is regularly the only adult onboard the bus with the school kids, **the driver wouldn't be required to have a PVG check**. This is because it is just **incidental that the bus driver happens to be on a route that picks up school kids**, it is not a school bus service.

If this had been a school bus service which was organised with the specific purpose of collecting and dropping off pupils, a PVG check may apply.

How is PVG Eligibility determined?

Step 1: Is it work?

Is the individual in question **completing work as part of a service?**

This can be either through **employment or voluntary work**, both are relevant and can be considered for PVG.

Step 2: Who are they working with?

If a PVG check is going to be requested, there needs to be a reasonable expectation that they will be working closely with protected adults.

We run a CT scheme that offers various types of services, including transporting protected adults. **Rather than having PVG checks completed on all of our drivers, could we select a few and have them only do these journeys** where a PVG certificate would be necessary?

- Yes, this would be a sensible approach. **If a PVG check is going to be requested, there needs to be a reasonable expectation that the individual will be working closely with**

Step 3: What are they doing?

‘Being in sole charge of protected adults’

What do we do if we get it wrong? If we realise down the line our volunteers should’ve had PVG checks?

- The PVG scheme is not currently mandatory, although it will be soon. **The PVG check is there to protect those who are identified as needing additional protection, not to catch organisations out.** Its not too late to check what levels of disclosure your volunteers require.

Step 4: Does the duty they are carrying out that you think they may require a PVG check form part of their normal duties?

There needs to be a reasonable expectation that it is **part of their normal role, not just incidental.**

Normal duties don’t need to be everyday/week/month. If the individual works for an organisation running events for kids during the summer, they may only come into contact with the children for a few months out of the year, **but they would still be eligible for a PVG check as this is a normal part of their role.**

Step 5: Do exceptions apply?

Yes – those in **positions of trust or supervisors/line managers of those in the PVG scheme are also eligible to be checked on the PVG scheme.** However, they can only be **one step above the individual who is also PVG checked.** Charity trustees are also eligible.

Further information

To learn more, or apply, please visit www.mygov.scot/organisations/disclosure-scotland.

If we can be of any further assistance, please email scotland@ctauk.org.