

*bOunceT: Innovative Occupational  
Therapy Service CIC; referred to  
as the "Company"*



## **Protection of Vulnerable Groups (PVG) Scheme Policy**

### **1. Policy Statement**

The Company is committed to providing a safe and protected environment for its staff/ volunteers and individuals with disabilities/ families + carers at all times.

We comply fully with the relevant legislation and statutory guidance, to ensure that, where relevant, applicants and employees are members of the Protection of Vulnerable Groups Scheme (the PVG Scheme) which has been introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act).

We are committed to equality of opportunity for all and to providing an environment that is free from unfair and unlawful discrimination.

### **2. Scope and Purpose**

Staff who carry out 'regulated work' with children and/or 'regulated work' with a 'protected adult' under the 2007 Act are required to be members of the PVG Scheme. This is to ensure that they are not barred from carrying out work with children and/or 'protected adults'.

### **3. Principles**

- We will carry out checks only where they are necessary and required under the law
- Processes will be workable, proportionate and consistent
- Information will be processed and handled sensitively and confidentially and in full compliance of Data Protection legislation
- We will adhere to the [Code of Practice](#) as issued by Scottish Ministers under Part V of the Police Act 1997
- Having a criminal record will not necessarily prevent employment with the University. This will depend upon the nature of the position, together with the circumstances and background of the offences

### **4. Protection of Vulnerable Groups (Scotland) Act 2007**

This legislation came into force on 28 February 2011. The 2007 Act brought the protection of children and protected adults into one vetting and barring 'PVG Scheme' administered by Disclosure Scotland.

Two lists of individuals who are unsuitable to work with (i) children and (ii) protected adults have been established and individuals listed on either or both lists are barred from undertaking the work from which they are barred. It is an offence for an employer to employ such individuals in regulated work or for the individual to seek such employment.

## 5. Definition of Children and Protected adults

- A child is defined as an individual under 18 years
- A 'protected adult' is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service. Protected adult is a service based definition and avoids labelling adults on the basis of their having a specific condition or disability

There are four categories of services, receipt of any one of which makes an individual a 'protected adult':

- Registered care services
- Health services
- Community Care services
- Welfare Services

It is possible for a 16 and a 17 year old to be both a child and a protected adult.

## 6. Regulated Work

There are two types of regulated work (paid or unpaid):

- regulated work with children
- regulated work with adults

It is not possible to provide a definitive list of roles, positions or types of employment that constitute regulated work, not least because the nature of individual job descriptions work changes. The PVG Act defines 'regulated work' by reference to: the activities that a person does; the establishments in which a person works; the position that they hold; or the people for whom they have day to day management responsibility.

The reason for having two types of 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 necessarily mean, unsuitability to work with the other.

## 7. How to assess whether work is regulated?

There are five steps to assessing whether an individual is doing regulated work. This involves the consideration of:

- Who are they working with?
- What are their duties?
- Are any of those duties an 'activity' under the 2007 Act?
- If so is the 'activity' part of their normal duties?
- If so, are there any 'incidental' exceptions which might apply?

Disclosure Scotland has set up a useful [assessment tool](#) using these five steps which guides you in detail through each step.

## 8. Regulated work at the bOunceT – the “Company”

Broadly speaking the following posts constitute regulated work and the individuals performing them will need to be PVG Scheme members:

- Executive Director (Callum MacKinnon)
- Therapy Assistants (Paid / Volunteer)

Requiring an employee to be a PVG Scheme member is sensitive in nature, open to challenge and should be justifiable. Therefore it should be clear from the job description what the expected duties are, the likely frequency with which they occur and if they constitute ‘regulated work, under the 2007 Act.

It is an offence to require an individual to apply for PVG Scheme membership when they are not carrying out ‘regulated work’ under the 2007 Act.

## 9. The PVG Scheme – Scheme Records and Scheme Updates

The Company will ask individuals to whom we are offering ‘regulated work’ with children and/or protected adults for the first time to become PVG Scheme members.

A Scheme Record will be issued to the Company and the individual and contains all the relevant vetting information. Once someone is a Scheme member they carry their membership with them from employer to employer, making it a portable asset.

For individuals who come to us with a Scheme Record and who are already members, we need only carry out a Scheme 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 that information. It may be that in such cases we would wish to ask for another Scheme Record to be able to fully assess suitability for work.

Some individuals, particularly those self employed, may join the Scheme as individuals in anticipation of doing regulated work. In such cases they will be issued with a Scheme membership. It does not contain vetting information and we will need to request a Scheme Record in such cases.

If an individual is barred they and the Company will be advised by letter that the individual is barred from doing the type of work applied for.

## 10. Fees

The Company will initially pay for scheme membership and any updates required. It reserves the right to review its position in six months time once the Scheme has bedded in. There are two main fee charges:

- Scheme Record £59
- Scheme Update £18

For volunteer positions, there will be no cost to the individual or the Company. All applications will be directed onto Disclosure Services, Volunteer Scotland based in Stirling, Scotland.

## 11. Sharing Disclosure Records

There are a number of offences in relation to the sharing of records. The main ones to note are;

- It is an offence for anybody to share somebody else's records
- Lawful sharing is permitted where it is necessary to share the record with other employees within the organisation. This should only be for the purposes of enabling the employer to determine suitability for regulated work
- A PVG Scheme member may share their own record

## 12. Referrals by Organisations

The PVG Act places a duty on organisations to make a referral in certain circumstances. Broadly speaking, these are that: (a) an individual doing regulated work has done something to harm a child or protected adult and (b) the matter is so serious that the organisation has (or would) permanently remove the individual from regulated work.

Failure to refer an individual may mean that someone unsuitable for regulated work does not become barred and could go on and harm other vulnerable people.

The Lead Signatories will usually be responsible for making the referral – (Callum MacKinnon)

## 13. Other types of checks

For **non regulated** work three types of disclosure checks are available if necessary – basic, standard and enhanced.

## 14. Exploring the Relevance of Disclosure Information

### General

Where information indicates that an individual is barred from the regulated work applied for or where a check discloses other convictions or relevant information advice should be sought from the Executive Director.

Spent convictions should not be taken into account and current convictions only if they are relevant to the work to be undertaken (in line with the Rehabilitation of Offenders Act).

### Guidance at Pre-employment Stage

If a Disclosure check confirms a conviction or any other related information, the Countersignatory should make an initial assessment of whether the information provided has any potential relevance to the post. If there is clearly no potential relevance, the individual will be sent a letter confirming appointment.

If the check confirms a potentially relevant conviction or any other potentially relevant information, further exploration will be required and the Board of Directors and the Business Manager will meet with the individual. The aim is to achieve a structured, open and honest discussion between all parties.

The suitability for employment of a person with a criminal record or who has other relevant information revealed in their check will vary. It will depend upon the nature of the job and the details and circumstances of any convictions or other relevant information. The discussion should cover these matters, in order that the applicant's criminal record or other relevant information and circumstances can be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out.

It should be remembered that no two offences are exactly alike and should not be treated so. Whilst it is not possible to carry out a thorough risk assessment the following issues should be taken into account as a minimum:

- The seriousness of the offence or relevant information and its relevance to the safety of other employees, students, research subjects, the public etc.
- The length of time since this occurred
- Any relevant information offered by the applicant about the circumstances
- If there is a history or pattern of behaviour or offending
- The Country in which the offence was committed – some activities are an offence in some countries and not in others
- Whether the behaviour has since been decriminalised by Parliament
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change

Having considered all these matters carefully and thoroughly, a decision can then be taken as to what action is taken. If a decision is taken to withdraw the offer of employment this should be discussed with the lead signatory. The individual will be formally informed of the decision in writing.

## 15. Roles and Responsibilities

**Business + Service Manager (for paid or unpaid work) alongside Executive Director (and rest of the Board of Directors) are responsible for:**

- ensuring the necessary checks are undertaken for all new relevant appointees
- ensuring checks are carried on existing staff who are transferring into a post requiring a check
- helping to identify posts and job content that may constitute relevant work
- ensuring job descriptions fully reflect the content as relates to regulated work
- ensuring no regulated work is undertaken before PVG Scheme membership is obtained or an existing PVG Scheme membership is updated
- commencing checks at the application and interview stage and obtaining the necessary information to allow the full application to be processed
- to keep themselves up to date with policy and guidance under the 2007 Act, including the Disclosure Scotland [Code of Practice](#)
- ensuring that checks are carried out only when necessary.

We are committed to reviewing our policy, procedures and good practice annually.

This policy was last reviewed on **August 2018** and will be reviewed annually. Next review date: **August 2019**

Signed .....  
(CALLUM MACKINNON)  
Executive Director / Director with Significant Control