



## Protection of Vulnerable Groups (PVG) Scheme Policy

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Responsible officer	Head of HR and Organisational Development
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Further information (where relevant)	

Reviewer	Date	Review Action/Impact	BoM
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## 1.0 Policy Statement

West Highland College UHI (WHC UHI) is committed to providing a safe and protected environment for its staff and students at all times.

West Highland College UHI recognises and complies with the legal and statutory obligations that arise from legislation including the Protection of Children (Scotland) Act 2003, Adult Support and Protection (Scotland) Act 2007, Protection of Vulnerable Groups (Scotland) Act 2007, Children and Young People (Scotland) Act 2014 and other relevant guidance and regulations.

The Code of Practice (“the Code”) is published by Scottish Ministers under section 122 of Part V of The Police Act 1997 (“the 1997 Act”). The Code sets out obligations for registered bodies, counter signatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

## 2.0 Scope & Purpose

The PVG Scheme allows WHC UHI as a registered body to request and obtain assurance on whether there is any known reason why an individual is unsuitable to undertake regulated work with children or protected adults where applicable. In particular, the Scheme will inform the College of information relevant to the engagement of the applicant.

This document sets out the College’s policy in relation to its legislative duties related to the Protection of Vulnerable Groups (Scotland) Act 2007, the PVG Scheme application process, its use of PVG Scheme information to inform decisions, and its storage and period of retention of PVG Scheme information.

This policy is based on the following criteria:

- WHC UHI will carry out checks only where they are necessary and required by law.
- Information will be processed and handled sensitively and confidentially, ensuring full compliance of Data Protection Legislation.
- Where our staff and students interact with members of vulnerable groups, we fully comply with the law and uphold the standards expected in the education sector.
- Having a criminal record will not necessarily prevent employment at WHC UHI. This will depend on the nature of the position, together with the circumstances, timescales since the offence(s) committed and the nature of the offence(s).
- WHC UHI complies with the Code and the 1997 and 2007 Acts regarding the handling, holding, storage, destruction, and retention of disclosure information provided by Disclosure Scotland. We comply with the Data Protection Act 1998 [Data Protection Policy](#) (“the 1998 Act”). WHC UHI will provide a copy of this policy to anyone who requests to see it.

## 3.0 Background Information

The Protection of Vulnerable Groups (Scotland) Act 2007 came into effect on 28th February 2011. It created a membership scheme to replace the previous Disclosure Scotland checking system for individuals who work with children and/or protected adults. The legislation makes it an offence for an organisation to employ a person who is barred from working with children and/or protected adults and for individuals to put themselves forward for regulated work whilst barred.

The following definitions apply within the Act:

- **Protecting Vulnerable Groups (PVG) Scheme:** The Protecting Vulnerable Groups (PVG) Scheme helps make sure people whose behaviour makes them unsuitable to work with children and/or protected adults and cannot do 'regulated work' with these vulnerable groups.
  - **Disclosure Scotland:** An executive agency of the Scottish Government that provides disclosure services and the PVG membership scheme for employers and voluntary organisations.
  - **Regulated work:** There are two types of regulated work – work with children and work with protected adults. Regulated work is usually jobs including caring responsibilities, teaching, providing personal services and working directly with children and/or protected adults.
  - **Listed status:** Disclosure Scotland keeps a list of people unsuitable to do regulated work with children and a list of people unsuitable to work with protected adults. The lists are separate, although people can be on both lists. If Disclosure Scotland adds someone to one or both of these lists, it is known as being 'listed'.
  - **Children:** Any individual under the age of eighteen years old.
  - **Protected Adults:** An individual aged 16 or over who is provided with (and thus receives) a type of care, support, or welfare service.
- Criminal convictions:** If you have been found guilty of committing a crime this conviction may be disclosed as part of the PVG Scheme application.

The three categories of convictions that will be disclosed are: All unspent convictions; spent convictions for offences that are disclosed according to rules; and spent convictions for offences that must be disclosed. Further information is available on the [Disclosure Scotland website](#).

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 supervision or management responsibility.

## 4.0 The PVG Scheme

Individuals who work on a regular basis with children and/or protected adults will join the PVG Scheme and from then on, Disclosure Scotland update their membership records; employer(s) are notified if new information is received e.g. if they become under consideration for being included on the list of individuals who are barred from working with regulated groups.

There are two types of checks available:

### 4.1 Scheme Record:

A PVG Scheme Record check can be requested by an employer who is employing an individual to do regulated work when the individual is joining the PVG Scheme for the first time.

The Scheme Record certificate is a document containing impartial and confidential information held by the police and government departments which can be used by employers to make safer recruitment decisions ('vetting information'). It also includes:

- Confirmation that the individual is not barred from (or is under consideration for being

- barred from) regulated work with children and/or Protected Adults, as appropriate
- Spent and unspent convictions held on central records
- Certain non-conviction information which a Chief Constable may choose to disclose should s/he deem it to be relevant to the position sought
- A PVG Scheme member's paper certificate shows the information available on the day it was created. Membership of the scheme lasts forever though, and scheme members are continuously checked, unless they decide to leave the scheme.

## **4.2 Scheme Record Update:**

A PVG Scheme Record Update can be requested by an employer who is recruiting an existing PVG Scheme member for the first time. The purpose of the update is to enable employers to check that a potential employee is a PVG Scheme member and is not barred from working with vulnerable groups. This certificate will highlight the existence (but not full details) of any previous vetting information or new information, which has become available since the individual joined the Scheme.

WHC UHI will use disclosure information only for the purpose for which it was requested and provided. Disclosure information will not be used or disclosed in a manner incompatible with that purpose. We will not share disclosure information with a third party.

## **5.0 Recruitment**

The criteria for posts, which require the post-holder to undertake duties, which fall within the scope of the Act, will state that any offer of appointment will be conditional on confirmation of a satisfactory PVG Scheme record check. The offer of appointment will be made subject to such confirmation being received.

## **6.0 Handling**

In accordance with Section 124 of the Police Act 1997 and Sections 66 and 67 The Protection of Vulnerable Groups (Scotland) Act 2007, criminal conviction and disclosure information is only passed to those who are authorised to receive it in the course of their duties. The College maintains a record of all those to whom criminal conviction and disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it. The College will process and manage any personal data collected in accordance with its Data Protection Policy.

## **7.0 Access and Storage**

The College will only collect the information required to submit an application to Disclosure Scotland for the PVG Scheme, PVG Scheme Update or Criminal Record Check. This is the information required by the application form.

Explicit consent from the individual to collect this information is given when the individual signs the application form. The College will retain PVG Scheme Records for as long as is necessary.

The Director of Human Resources will be the College's main contact and will be responsible for the security and destruction of disclosed information for staff and students.

All documents are stored in a secured location either in the Human Resources Department.

Access is strictly controlled and limited to those personnel who are entitled to see it as part of their duties.

## 8.0 Retention

To comply with the 1998 Act, WHC UHI not keep disclosure information for longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any disputes or complaints. For the 2007 Act, this will be the date an individual ceases to do regulated work for this organisation. We will not retain any paper or electronic image of the disclosure information. WHC UHI, will however, record the date of issue, the individual's name, the disclosure type and the purpose for which it was requested, the unique reference number of the disclosure and details of our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

## 9.0 Disposal

WHC UHI will ensure that disclosure information is destroyed in a secure manner i.e. by disposing of certificates by shredding.

## 10.0 Responsibilities

The College's Board of Management - has ultimate responsibility for approving the policy and ensuring that the college complies with its statutory obligations in terms of meeting the requirements of the Prevention of Vulnerable Groups Scheme (PVG).

The Executive Leadership Team and College Management Group - is responsible for approving and leading the implementation of this policy.

All Managers and Team Leaders and recruiting managers - have a duty to ensure that this policy is implemented within their sphere of activities and responsibility.

The HR Manager – is responsible for developing and reviewing the policy and ensuring there are accompanying procedures and disseminating and communicating the new policy and procedures.

All Staff – Are responsible for the effective operation, implementation and compliance with this policy.

## 11.0 Legislative Framework

- Adults with Incapacity (Scotland) Act 2000
- Adult Support and Protection (Scotland) Act 2007
- Children and Young People (Scotland) Act 2014
- Data Protection Act 2018
- Equalities Act 2010
- General Data Protection Regulation (GDPR) 2018
- Protection of Children (Scotland) Act 2003
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- Protection of Vulnerable Groups (Scotland) Act 2007
- Rehabilitation of Offenders Act 1974
- Sexual Offences Act 2003
- Sexual Offences (Scotland) Act 2009

## **12.0 Supporting Policies**

- [Dignity at Work Policy](#)
- [Staff Grievance Policy](#)
- [Staff Discipline Policy](#)
- [Complaints Handling Procedure](#)
- [Recruitment Selection and Retention Policy](#)
- [Equality Diversity & Inclusivity Policy UHI](#)
- [Data Protection Policy](#)
- [Public Interest Disclosure Policy and Procedures](#)

## **13.0 Review**

This policy will be reviewed every 3 years, or sooner if necessary.