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The Protection of Vulnerable Groups Scheme (PVG Scheme)

This briefing paper is intended as a brief overview of the PVG Scheme and its operation. An electronic version of the full guidance document is available on request from Bill McKinlay, Horsescotland Lead Signatory at email kilblanekatz@btinternet.com.

Introduction

The PVG Scheme is established by the Protection of Vulnerable Groups (Scotland) Act 2007. The scheme is managed and delivered by Disclosure Scotland as an executive agency of the Scottish Government. PVG Scheme membership for volunteers will continue to be processed by the Central Registered Body in Scotland (CRBS).

The scheme is the Scottish Government's response to recommendation 19 of the Bichard Inquiry Report published in June 2004, following the murder of two schoolgirls in Soham in 2002. Recommendation 19 stated that "new arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered". The PVG Scheme provides those new arrangements.

The PVG Scheme does three things:

- It ensures that those who either have regular contact with vulnerable groups through the workplace, or who are otherwise in regulated work, do not have a history of inappropriate behaviour (through PVG Scheme membership).
- It excludes people who are known to be unsuitable, on the basis of past behaviour, from working with children and/or protected adults and detects those who become unsuitable while in regulated work (through the creation of lists of people barred from working with children and protected adults).
- It ends the use of Enhanced Disclosures for work with children and/or protected adults and replaces them with new types of PVG disclosure records.

Who should become a PVG Scheme member?

Membership of the PVG Scheme is not mandatory. The Scheme provides an organisation with a means of satisfying itself that an individual whom they intend to offer regulated work (which includes both paid and unpaid work) is not barred from

doing so. This is important as it is an offence under the Act for an organisation to offer work to a barred individual.

Membership of the PVG Scheme is open to people doing, seeking to do, or planning to do regulated work with children and/or protected adults.

There are two types of regulated work: regulated work with children and regulated work with adults. In the context of equestrianism only RDA volunteers (rider assistants and instructors) will do regulated work with both groups, all others will only do regulated work with children.

Individuals entering regulated work for the first time or moving to a new position involving regulated work should be asked to join the PVG Scheme. Individuals who are already in a position doing regulated work should expect, in time, to be asked to join the PVG Scheme. **For the first twelve months after the scheme goes live on 28 February 2011 those with an existing Enhanced Disclosure cannot join, their applications will probably be rejected by Disclosure Scotland.**

There is no lower limit for those who can join the scheme; however, organisations should give careful consideration as to the necessity of having those who are children themselves joining the scheme. In any case an applicant 14 years of age under must produce a letter from their parent or guardian giving their permission for scheme membership.

Regulated Work

The PVG Act defines a child as an individual under 18 years of age. 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 therefore a service based definition and avoids the labelling of adults on the basis of their having a specific condition or disability. RDA groups meet the criteria of providing a "Welfare Service".

Regulated Work with Children

This includes the following activities that may apply to the equestrian environment:

- Teaching, instructing, training or supervising children.
- Being in sole charge of children.
- Unsupervised contact with children under arrangements made by a responsible person.

Regulated Work with Adults

This includes the following activities that may apply to the equestrian environment:

- Caring for protected adults.
- Teaching, instructing, training or supervising protected adults.
- Being in sole charge of protected adults.

- Providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training.

Normal Duties

The concept of normal duties is extremely important in limiting the scope of regulated work. For an activity or work in an establishment to be regulated work, the carrying out of the activity or the work in the establishment must be part of individual's normal duties.

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.

No particular frequencies for undertaking the work or duration of work are specified in the Act as these depend on the context.

An activity or work is likely to be "normal duties" when:

- It appears on an individual's job description, task description or contract.
- It can be reasonably anticipated; or.
- It occurs regularly.

Scheme Record

The Scheme record is, in effect, the replacement for the Enhanced Disclosure and is designed to be used by an organisation when asking an individual doing regulated work for them to join the PVG Scheme for the first time.

The contents of the Scheme record are as follows:

- The types of regulated work in respect of which the individual is a scheme member; thereby confirming that they are not barred from this type of regulated work.
- If the individual is under consideration for listing for the type(s) of regulated work, states that fact.
- Details of convictions and cautions held on central records in the UK.
- Whether the individual is included on the Sex Offenders Register.
- Relevant non-conviction information provided by police forces.
- Prescribed civil orders.
- The name, address, date of birth and PVG Scheme membership number of the individual.
- The unique disclosure number of the Scheme Record.
- The name and address of the registered body and countersignatory details.

The Scheme Record is to be used in broadly the same way as an Enhanced Disclosure, but:

- Unlike an Enhanced Disclosure, a Scheme Record will not be issued if the individual is barred. Instead, a letter would be issued to the individual and the registered body.
- Unlike an Enhanced Disclosure, a Scheme Record is portable. That is, it relates to one or both workforces and is not specific to the post.
- The Scheme Record Update should be used for existing PVG Scheme members who already have a Scheme Record.

Scheme Record Update

The Scheme Record Update is a new type of disclosure. It is designed to be quicker and simpler to check for organisations recruiting Individuals who are already PVG Scheme members.

The Scheme Record Update is designed for use when asking an individual who is already a Scheme member, and who has already had a Scheme Record issued in the past, to do regulated work for them. The organisation must use be a registered body or use an umbrella such as CRBS.

The contents of the Scheme Record Update are as follows:

- The types of regulated work in respect of which the individual is a scheme member; thereby confirming that they are not barred from this type of regulated work.
- If the individual is under consideration for listing for the type(s) of regulated work, states that fact.
- The date the PVG Scheme member's Scheme Record was last disclosed (and the disclosure record number of the applicant's copy).
- A statement as to whether the Scheme Record contained any vetting information.
- Either a statement confirming that no vetting information has been added since the Scheme Record was last disclosed or the date of each addition: and.
- Either a statement confirming that no vetting information has been deleted since the Scheme Record was last disclosed or the date of each deletion.
- The name, address, date of birth and PVG Scheme membership number of the individual.
- The unique disclosure number of the Scheme Record.
- The name and address of the registered body and countersignatory details.

The Scheme Record Update does not include any vetting information. If an organisation wants to check an individual who is already a PVG Scheme member and who has already obtained a Scheme Record, they should apply for a Scheme Record Update. In the past over 90% of Enhanced Disclosures had no vetting

information on them at all. This means that the overwhelming majority of Scheme Record Updates will state that the individual's Scheme Record contained no vetting information and the organisation will not need to see the individual's Scheme Record.

Where a Scheme Record Update indicates that there is vetting information on the Scheme Record, the individual should be asked to provide their copy for inspection. The information on the Scheme Record Update will allow the organisation to confirm whether the Scheme Record shown is the most recent one issued. Where there is no new vetting information, this combination of the Scheme Record Update and the existing Scheme Record provides the sum total of the information available about the individual.

There will, however, be cases where a Scheme Record Update indicates that new vetting information has been added since the last Scheme Record. In these cases the organisation can lawfully recruit the individual on the basis of the information in the Scheme Record Update alone as this is sufficient to indicate that the individual is not barred. However, if the organisation wishes to know what the new vetting information is, they should upgrade to a Scheme Record.

The upgrade to a Scheme Record requires the consent of the individual. But an organisation asking an individual to do regulated work has the right to ask about additional vetting information. The organisation could consider terminating any regulated work that individual did for it if such consent was withheld without good reason.

Fees

Membership of the PVG Scheme is free for volunteers. For those in paid employment in regulated work the fee for membership and/or issue of a Scheme Record is £59. A Scheme Record Update is free for volunteers and £18 for those in paid employment in regulated work.

Administration fees remain unchanged at £2 for Horsescotland Individual Members and £3 for all others, per application (this applies to both Scheme Record and Scheme Record Update applications).

Further advice can be obtained from Bill McKinlay, Horsescotland Lead Signatory, at email kilblanekatz@btinternet.com or telephone numbers 07884 438150 (m) 01475 540500 (h) before 8pm in the evening.

