



The Protection of Vulnerable Groups (Scotland) Act 2007 Newsletter 2 16 December 2010

Introduction

This is the second of a series of newsletters to keep you up-to-date with changes in the process of recruiting volunteers and paid staff in the Church of Scotland. The Scottish Government had intended to implement the Protection of Vulnerable Groups (Scotland) Act 2007, on 30 November 2010. This has now been postponed until February 2011 (the exact date is not known at the time of writing).

The PVG Scheme, as mentioned in the last newsletter, will require all Church of Scotland paid staff and volunteers who have contact with children and protected adults to join the PVG Scheme. In particular, those providing pastoral care type activities with adults will now need to be checked. Details about how we work out who needs to be checked for this work can be found later in this Newsletter.

Disclosure Scotland checks: what you need to continue to do

- Please continue to disclosure check applicants to work with children using the current Disclosure Scotland application forms. In short there is no change to the procedure until we tell you.
- The cut-off date for sending Disclosure Scotland applications to the Church of Scotland Safeguarding Service for processing is likely to be 14 days before the new Scheme starts. Since we do not know the exact start date of the scheme we will let you know if this is going to be mid-January or mid-February 2011.
- Since November 2010 there has been a rolling programme of training for Safeguarding Co-ordinators, Safeguarding Trainers, Ministers etc. in each presbytery. Details about these events are on the Safeguarding Service's web pages of the Church's website.
- If you have further questions which are not covered by the above training and the two Newsletters, please contact Kerry-Ann Hay, Advisory Assistant – Safeguarding, for advice. Details about how to contact Kerry and the Safeguarding Service can be found at the end of this Newsletter.

Regulated Work with Children and Adults

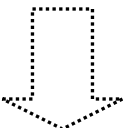
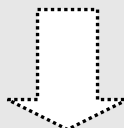
As highlighted in Newsletter 1, previously the Church only disclosure checked those working in 'church activities' with children. Under the new PVG Scheme that work is now called 'regulated work with children'. In addition, there is now regulated work with some adults that the legislations calls 'protected adults'. Protected adults are likely to be receiving a pastoral care type service from the Church. Or they may be receiving a social care type service from a charity affiliated to a congregation, such as those funded by the Parish Development Fund. Examples are provided in Table 2.

The complication is that not all congregations will have pastoral care services that look, or are set up, the same. So that is why this section provides you with a guide to determining what we mean by pastoral care and regulated work with adults.

So how do we work out who needs to be checked, and hence join the PVG Scheme and who does not? The key is to determine who is doing regulated work with children or regulated work with adults. In each case there are **three questions to answer** as shown in the table 1 and table 3.

Three questions to ask to see if a post is Regulated Work with Adults.

Table 1: regulated work with adults

Question 1	Question 2	Question 3
<p>Is it work of any kind, paid or as a volunteer?</p> <p>YES / NO</p> <p>If NO, stop here because it will not be regulated work.</p>	<p>Are they working with a protected adult and providing a welfare service?</p> <p>You need to tick NO to question 2.1 and YES to questions 2.2 to 2.5 for the person to be a protected adult.</p> 	<p>Are any of the following tasks part of the normal duties of the person providing the service?</p> <p>You must be able to tick YES to at least one of the following.</p> 
<p>9An example of an activity that is not work is a person visiting a friend in a residential care home. This is done in a personal capacity. But it would be work if they were a</p>	<p>2.1 Can anyone in the congregation receive this service, assistance, support or help?</p> <p>YES / NO</p> <p>If Yes stop here: it is not regulated with adults.</p>	<p>3.1 Will the person be in sole charge or have unsupervised contact with the person receiving the service e.g. being with the person when no one else is present?</p> <p>YES / NO</p>
	<p>2.2 Does the person receiving the service have particular needs over and above those of the general population? e.g. need help with personal care or meal preparation, are housebound or depend on others for transport etc.?</p> <p>YES / NO</p>	<p>3.2 Providing teaching or instruction or training?</p> <p>YES / NO</p>

member of a pastoral care group doing this visit on behalf of the Church.)	2.3 Is the person receiving the service 16 years or over? YES / NO	
	2.4 Is the service provided in the name of the Church of Scotland? YES / NO	
	2.5 Is the service provided regularly and in a planned way? YES / NO	

Notes:

- In the above table ‘service’ means the provision of practical or emotional support or advice and guidance with spiritual matters. There is an overlap for 16-18 year olds who may be classed as either children or protected adults. But it is usually obvious how this should be classified by the nature of the service provided.
- **If the answer to question 2.1 is ‘yes’** then the activity, which is available for anyone in the congregation, means that the person receiving it is not a protected adult. The paid member of staff or volunteer providing the service does **not** need to join the PVG Scheme.
- In addition to the above tables a flowchart is available. It provides an alternative version of working through what we mean by regulated work with children and adults. If you’d like a copy please contact the Safeguarding Service.

Examples of Church posts and activities that will/will not require PVG Scheme membership, December 2010

Table 2: examples of regulated work with adults in the Church

Church Activity	PVG Scheme membership required?	Explanation
Church of Scotland Elder (visiting people in their own geographical area).	No	Because this is a general service for all members of the Church and is not targeted at people with particular needs e.g. an elder will visit all members of the congregation in his/her area and not just, for example, older people who are housebound. Elders will also visit people with particular needs in their patch but this is incidental to their main role of providing contact with all members of the congregation. Some


Church Activity	PVG Scheme membership required?	Explanation
		congregations 'transfer' older people, or those that are housebound, to the congregation's pastoral visiting group so that those who do the visits will need to be PVG Scheme members.
Pastoral Care Visiting Group	Yes	<p>These are visits providing what the Protection of Vulnerable Groups (Scotland) Act 2007 calls a 'welfare service' (meeting emotional, social and spiritual needs), targeted at people with particular needs i.e. housebound, older people and people affected by disability who are not able to attend Church premises.</p> <p>The support is regularly delivered on behalf of the Church and training is likely to be provided for the pastoral carers. There may be a description of the duties involved and ideally post holders will have been interviewed and references taken up.</p>
Lunch club for people affected by dementia	Yes	The lunch club has been set up to meet the needs of members of the congregation with this particular need i.e. affected by dementia. The group is targeted at this particular group of people.
Lunch club or social club for people over 65 years of age.	No	This is a general service provided for all older people in the Church. Consequently if some older people affected by dementia or disability attend this is incidental to the main aim which is to provide a service for all. In contrast see the example, above, about a lunch group for people affected by dementia.
A member of the congregation visiting a friend in a care or nursing home.	No	The individual will be visiting a friend in a personal capacity . They will not be representing the organisation, i.e. the Church, when they are doing this and are not part of a formally organised group such as a pastoral care visiting group.
Hospital Visiting Scheme (Church members visiting members of the congregation who are in hospital).	No	If the Hospital Visiting Scheme is a general one for any member of the congregation who is in hospital then PVG Scheme membership is not required.
Church Scheme to maintain gardens for people who are affected by disability or old age.	Yes or No	Scheme membership required only if this is a service targeted only at people affected by disability and frailty who are not able to maintain their own properties. If it is a general 'keeping gardens tidy' scheme then PVG Scheme membership would not be required.
Transport Group to take people to and from Church services and	Yes	If this service is targeted at people with particular needs () then scheme membership is required. In this example particular needs could mean mobility problems as a result

Church Activity	PVG Scheme membership required?	Explanation
activities.		<p>of disability or ageing who are unable to use public transport or drive).</p> <p>If the transport provision is for any member of the congregation, if and when they need it, then scheme membership is not required.</p>
Bereavement Visiting Group (for any recently bereaved members of the congregation).	No	This is likely to be a service that is open to all members of the congregation and is not just to a small part of it such as people affected by disability or frailty.
Church group providing meals and clothing for homeless people on church premises	Yes	Homeless people are people with what the Protection of Vulnerable Groups (Scotland) Act 2007 calls particular needs i.e. needs over and above those of the general population. The service is likely to be organised, formal, and regular. And maybe it would be part of the person's normal duties to supervise the homeless people using the service too.
Other activities: drop in cafes, support groups for people affected by addictions, telephone counselling service staffed by Church volunteers, grass cutting/gardening group etc	Yes or No	<p>To determine whether PVG Scheme membership is required it would be necessary, as above, to look at who the service is being provided for, what the person will do, and how it is organised. Use the check lists in the Tables 1 and 3, above.</p> <p>Contact the Church of Scotland Safeguarding Service for advice or assistance if you need help to work out if your particular Church activity falls within the scope of the Scheme.</p>

Three questions to ask to see if a post is Regulated Work with Children.

A person requires to be checked and become a member of the Protection of Vulnerable Groups Scheme if the answer is YES to each of the following three questions.

Table 3: regulated work with children

Question 1	Question 2	Question 3
<p>Is it work of any kind, paid or as a volunteer?</p> <p>YES / NO</p> <p>(If no, stop here because it will not be regulated work.)</p>	<p>Are they working with a child under the age of 18 years?</p> <p>YES / NO</p>	<p>Are any of the following tasks part of the normal duties of the person providing the service?</p> <p>You must be able to tick YES to at least one of the following.</p> 
		<p>3.1 Will the person be in sole charge or have unsupervised contact with the person receiving the service e.g. being with the person when no one else is present?</p> <p>YES / NO</p>
		<p>3.2 Providing teaching or instruction or training?</p> <p>YES / NO</p>

Answers to some Frequently Asked Questions

- **Who needs to join the PVG Scheme in the first year?:** only people starting voluntary or paid work in the Church for the first time or existing staff being appointed to new posts. So if a person is already working with children then they will only need to move on the PVG Scheme in the second year (February 2012–2013).
- **The role of Safeguarding Co-ordinators** in the PVG Scheme: Safeguarding Coordinators will still need to verify the applicant's identity i.e. check photographic evidence of identity and confirm home address. There will be no change to their role.
- **Safeguarding Co-ordinators:** a number of people have contacted us to say that they haven't received these newsletters or are no longer in post as Safeguarding Co-ordinators e.g. they have retired. *If your email address, phone number or home address has changed, please remember to let the Safeguarding Service know so that we can update our records. Our contact details are at the end of this newsletter.*

- **Will the 15 posts, previously called Children's Worker positions within the Church of Scotland, in Unit 3, Section 2 of the Handbook for Child Protection in the Church of Scotland, 2005 all still need to join the Scheme?** This list includes church officers, bell ringer leaders, organists, choir leaders and musical directors. Some of these posts, or positions, in the Church, may not fit neatly as regulated work with children or adults but they are still positions of trust and responsibility. This is why they are included on the original list of 15 posts detailed above. This decision was made by the General Assembly.

The Church of Scotland Safeguarding Committee is currently reviewing whether or not a few of these 15 positions will come within the scope of the PVG Scheme. Obviously Boys' Brigade Officers, Girls' Brigade Officers, youth group helpers, crèche helpers, Sunday School helpers, children's ministry leaders and helpers, Safeguarding Co-ordinators and Safeguarding Panel members and paid youth/children's workers will need to join the PVG Scheme. This is because they will be doing regulated work with children as described earlier.

- **16-18 year olds overlap: is it regulated work with children or regulated work with adults?** The Protection of Vulnerable Groups (Scotland) Act 2007 defines children and protected adults in a way that there is a deliberate overlap. Consequently some people, working as paid staff or volunteers, with 16-18 year olds may need to join the Scheme and have membership for working with children and protected adults. We can provide further help with this if it is a particular concern for all of your church activities or services.
- **Guidance for Safeguarding Co-ordinators about filling in the PVG Scheme application form:** written guidance will be available from the Safeguarding Service in January 2011. This will supplement the guidance produced by CRBS. We will send out the new forms and this guidance when we receive them from Disclosure Scotland.

The new application form is very similar to the Disclosure Scotland application form – there are a couple of new pieces of information required. For example, we will now have to specify exactly what position or post the person is applying for. We will have a list of descriptions of posts that you can choose from when helping the applicant to fill the form in.

- **Some time after March 2011 some people who have very recently become PVG Scheme members through another organisation will apply to be a volunteer or paid staff for the Church of Scotland.** These applicants will complete a shorter application form called 'Existing PVG Scheme Member Application' which will be available from the Safeguarding Coordinator. These applicants, and the Safeguarding Service, will receive a PVG Scheme Record Update certificate.

If this certificate shows that there is any vetting information (convictions or non conviction information) then the Safeguarding Service will request a full PVG Scheme Record so that full information is available to assess the person's suitability for employment. Further details will follow about this.

- **New paid and volunteer workers:** please remember that from February 2011 – February 2012 only new people wanting to start volunteer or paid work with the church will need to join the Scheme. So for example, *existing* members of your pastoral care team will not need to join the scheme in the first year. But from years

two to four these people will need to join. Further guidance will be provided in due course. This will ensure that the workload will be staggered.

- **What are other churches doing?** For some other denominations some of the changes may be a little less significant e.g. the Catholic Church and the Scottish Episcopal Church already carry out Disclosure Scotland checks, under the current system, for all volunteers providing pastoral care.



- **Tip:** you may think that all these procedures for identifying regulated work with children and adults looks far too complicated. Is there not a quicker way to work it out? There is still scope for using common sense and good judgement: if it looks like pastoral care with 'vulnerable' adults then it probably is! Likewise if a person has unsupervised access to children, as part of their normal duties, through an activity organised by the Church then it is very likely to be regulated work with children. The training, advice from the Safeguarding Service and these Newsletters are there to assist your decision making.

The number one priority is to protect children and more 'vulnerable' adults in our congregations. And to do this in a sensible and proportional way. This means that we don't need to check everyone – just the right people doing certain types of work.

Who to contact for more information

Please contact Kerry-Ann Hay, Advisory Assistant – Safeguarding, Church of Scotland Safeguarding Service, by email, the website or telephone:

The service is available 9am–4.45pm, Monday to Friday. You can leave a message on the answering machine outwith these times.

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16 December 2010