



The Protection of Vulnerable Groups (Scotland) Act 2007 Newsletter 1 1 October 2010

Introduction

This is the first 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. On 30 November 2010 The Scottish Government will implement the Protection of Vulnerable Groups (Scotland) Act 2007. This Act will introduce the Protecting Vulnerable Groups Scheme. The short name for this is the **PVG Scheme**. The PVG Scheme replaces the existing Enhanced Disclosure Checks that the Church has been carrying out, since 2005, for people who work with children.

The PVG Scheme will start on 30 November 2010. There are still quite a few questions that need to be addressed for the Church about how we put the changes into practice. Disclosure Scotland (an agency of the Scottish Government) will be releasing the new application forms, the guidance for completing them and a Code of Practice later in October. We will send the new application forms, and guidance about completing them, to Safeguarding Coordinators as soon as they are available.

It is natural to be a little apprehensive about change and to wonder how this is going to affect you and is it going to create more work for you too. These newsletters, and a programme of Church of Scotland Safeguarding Service training about the PVG Scheme, will assist with most questions.

Harm or abuse is rare – but it does happen even in Christian communities and services. The key point to keep in mind is that the PVG Scheme will increase protection for vulnerable groups in society – this could mean members of your congregation, your mother, father, or relative or friend, and maybe, at some stage in your life, you too!

What is the PVG Scheme?

The PVG Scheme is The Scottish Government's response to the Bichard Inquiry Report in 2004 following the murders of two young girls in Soham. The PVG Scheme will help employers to better identify those who are unsuitable to work with vulnerable people. It is a Scheme that people doing **regulated work** with children and/or **protected adults** will have to join. It applies to Scotland only. There is a similar scheme (which is currently under Government review) in England and Wales.

Key points about the implementation of the Protection of Vulnerable Groups (Scotland) Act 2007

- The Church of Scotland views the introduction of the PVG Scheme as a positive development.
- It extends the same measure of protection to protected adults as already existed for children.
- It is not a radical change – it is an improvement of the existing Disclosure checks system to reduce bureaucracy and improve protection from harm.
- The application forms to join the PVG Scheme are nearly identical to those for the existing disclosure process.
- The role of the Safeguarding Co-ordinator remains the same: to act as a *verifier* confirming the applicant's identity.
- Only new Church of Scotland volunteers or paid staff will need to join the Scheme between 30 November 2010 and 30 November 2011. Others will transfer to the new PVG Scheme between November 2011 and November 2014.
- The need for multiple disclosure checks for volunteers and paid staff working for different organisations will end. But there will still be a small amount of form filling required – details will follow.
- If someone becomes unsuitable to work with children or protected adults, the employer will be automatically notified. This didn't happen under the old Disclosure checks system.
- Some paid staff and volunteers working with protected adults will need to join the PVG Scheme. This is new. Full details will be available later.
- What the PVG Scheme will *not* do: (1) all Elders will *not* have to join the PVG Scheme and (2) it will *not* interfere with private relationships and arrangements between members of congregations. For example visiting a personal friend in a residential care home is *not* the same as being a member of a pastoral care group where you may have been recruited, trained and formally represent the Church in providing a welfare service.
- The PVG Scheme offers better protection for vulnerable children and some adults who may be vulnerable. It does it in a way that does not interfere with people's rights. A common sense approach will be used – the Scottish Government calls this a proportionate approach. Consequently some volunteers working with children who are currently Disclosure Scotland checked may not need to be checked under the new PVG Scheme e.g. standing in at short notice, and on a one-off basis, to help with a children's club where the volunteer will be *supervised at all times by a member of the PVG Scheme*.
- The PVG Scheme is *only part of a safe recruitment process*: we still need to ensure that every post has a job description, interviews are carried out, references followed up and ideally paid staff and volunteers are supervised. Supervision means that the standard of the person's work is monitored by the person that they are responsible to or line managed by.

- The Safeguarding Service will provide help and guidance at every stage of introducing the PVG Scheme. We recognise the vital role that Safeguarding Coordinators play in ensuring that the Church's safeguarding system works so well.

The following addresses some common questions about the PVG Scheme and how The Church of Scotland will be implementing this legislation. The key to this will be deciding what activities carried out by paid staff and volunteers are regulated work.

Who is a child in the PVG Scheme?

A child is a person under the age of 18.

Who is a protected adult in the PVG Scheme?

A protected adult is a person over 16 years of age, who because they receive a certain type of service, become protected. These services are likely to be provided for people affected by disability, frailty or aging who have particular needs over and above those of the general population.

It is likely that some welfare services provided by the Church, such as pastoral care, will make the person receiving them a protected adult. But they are only a protected adult for the time when they receive the service. We will tell you more about what that type of service is when the Church identifies which paid and volunteer staff fall within the PVG Scheme

What is regulated work?

This is work done by paid staff or volunteers which is defined in the Protection of Vulnerable Groups (Scotland) Act 2007. To find out if work is regulated work we will have to look at what the person does and who they are working with. This is relatively straightforward for regulated work with children. But for protected adults we will have to be sure that the work is a 'welfare service' and is provided for people with 'particular needs'.

You do not have to worry about making this decision. The Church of Scotland Safeguarding Service will provide full guidance about this in the coming months.

Who in the Church needs to join the PVG Scheme?

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 adults as discussed above.

Some paid staff and volunteers in the Church will be working with children and protected adults and will need to apply for a PVG Scheme membership for both groups.

What does joining the PVG Scheme mean?

Instead of applying for an Enhanced Disclosure Scotland check it means filling in a very similar form to apply for a PVG Scheme membership. The applicant will be given a **PVG Scheme Record** instead of the old Enhanced Disclosure Scotland certificate. See page 7 for a sample of what the form will look like. The PVG Scheme Record will still look like a paper certificate. It will confirm that the person is a member of the PVG Scheme and will list vetting information. Vetting information means details about convictions, cautions or other relevant information.

When will applications for current Disclosures end and the new PVG Scheme start?

- Applications for Enhanced Disclosure checks will NOT be accepted by CRBS after 30 November 2010.
- After 30 November 2010 The Church of Scotland Safeguarding Service will not accept applications on the old Enhanced Disclosure Scotland application forms – the new PVG Scheme application forms must be used.
- *Only* if a current Enhanced Disclosure check is urgently required, then the current application form needs to be returned to this office by the cut-off date, **Monday 15 November 2010**, to be sent to CRBS. Otherwise wait until after 30 November 2010 and the applicant can join the PVG Scheme.

There are many volunteers in my congregation – when do they need to join the PVG Scheme?

The PVG Scheme will be gradually introduced.

From 30 November 2010 to 30 November 2011 **only new applicants to become volunteers or paid members of staff** in the Church will need to join the Scheme.

But there is an exception for **re-checking**. Some organisations, such as the Boys' Brigade, Girls Brigade and CrossReach services, have three-yearly cycles of re-checking. These will be likely to continue under the new PVG Scheme. Volunteers and paid staff due for re-checking after 30 November 2010 can be re-checked on their due date and join the PVG Scheme.

Then from November 2011 to November 2014 all of your existing volunteers who have been Disclosure Scotland checked will need to gradually join the Scheme. This may be a considerable number – we will provide assistance with how this will be done to minimise the work for you and your congregation.

Sometime after 30 November 2010 what if a person already has a PVG Scheme Record and wants to start being a volunteer with The Church of Scotland for the first time?

This is where the system of lengthy repeated checks comes to an end. But some paperwork will still be needed. The applicant will need to complete a much shorter application form and apply for a **PVG Scheme Record Update**. This certificate will confirm whether a person has any changes to their last PVG Scheme Record. If not, then it should be a straightforward matter for that person to start as a new volunteer or new paid member of staff.

So a check of some type will still be needed. But this application form is shorter and the Scottish Government say that at a later date the Safeguarding Service will be able to make this check faster and on-line.

Further information will be provided about how a person can apply for a PVG Scheme Record and PVG Scheme Record Update.

If a person wanting to join the PVG Scheme for the first time has convictions is this going to be a problem?

As under the old Disclosure Scotland Scheme convictions are not an automatic bar to working with children or protected adults. But it does depend on the type of conviction, when it happened, whether there is a pattern of offending, the sentence, and what has changed in the person's life since the offence(s).

The Church of Scotland Safeguarding Service has a group of people that meet to consider applicants who have convictions. This is called the Disclosure Group. It makes decisions about whether this person is suitable to work with children or protected adults.

How much is this going to cost the applicant?

There is no charge to the person if they are a volunteer.

What are the PVG Scheme Lists?

The Protection of Vulnerable Groups (Scotland) Act will set up two lists of those unsuitable to do regulated work with vulnerable groups: one for children and one for protected adults. If a person's name is included on either of these lists that person is barred from doing regulated work (paid or voluntary) with children or protected adults. A person can be barred from one type of regulated work and not the other, or from both.

People become listed i.e. barred, when successfully referred to The Scottish Government by the courts or a professional organisation. Certain convictions lead to automatic listing e.g. rape and murder where the act was committed against a child or protected adult.

It will be an offence to employ, as a volunteer or paid member of staff, a person who is listed.

What help will be available for Safeguarding Coordinators who will be coordinating applications to join the PVG Scheme?

- Written guidance about applying to join the PVG Scheme will be available shortly.
- Training will be available for Safeguarding Co-ordinators. Details will be made available soon.
- You can contact the Safeguarding Service for advice and practical support.
- Up-to-date information about how we are implementing the Scheme will be available on The Church of Scotland website.

Who to contact for more information

Please contact the 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.

The Church of Scotland Safeguarding Service

The Church of Scotland
121 George Street
Edinburgh
EH2 4YN

t: **0131 240 2256**

e: Churchofscotland.org.uk

w: safeguarding@cofscotland.org.uk (Look under Safeguarding Office, News and Events).

We are expecting a high volume of calls and emails about the PVG Scheme. We will always answer your questions but we will not always be able to give an immediate response as you will appreciate.

As soon as we have more up-to-date information about how The Scottish Government and the Church will be implementing the new PVG Scheme we will send you the next Church of Scotland Safeguarding Service PVG Scheme Newsletter. We will let you know when there is more information about the implementation of similar legislation (Safeguarding Vulnerable Groups Act, 2006) in England and Wales.

A large print or audio version of this newsletter is also available – please let us know what format suits your needs.

Thank you for your ongoing commitment to safeguarding in the Church. The Church of Scotland Safeguarding Committee appreciates the valuable work that you do.

Richard Crosse
Head of Safeguarding
Church of Scotland, 1 October 2010

Example of PVG Scheme Record (this is side one of the form which will replace the Enhanced Disclosure certificate)

REGULATORY BODY DUPLICATE

Disclosure Number: 0000000000000000
Date of Issue: 00/00/0000
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A copy of this disclosure record has also been sent to the applicant and the registered body which countersigned the application.

MS R E GULATOR
REGULATORY BODY HOUSE
1 ANY ROAD
ANY TOWN
POST CODE

Applicant Personal Details

Surname: PELL
Forename(s): SAM

Date of Birth: 00/00/0000

PVG Membership No. 0000000000000300

Appointment Details

Position Applied For: CHILD ACCESS
Name of Organisation: M PLOYER

Countersignature Details

Countersignatory: MR REG PERSON
PRINCIPAL EMPLOYER
M PLOYER
CIVIC CENTRE
ANY TOWN
POST CODE
Registered Body: M PLOYER
Registered Person: REG PERSON

Statement of Scheme Membership

Membership Status

The applicant is a PVG Scheme member in respect of regulated work with children and, therefore, not barred from that type of regulated work.

The applicant is a PVG Scheme member in respect of regulated work with adults and, therefore, not barred from that type of regulated work.

Consideration Status

The applicant is not under consideration for listing by the Scottish Ministers nor the Independent Safeguarding Authority for the workforce(s) to which this statement relates.

Vetting Information

Convictions

Date	Court	Offence	Disposal
00/00/0000	ANY TOWN DISTRICT	BREACH OF THE PEACE	FINE £100