

Protecting Vulnerable Groups Scheme

CHECK TO PROTECT

PROGRESS UPDATE NO 3 OCTOBER 2009

Welcome to the third Progress Update on the new PVG Scheme. The purpose of this is to help keep you up to date with implementation activities in the run up to the scheme going live in 2010.

More information about the PVG Scheme and previous Progress Updates are on the [Scottish Government website](#).

You may find it helpful to read the [March 2009 Progress Update](#) which includes a section on how to prepare for the PVG Scheme going live and the [September 2008](#) issue contains a section on some of the projects that make up the PVG Scheme implementation programme.

FEES AND GO LIVE UPDATE

In developing the business and technical processes required to deliver the PVG Scheme, a great deal of work has to be undertaken to estimate the total numbers of scheme members, volumes of applications and the staff and resources required to manage the scheme. Much of this work has now been completed and the Scottish Government, with [Disclosure Scotland](#) recently reached agreement with BT (Disclosure Scotland's IT provider) on final development and maintenance costs. This agreement enables work to be finalised on how much it will cost to operate the PVG Scheme and when it can go live.

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All of this marks a significant step towards implementation and Ministers expect to make an announcement soon about the two-tier fee costs and an exact go live date in 2010. Every effort is being made to keep costs down and provide organisations with adequate time to plan and prepare for the introduction of the scheme. [More information on PVG Scheme implementation projects.](#)

SECONDARY LEGISLATION

Work continues on the draft secondary legislation that is required to fully implement the PVG Act. The secondary legislation will be laid before the Scottish Parliament in 2010 and the Scottish Government is planning to publish the more significant pieces of secondary legislation for comment towards the end of 2009. These include:

- the criteria for automatic listing,
- relevant offences (automatic consideration for listing),
- contractors and disclosure,
- the fees associated with PVG Scheme membership,
- the definition of protected adult,
- the scope of regulated work with children,
- the scope of regulated work with adults.

GUIDANCE AND TRAINING

The Scottish Government is committed to producing guidance on the PVG Scheme that is as clear and concise as possible. An advisory group of people representing a broad range of sectors has been supporting the development of the guidance which will be published for consultation in due course.

The draft guidance is being made available for two reasons.

1. To provide individuals, groups and organisations with ample opportunity to become familiar with the PVG Scheme and to get a sense of how they will interact with it.

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2. To give people the opportunity to comment on the format of the guidance to help ensure that it is clear and concise and structured in a user-friendly way.

The Scottish Government, in partnership with the Guidance Advisory Group and other interested partners is now scoping out training requirements and more information on this will be available in due course. [More information on the Guidance Advisory Group.](#)

INFORMATION EVENTS FOR EMPLOYERS

In June 2009, the Scottish Government hosted eight free information events across Scotland, primarily targeted at organisations that are currently registered with Disclosure Scotland, regulate the vulnerable groups workforce and that represent other groups and organisations that work with children and protected adults.

The purpose of the information events was to bring people up to speed with implementation activities and to seek views on aspects of the PVG Scheme, in particular;

- the secondary legislation related to the scope of regulated work,
- the referrals and considerations process
- the proposed structure and format of the guidance and training materials.

Just under 1300 people attended the events. Just over three quarters of those who completed evaluation forms felt very informed or reasonably informed about the PVG Scheme at the end of the respective event and just under a quarter of delegates felt a little more informed.

Views and questions gathered following round table discussions on key aspects of the scheme are proving extremely useful in formulating the draft secondary legislation and the guidance associated with the PVG Scheme.

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Here are the four [presentations](#) delivered at each event. A DVD of the presentations from the Glasgow event is also available. For a copy, email jan.murray@scotland.gsi.gov.uk or call 0131 244 4907.

In addition, the Central Registered Body in Scotland (CRBS) is making the information from the June information events available to voluntary groups and organisations. For more information go to www.crbs.org.uk or contact Louise Holmes on 01786 849767.

Future PVG Scheme information events are planned, in partnership with employers. An event for NHS human resources and recruitment executives will take place during November and the Scottish Government will consider how similar events can be delivered during 2010.

UPDATED FREQUENTLY ASKED QUESTIONS

Following on from the PVG Scheme Information Events in June which attracted a lot of discussion and questions from delegates, the Scottish Government has updated the [online FAQs](#) on the scheme. More FAQs on issues such as regulated work, the referrals and considerations process and cross border working have been added and the page has been re-structured so that it is easier to navigate.

DISCLOSURE SCOTLAND WEBSITE RE- DESIGN

The [Disclosure Scotland website](#) is being re-designed in a bid to make it more user-friendly. The first phase of re-design is now live.

David Patel, Chief Executive of Disclosure Scotland said:

“The refreshed website has been designed to help users navigate more quickly and easily through its pages and ultimately, provide the interface for the PVG Scheme after it becomes operational. We will continue to make improvements to the website over the coming months and look forward to making guidance and training materials available on the site during the run up to go live.”

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BRITISH SIGN LANGUAGE (BSL) VERSION OF PVG SCHEME INFORMATION BOOKLET

[The PVG Scheme information booklet](#) (published in March 2009) provides a broad overview of how the PVG Scheme will work. It is now available in BSL on DVD and also includes voiceover which may be of interest to people who have a visual impairment.

For a copy of the DVD email jan.murrray@scotland.gsi.gov.uk or call on 0131 244 4907. You can also view and listen to the DVD via the [Scottish Government website](#).

REGULATED WORK – POLICY DIRECTION

The PVG Scheme aims to strike the delicate balance between delivering maximum protection for children and protected adults while they are in receipt of regulated services and amenities while minimising any administrative burden for organisations, groups and individuals.

Scottish Ministers wish to ensure that the scope of regulated work includes those positions where unsuitable people could pose a risk to vulnerable groups. But the PVG Scheme also needs to be proportionate and not include those positions where an unsuitable person would pose **no real** risk to children and protected adults. Detailed work is continuing to refine which positions should be considered regulated work and draft secondary legislation on this will be published for comment later this year.

It is important to make the point that the Scottish Government cannot provide an absolute and definitive list of positions that constitute regulated work. The roles and duties that people undertake vary widely between employers and change over time, making the production of a comprehensive list impossible both to develop and keep updated. What the secondary legislation will do, along with explanatory notes and guidance, is provide information to enable employers to establish, for themselves, which post holders are undertaking regulated work.

It is more straightforward to define regulated work with children than with adults as this is generally any work which involves responsibility for the welfare of a child. This can be through providing a service directly to children, through the type of establishment where regulated work takes place - such as a school.

For example, it is likely that a fire safety officer who regularly works in schools, running workshops for children should be a PVG Scheme member as this work is a normal part of his or her duties. However, an infrequent school visitor such as a guest speaker would most likely not be expected to become a PVG Scheme member if, during the visit, he or she remains in the company of a teacher who is already a member of the PVG Scheme and if visits to the school are not a normal part of his or her work.

In addition, responsibility for the welfare of a child can be by virtue of being in a position of trust where the role may involve taking decisions about children's welfare - such as a social worker. Or it could involve work or volunteering whereby an individual will be in sole charge of a child or children on a regular basis – such as a sports coach.

The situation with adults is broadly similar to that with children. Under Schedule 3 of the PVG Act, certain positions of responsibility or where work is being undertaken within certain establishments will be classed as regulated work.

However the main difference is that a 'protected adult' is a service based definition and avoids labelling adults solely on the basis of having a specific condition or disability. This definition recognises that while some adults may always require protection due to the services they receive, others may do so only for short periods, for example whilst receiving treatment at the dentist. Most adults are likely to be protected adults for short periods at times in their lives and the purpose of this definition is to help employers establish whether an employee (either paid or unpaid) is in regulated work.

To conclude, each instance will need to be considered on its own merit, depending on the sorts of activities being undertaken and the presence of other PVG Scheme members. It is employers that know and understand the nature of their services so they are best placed to establish which post holders are in regulated work.

To assist organisations and groups that provide services to adults, secondary legislation will define what constitutes a welfare service. This will further help employers to determine which of their employees are in regulated work and should become PVG Scheme members.

Draft secondary legislation on the scope of regulated work with adults and children and the definition of protected adult will be published for comment later this year. In addition, every effort is being made, in partnership with the Guidance Advisory Group to ensure that the PVG Scheme guidance is as clear and concise as possible. [More information on the Protection of Vulnerable Groups \(Scotland\) Act 2007.](#)

In 2010, the Scottish Government is introducing a new membership scheme that will replace and improve upon the current disclosure arrangements for people who work with vulnerable groups. The PVG Scheme will deliver a fair and consistent system that will:

- help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a history of harmful behaviour,*
- be quick and easy to use, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required,*
- strike a balance between proportionate protection and robust regulation by making it easier for employers to determine who they should check to protect their client group.*

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www.scotland.gov.uk/pvglegislation

www.disclosurescotland.co.uk

<http://www.crbs.org.uk>

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