



west lothian
college

Protection of Vulnerable Groups Policy & Procedure (Students)

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1 Introduction

This policy details the actions taken by the College in connection with the Disclosure of information under the Protection of Vulnerable Groups (Scotland) Act 2007 (the PVG Act).

West Lothian College will ensure PVG membership is in place for students where required in relation to placements.

2 Scope

2.1 The students covered by this Policy are those applying for or enrolled on the programmes as detailed in the current year's Portfolio Plan, and who will attend a placement which constitutes regulated work.

3 Definition of Children and Protected Adults

Under the Protection of Vulnerable Groups (Scotland) Act 2007, the following definitions apply:

- A child is defined as an individual who is under 18 years of age.
- A protected adult is defined as an individual aged 16 or over who is provided with and receives a type of care, support or welfare service. Protected adult is a service based definition and avoids labelling adults on the basis of their having a specific condition or disability.

There are four types of services which apply. When an individual is in receipt of this service, they are a protected adult.

- Registered care services
- Health services
- Community care services
- Welfare services

It is possible for an individual aged 16 or 17 to be both a child and protected adult.

4 Responsibilities

4.1 The Assistant Principal, Curriculum & Innovation is responsible for the management of this Policy.

- 4.2 The Head of Quality & Learner Services is responsible for the operation of this Policy.
- 4.3 Centre Heads are accountable for ensuring that placements which require PVG membership are identified and the PVG checks are addressed appropriately.
- 4.4 The Assistant Principal, Curriculum & Innovation and one member of the Quality and Learner Services Team will be designated as alternative counter signatories to Disclosure applications.
- 4.5 Centre Heads are responsible for ensuring that all students are checked prior to commencement of their placement or contact with designated groups. The Disclosure Scotland website contains a valuable assessment tool to help determine if a placement constitutes regulated work.
- 4.6 Centre Heads are responsible for ensuring that all risk assessments related to this policy are addressed.
- 4.7 All staff involved are responsible for ensuring compliance with the College Data Protection Policy and Procedures.

5 Protection of Information

- 5.1 West Lothian College complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by PVG scheme for the purposes of assessing applicants' suitability for programmes involving a relevant placement.

In discharging its responsibilities in this respect, the College is committed to ensuring that the processing of personal data is only undertaken in the legitimate operation of the College's business.

Accordingly, the College will ensure that the eight principles on which the Data Protection Act 1998 is based are made known to and observed by the College staff, as communicated through the College Data Protection Policy.

- 5.2 The College will use information only for the purpose for which it has been provided.
 - 5.2.1 The information provided by an applicant for a programme involving a relevant placement.
 - 5.2.2 The College will process personal data only with the express consent of the individual.

- 5.2.3 The College will notify the individual of any non-obvious use of the data.
- 5.3 West Lothian College recognises that, under Section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure information to any unauthorised person. The College will, therefore, only pass Disclosure information to those who are authorised to see it in the course of their duties.
- 5.4 West Lothian College will not disclose information provided to it namely, information which is not included in the PVG process, to the applicant.
- 5.5 The College will store information in Student Systems area in a secure manner in non-portable locked cabinets, the keys to which will be restricted to the individuals listed at 5.6 below. The College will not keep such information for any longer than required after a decision has been taken. In general, this period will not exceed three months after the end of the academic session in which the programme in relation to which the membership was applied for took place (31 July each year). This will allow for the resolution of any disputes or complaints. Information will only be retained for longer than this period in exceptional circumstances, and in consultation with Disclosure Scotland. The conditions relating to secure storage and access will apply during the entire period of retention.
- 5.6 The Principal and the designated staff members (whose names will be disclosed on the request of any student presented for Disclosure) will be the only staff with access to PVG information.
- 5.7 Once the retention period has elapsed, the Student Systems Manager will ensure the information is immediately destroyed in a secure manner through destruction by a shredder, or similar form of secure disposal.
- 5.8 The College will not retain any image, or photocopy, or any other copy or form of the information.
- 5.9 As a Centre registered with Disclosure Scotland, the College is open to audit at any time to ensure compliance with the College policy for handling information and PVG processing.
- 5.9.1 The College, therefore, has to demonstrate that:-
- The handling of personal data is undertaken in a responsible and confidential manner.
 - Only appropriate members of staff have access to the data.

- Other than in exceptional circumstances (see 5.5) no personal data will be kept by the College for more than 6 months after the end of the relevant academic year except a core record indicating that PVG membership was sought and obtained for an individual.
- Counter signatories have signed, as seen, all original documents (not photocopies).

6 Considerations of Disclosure

- 6.1 Should there be a delay in the PVG processes, either by a student, the College or Disclosure Scotland or any other party, students will not be able to start their work placement. In these circumstances students may be able to undertake their placement after the end of their College programme. It should be noted this will delay qualification and subsequent certification.
- 6.2 In the event of PVG application check indicating an issue or conviction, the Student Systems Manager will consult with the appropriate Centre Head. The Centre Head should refer to the Child Protection Risk Assessment Procedure and produce a risk assessment if required. The Centre Head will then make a decision on placement attendance and communicate this to the student.
- 6.3 Should Disclosure Scotland communicate to the College that consideration is being given to place a student on a list preventing them from working with children/adults:
- The Assistant Principal, Curriculum & Innovation will advise the Centre Head of this.

The Centre Head will establish the circumstances and carry out a risk assessment and arrive at a decision as to whether or not the student can attend placement, and or should be suspended from study. This decision must be based on corroborated information and must not be reliant on information from the individual under consideration.

The Centre Head will communicate the decision to the student. The right of appeal exists in 7.3.

7 Appeal

- 7.1 Students have the right of an appeal against College decisions based on Disclosure checks.
- 7.2 Students wishing to appeal against the information detailed in their PVG application should do so directly to Disclosure Scotland.
- 7.3 A student can appeal a decision taken by a Centre Head. This appeal should be submitted in writing to the Assistant Principal, Curriculum & Innovation within 5 working days of the decision being communicated to the student.

8 Communication

- 8.1 The content of this Policy will be communicated to the counter signatories and the Centre Heads by written instruction from the Principal.
- 8.2 The Head of Quality & Learner Services will ensure that individual Centre Heads are aware of this Policy and Procedures. Centre Heads will ensure that academic staff are familiar with the scheme.
- 8.3 This Policy and Procedures will be available on the College Website and Intranet.

9 Review

The Policy will be reviewed annually.