



**west lothian**  
college

# **Protection of Vulnerable Groups Policy & Procedure (Staff)**

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## Contents

|  |   |
|--|---|
| <b>History of Changes</b> .....                            | 1 |
| <b>1 Introduction</b> .....                                | 2 |
| <b>2 Definition of Children and Protected Adults</b> ..... | 2 |
| <b>3 Regulated Work</b> .....                              | 3 |
| <b>4 PVG Scheme Membership Process</b> .....               | 4 |
| <b>5 Fees</b> .....  | 4 |
| <b>6 Sharing Disclosure Records</b> .....                  | 4 |
| <b>7 Referrals by Organisations</b> .....                  | 5 |
| <b>8 Criminal Record and Police Charges</b> .....          | 5 |
| <b>9 Confidentiality and Storage</b> .....                 | 6 |
| <b>10 Review</b> .....                                     | 6 |
| <b>11 Contact</b> .....                                    | 6 |

## History of Changes

| <b>Version</b> | <b>Description of Change</b>  | <b>Authorised by</b>           | <b>Date</b> |
|----------------|---|--------------------------------|-------------|
| 2.0            | Update to list of roles requiring PVG vulnerable adults clearance.  | HR and People Development team | March 2023  |
| 2.1            | Change of responsibility from Vice Principal to Head of HR and People Development under sections 8 and 9. |                                | March 2024  |

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation. All college policies and procedures can be provided in an accessible format.

## **1 Introduction**

West Lothian College is committed to providing a safe and protected environment for its staff and students at all times. We comply fully with the relevant legislation and statutory guidance to ensure that, where relevant, applicants and employees are members of the Protection of Vulnerable Groups Scheme (the PVG Scheme) which has been introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act).

From 28 February 2011, employees who carry out regulated work with children and/or regulated work with a protected adult under the 2007 Act are required to be members of the PVG Scheme. This is to ensure that they are not barred from carrying out work with children and/or protected adults.

Membership of the PVG Scheme involves an individual being checked against the children's list, protected adult's list or both to ensure they are not barred from working with either or both groups. It is an offence to employ such individuals in regulated work or for the individual to seek such employment.

## **2 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.

### 3 Regulated Work

The PVG Scheme recognises two types of regulated work.

- Regulated work with children
- Regulated work with protected adults

West Lothian College is a specified establishment under the 2007 Act and therefore, all employees are required to be checked for regulated work with children.

Table 1: Roles Involving Regulated Work with Protected Adults

|   |
|---|
| Role  |
| Care Assistant  |
| Student Support Officer                                       |
| Student Support Manager                                       |
| First Aider   |
| Health and Safety Officer                                     |
| Lecturer on Assisted Programmes                               |
| Support for Learning Assistant                                |
| Student Counsellor  |
| Peer Navigator  |
| Special Projects Coordinator                                  |
| Access, Employability and Schools Skills Coach                |
| Access, Employability and Schools Learning and Skills Manager |
| Access, Employability and Schools Director                    |

Some volunteers within the college may also require PVG Membership for work with children and / or protected adults. These posts will be reviewed on a case by case basis by the relevant line manager, in conjunction with the HR and People Development team.

All posts will be reviewed regularly to assess if they involve regulated work by the relevant line manager, in conjunction with the HR and People Development team. **Please note it is an offence to require an individual to be a PVG Scheme member if they are not carrying out regulated work under the 2007 Act.**

## **4 PVG Scheme Membership Process**

New employees joining the college will be required to become members of the PVG Scheme at the start of their employment. A Scheme Record will be issued to the college and the individual and contains all the relevant vetting information. Once an individual is a scheme member, they can carry their membership with them from employer to employer.

If a new employee already is an existing PVG Scheme member and has a Scheme Record, the college will request a Scheme Record update for that individual. The update will show whether any vetting information was on the original Scheme Record and if any new information has since been added. The update will not show the details on any vetting information. Therefore, it may be the case that we would wish to obtain another Scheme Record to be able to fully assess an individual's suitability for work, as this would show the details of any vetting information.

Some new employees may have applied for their own Scheme membership, particularly those who have been self-employed and anticipated doing regulated work. The college would need to request a Scheme Record for these individuals as the Scheme membership statement does not show any vetting information.

If a new employee has a Scheme Record and PVG Scheme membership for one type of regulated work, but they are employed for the other type of regulated work, the college will need to request a Scheme Record for this type of regulated work.

If an individual is barred from the type of regulated work applied for, the college and the individual will be notified in writing.

The HR and People Development team will ensure that the relevant checks are carried out for all employees at the start of their employment.

## **5 Fees**

The college will pay for scheme membership and any updates required.

There are two main fee charges:

- Scheme Record £59
- Scheme Update £18

## **6 Sharing Disclosure Records**

It is an offence to share another individual's disclosure records. However, sharing is permitted where it is necessary to share the record with other employees within the organisation for the purpose of enabling the college to determine an individual's suitability for the post. For this purpose, disclosure records may be shared with the relevant line manager, Vice Principal and/or Principal.

## **7 Referrals by Organisations**

Organisations have a duty to make a referral to Disclosure Scotland under the following circumstances:

- An individual doing regulated work has done something to harm a child or protected adult.
- The matter is so serious that the organisation has permanently removed the individual from regulated work.

The lead signatories are responsible for making referrals.

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.

## **8 Criminal Record and Police Charges**

Having a criminal record will not necessarily prevent employment with the college. This will depend upon the nature of the position, together with the circumstances and background of the offences.

All posts in the college are exempt from the provision of Section 4(2) and 4(3)b of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013. Employees and applicants are therefore, not statutorily entitled to withhold information about convictions which for other purposes are "spent" under the provisions of the Act.

Therefore, all current employees must notify the HR and People Development team of any criminal investigation, charges or convictions as soon as practicably possible. This includes any Police charges, fixed penalties and cautions.

All notification of such information will be evaluated on an individual basis.

Any failure to disclose such information could result in dismissal or disciplinary action and the removal from the register of the General Teaching Council (where applicable).

If such information is established then the Head of HR and People Development will recommend a course of action to the college Principal.

Should Disclosure Scotland communicate to the college that consideration is being given to place a colleague on a list preventing them from working with Adults/Children; The Head of HR and People Development will evaluate the situation and recommend action to the Principal. This may result in no further action or suspension of the individual.

## **9 Confidentiality and Storage**

Disclosure information will be kept securely and confidentially by the HR and People Development team or any other authorised parties. Disclosure information will be stored securely within an individual's employee file and no photocopies of documentation will be made.

In line with the Data Protection Act of 1998, disclosure information will not be retained for any longer than required. A record of the PVG scheme membership details and any form information will be kept electronically and original disclosure forms will then be destroyed.

If Disclosure Scotland notify the HR and People Development team that a member of staff is being considered in relation to a list preventing them from working with children/adults, then the Head of HR and People Development will make a recommendation to the college Principal as to what action is required.

## **10 Review**

This policy will be subject to review by the Vice Principal, People, Performance and Improvement annually.

## **11 Contact**

For more information on the PVG Scheme, please contact HR (email: [hr@west-lothian.ac.uk](mailto:hr@west-lothian.ac.uk) )