

UHI | INVERNESS

PROTECTING VULNERABLE GROUPS (PVG) SCHEME PROCEDURE FOR NEW AND EXISTING STAFF

REFERENCE: PR/HR/2024/003

Lead Officer	Vice Principal – Curriculum, Operations & External Relations
Review Officer	Head of HR
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Equality impact assessment	September 2024
Further information (where relevant)	

Reviewer	Date	Review Action/Impact
HR Manager	April 2021	Approved by EMT
HR	September 2024	Approved by EMT

Name:	Protection of Vulnerable Groups (PVG) Scheme Procedure for New and Existing Staff
Purpose:	To provide standards and guidance for the Policy on Secure Handling, Use, Storage and Retention of Disclosure Information.
Resources:	<ul style="list-style-type: none">▪ Staff development for Line Managers
Users:	All staff, but particularly: <ul style="list-style-type: none">• Line Managers• Human Resources Department Staff (HR)

1 Introduction

- 1.1. The Protection of Vulnerable Groups (PVG) Scheme is the membership scheme which was introduced by Disclosure Scotland to ensure that people who are unsuitable to work with children and protected adults are restricted from doing regulated work with these vulnerable groups.
- 1.2. Vulnerable groups are defined as:

Children

Individuals aged under 18 years of age.

Protected adults

Individuals aged 16 or over in receipt of one or more of:

- Registered care services
 - Health services
 - Community care services
 - Welfare services
- 1.3. When an individual applies to join the PVG Scheme, Disclosure Scotland carries out a criminal record check and shares the result with the employer. Disclosure Scotland also keeps a list of those people who are barred from working with vulnerable groups.
 - 1.4. There are two types of regulated work – working with children and working with protected adults. Examples of regulated work include supervising, teaching, or caring for children or protected adults but may also include those in positions of trust within an organisation.
 - 1.5. In addition to the *Policy on Secure Handling, Use, Storage and Retention of Disclosure Information*, the following outlines the procedures for processing and checking PVG Scheme membership in relation to potential and existing staff at UHI Inverness. The key principles for checking new and existing staff are in accordance with the UHI Safeguarding Policy and Procedure.

2 Key Principles

- 2.1. The prime concern at all times must be the safety and interests of all children and protected adults who are attending the College.
- 2.2. All staff, and other adults working in the College, have a role to play in protecting students from harm.
- 2.3. The specific needs of people with disabilities, and those from ethnic, and other minority groups in society, who may suffer discrimination and therefore be

especially vulnerable to abuse, will be recognised.

- 2.4. Reasonable steps will be taken to prevent foreseeable harm to children and protected adults.
- 2.5. Staff references will include a statement to check the suitability of applicants to work with children and/or protected adults.
- 2.6. Staff will be provided with Safeguarding Information including contact details for the Safeguarding team at pre-employment stage in order that they are aware of their obligations in relation to safeguarding and to protect themselves from wrongful allegations. Guidance and support on any protection matter relating to children or protected adults will be available to staff and others working in the College at any time and specifically for staff who are involved in a referral.
- 2.7. The College will ensure that all staff, including temporary, part-time, and voluntary, who could potentially have unsupervised contact with children and/or protected adults, are deemed to be fit to work with them. It will also be ensured that all staff understand their legal and moral obligations to protect children and protected adults from harm, abuse and exploitation.
- 2.8. To facilitate this, the College will provide opportunities for all staff to develop their skills and knowledge in relation to the protection of children and protected adults.
- 2.9. A systematic means of recording, reporting, and monitoring students known or thought to be at risk of harm will be employed, including the recording of concerns. Please see UHI Safeguarding Policy and Procedure.
- 2.10. The College recognises the statutory responsibility of the Education and Children's Services section within Highland Council to ensure the welfare of children and protected adults and is committed to working with the local area Child Protection Committee, to comply with their procedures and to share information if necessary and appropriate.

3. Pre-Recruitment

- 3.1. All recruitment literature will refer to the requirement to be a member of the Disclosure Scotland PVG Scheme and undergo a membership scheme check before any appointment is confirmed.
- 3.2. Only candidates who have been offered a post with UHI Inverness will be asked by HR to complete a PVG Scheme application.
- 3.3. At the point of offering employment, the successful candidate will be informed of a conditional offer which will be subject to pre-employment checks including the successful completion of a PVG Scheme membership application. At the point of offering employment, the successful candidate will be asked to sign a Disclaimer (Appendix A) to confirm that they are not

barred from working with protected groups.

- 3.4. HR will request 3 forms of identification (Appendix D) to verify the applicant's identity prior to starting the PVG Scheme application.
- 3.5. HR will begin the application process through the PVG Scheme Online Application service. The applicant will then receive a link from Disclosure Scotland via email asking them to complete their section of the application. In the event that the Recruiting Manager requires the applicant to commence employment, whilst awaiting the outcome of a PVG application, where appropriate, HR may undertake a risk assessment (Appendix B), submitting their recommendation(s) to the Head of HR for review. The College may withdraw a conditional offer due to unsatisfactory pre-employment checks.
- 3.6. Further risk assessment may be undertaken in respect of foreign nationals whereby country of origin is out with the EU and no similar scheme is in place.
- 3.7. Appointments will be confirmed when all conditions of employment have been met, including satisfactory PVG Scheme membership. All employees at UHI Inverness must, as a minimum, obtain a PVG Scheme membership for working with children. Those staff performing regulated work specifically with groups of protected adults will also require a PVG Scheme membership for working with protected adults.

4. Making a Decision – New Staff

- 4.1. Following the Disclosure Scotland PVG Scheme application, upon receipt of the results from Disclosure Scotland, the content will be risk assessed (Appendix C) by the HR Business Partner where there are convictions listed. In risk assessing a criminal record for a new member of staff, the College will:
 - Consider its own duties in terms of the law;
 - Consider the nature, timing and seriousness of the conviction and its relevance to the post;
 - Consider the impact of rehabilitation since the offence;
 - Identify the risks to the organisation's business, customers and staff;
 - Ensure that confidentiality and only specified staff are informed where this is deemed necessary by the Head of HR.

Risk assessments are undertaken with consideration to Apex Scotland Guidance and advice if required.

- 4.2. In the event that the impact of the criminal record is such that the College is at risk and/or employment of the offender in the post would be illegal, the appointment will not be confirmed.

5. Retention and Disposal

- 5.1. The College will retain PVG scheme information in line with the UHI Partnership Human Resources Document Retention Policy.
- Where no convictions are listed, HR will not retain the results of the PVG. The College, will, however retain a record of the date of issue, the individuals name, the disclosure type and the purpose for which it was requested, as well as the unique reference number of the disclosure and details of any decisions.
 - Where convictions are listed, a risk assessment (section 3 and Appendix C) will be carried out by HR, and this will be retained in line with the Policy on Secure Handling, Use, Storage and Retention of Disclosure Information.
- 5.2. HR will notify Disclosure Scotland when a member of staff leaves the College.

6. Current Staff

- 6.1. All PVG Scheme members are subject to ongoing monitoring by Disclosure Scotland to check their suitability to continue working with vulnerable groups. If there is new information about a member which indicates they may be unsuitable for regulated work with vulnerable groups, Disclosure Scotland will inform the College. There is therefore no requirement for the College to recheck current staff once they have received the PVG Scheme certificate at the point of recruitment.
- 6.2. *By law, PVG scheme members need to tell Disclosure Scotland if their personal details have changed. It is the employee's responsibility to ensure that Disclosure Scotland holds accurate address and contact information. For information on how to update your PVG details, timescales and legal requirements please visit the Disclosure Scotland [website](#).*
- 6.3. Under the Staff Code of Conduct Policy and Procedure, HR must be informed by staff if they are arrested and/or refused bail or if convicted by a court of any criminal offence, regardless of whether related to the protection of Children or Protected Adults or not.

7. Making a Decision – Existing Employees

- 7.1. In assessing a criminal record for existing staff, the College will use the criteria referred to in Section 4 **Making a Decision – New Staff** when completing a risk assessment (Appendix C) to determine whether there is a risk to the College as a result of the staff's continued employment.
- 7.2. As a result of this risk assessment, the matter might then be referred to other College policies such as the Staff Disciplinary Policy and Procedure.

8. Making a Referral to Disclosure Scotland

- 8.1. The College has a legal duty to report any harmful behaviour that might affect whether a staff member is allowed to work with children or protected adults to Disclosure Scotland. This is regardless of whether the incident happened at the workplace or not, and even if the incident only comes to light after the individual has left the College. The referral process also applies to volunteers and agency workers.
- 8.2. The College must make a referral to Disclosure Scotland if the harmful behaviour meant that:
 - The person was dismissed as a result;
 - The person would have been dismissed but left before they could be;
 - The person was transferred permanently away from working with children or protected adults.
- 8.3. If any of these actions were taken, the organisation must make a referral to Disclosure Scotland within 3 months of making the decision.
- 8.4. Full guidance on types of harmful behaviour and the referral process can be found at www.mygov.scot/pvg-referrals

Appendix A

UHI Inverness

Disclosure Scotland Disclaimer

UHI Inverness requires enhanced-level criminal records checks to be made through Disclosure Scotland. As work within the College constitutes 'regulated work' as defined in the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG) all new starts will be asked to provide confirmation of their suitability to work with children and, for some posts, with protected adults. This confirmation will be either through an application for Scheme Record and PVG Scheme Membership or, where Membership already exists, for a Scheme Record Update. Only in exceptional circumstances, determined by the Head of HR or a member of the Executive Management Team, will an individual be allowed to commence employment prior to the provision of a Scheme Record or Scheme Record Update.

In such approved exceptional circumstances, new starts may complete this Disclaimer. This will allow the College to make a decision, based on the information provided, on an individual's suitability for commencement of employment prior to the receipt of the relevant Scheme check through Disclosure Scotland. False declarations or deliberate omissions will result in the employment offer being withdrawn or the employment being terminated.

Any queries on the PVG Scheme or suitability for employment with the College can be raised with the HR Department. The HR Department can advise on which roles involve working with children and which involve working with protected adults, or both.

Name	
Post Applied For	

I declare that I am not barred from working with protected groups (whether children or adults) as relevant to my role. I understand that this declaration will be checked against information provided from Disclosure Scotland and I understand that a false declaration or deliberate omission may affect my employment with the College.

I also understand that it is an offence for an individual to do, or seek or agree to do, regulated work of the type from which they are barred.

Signed: _____

Date: _____

Appendix B

PVG RISK ASSESSMENT FORM

This form should be used when awaiting the outcome of PVG applications

Job Title/Activity		Postholder/ Candidate:	
Curriculum Area / Department		Date of Assessment:	
Name Assessed by		Signature Assessed/ Completed by:	

With control measures in place, please assess the severity and likelihood of potential risks (See attached Impact & Probability Rating form for severity, likelihood and risk rating definitions/scores).

Severity:		Likelihood:		Risk Rating:	
High Risk:	Employee must be removed from regulated duties or suspended on full pay.				
Medium Risk:	Employee must be removed from regulated duties or appropriate supervisions arrangements put in place.				
Low Risk:	Employee may be allowed to continue in regulated work with appropriate supervision arrangements in place.				
Consideration					
Positions within the College have varying degrees of access to vulnerable student groups and therefore the nature of the student group should be considered alongside the PVG declaration form. Should any applicant select the option that they do have criminal convictions, it may be recommended that employment is delayed until the full PVG check is completed.					

PVG RISK ASSESSMENT

IMPACT AND PROBABILITY RATING

SEVERITY - Potential impact of an incident

High Impact	Broad range of extremely serious implications, such as loss of life, which would be subject to external review	5
Medium / High Impact	Generating a number of substantive issues of a serious nature, which could be subject to external review	4
Medium Impact	Some serious issues arising, requiring internal review	3
Medium / Low Impact	Some potential issues, but not of a serious nature	2
Low Impact	Little or no perceptible ramifications	1

LIKELIHOOD - The possibility of there being an issue

LIKELY	5	A high probability of this issue arising
PROBABLE	4	It's more likely than not this will be an issue
POSSIBLE	3	Given the circumstances it's conceivable this could be an issue
REMOTE	2	It's unlikely that this risk might be realised
IMPROBABLE	1	Wouldn't anticipate this ever being a problem

Severity (S) x Likelihood (L) = Risk Rating

	L = 1	L = 2	L = 3	L = 4	L = 5	
S=1	1 (L)	2 (L)	3 (L)	4 (L)	5 (L)	(L) = LOW RISK (risks adequately controlled, no immediate action necessary, monitor to ensure continues low)
S=2	2 (L)	4 (L)	6 (M)	8 (M)	10(M)	
S=3	3 (L)	6 (M)	9 (M)	12 (H)	15(H)	(M) = MEDIUM RISK (risk not adequately controlled and further action necessary)
	4 (L)	8 (M)	12 (H)	16 (H)	20(H)	
S=5	5 (L)	10 (M)	15 (H)	20 (H)	25(H)	(H) = HIGH RISK (unacceptable risk, immediate action required)

Rationale:

Recommendation

Awaiting a PVG application with Disclosure Scotland. A conditional offer will be sent: This offer is conditional on the following criteria being satisfied: you being eligible to work in the UK; confirmation of all qualifications attained; receipt of satisfactory references; and receipt of a PVG Disclosure Scotland check to the satisfaction of the College. If your PVG Disclosure Scotland check, references and other background checks are not satisfactory to the College; this offer of employment will be withdrawn. Once these criteria have been satisfied this conditional offer will become a formal offer of employment.

Authorised by: _____

Date: _____

Appendix C

Risk Assessment – Convictions on PVG

Employee Name:

Disclosure Number:

PVG membership Number:

Employee Number:

Nature of Offence:

Post Title:

Relevance to the Post:

Date of the Offence:

Date Employment Commenced:

Age at the time of the offence:

Isolated offence or pattern of behaviour?

Any other relevant information:

Recommendation:

Reviewer:

Date:

Decision Recommendation:

Decision Made By:

Date:

Appendix D

Three documents must be produced; one from Group 1 and two from Group 2. If this is not possible, then five documents from Group 2 must be produced – these must be in the name of the applicant. One of these documents **MUST** contain photographic identification and one must contain evidence of current residence address (but these must be different documents).

GROUP 1

- Valid passport (any nationality)
- UK Driving Licence Full or Provisional – England/Wales/Scotland/Northern Ireland/Isle of Man; either photo card or paper (a photo card is only valid if accompanied with the paper counterpart)
- Original UK birth certificate (issued within 12 months of date of birth, full or short form acceptable)
- Valid photo identity card (EU countries only)
- Valid foreign national ID card issued by the UK Borders Agency
- UK Firearms licence
- HM Forces ID card (UK)
- Adoption Certificate (UK)

GROUP 2

- Marriage certificate/Civil Partnership Certificate
- Non-original UK birth certificate (issued after 12 months of date of birth, full or short form acceptable)
- P45/P60 statement *
- Utility bill (electricity, gas, water, telephone – including mobile phone contract/bill) *
- Valid TV licence *
- Credit card statement *
- Store card statement *
- Mortgage statement *
- Valid insurance certificate *
- Certificate of British nationality
- British work permit/visa**
- Asylum Registration Card
- Personal correspondence or a document from a Government Department*
- Bank or Building Society Document*
- Financial statement e.g. pension, endowment, ISA *
- Valid vehicle registration document*
- Mail order catalogue statement*
- Court summons*

- Valid NHS card *
- Addressed pay slip*
- Child benefit book

* Documentation must be less than 3 months old

** must be issued within the last 12 months