

## The Protection of Vulnerable Groups (Scotland) Act 2007 Newsletter 3 12 January 2011

### Introduction

This is the third PVG Newsletters to keep you up-to-date with the introduction of the Protection of Vulnerable Groups (Scotland) Act 2007. Today the Scottish Government announced the start of the new PVG Scheme on the **28<sup>th</sup> February 2011**.

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

The Church of Scotland Safeguarding Service will not accept any applications on the existing Disclosure Scotland forms after Friday 28<sup>th</sup> January 2011. But if you have a very urgent need to disclosure check a volunteer or paid member of staff make sure that you send us the Disclosure Scotland application form by this date. If the application can wait until after the 28<sup>th</sup> February 2011 the person can join the PVG Scheme.

### What do I need to do after the 28<sup>th</sup> February 2011 to enable a new applicant to join the PVG Scheme?

- Remember that in the first year of the PVG Scheme (28<sup>th</sup> February 2011 until the 29<sup>th</sup> February 2012) you will only be processing **new applications** for people becoming volunteers or paid members of staff **for the first time**. If a volunteer or paid member of staff already has an enhanced Disclosure Scotland check then they will not need to join the Scheme until some time between February 2012 and February 2015. The same applies to those already doing work with protected adults, such as existing members of pastoral care groups. But if, for example, a **new** member wants to join the pastoral care group as a visitor then they would need to join the PVG Scheme now.
- If the volunteer or paid member of staff is taking up a **new post working with children** look at **table 3**, regulated work with children, on page 6 of the Church of Scotland Safeguarding Service PVGA **Newsletter 2**, 16<sup>th</sup> December 2010. Table 3 is reproduced at the end of this Newsletter 3 too. Work through the three questions to determine if the person is going to be doing regulated work with children. If it is regulated work with children then they must apply to become a member of the Scheme. The process for this is detailed below under 'next step'.

- If the volunteer or paid member of staff is taking up a **new post working with protected adults** look at **table 1**, regulated work with adults, on page 2 of the Church of Scotland Safeguarding Service PVGA **Newsletter 2**, 16<sup>th</sup> December 2010. Table 1 is reproduced at the end of this Newsletter 3 too. Again work through the three questions and determine if the person is likely to be doing regulated work with adults. If this is the case follow the procedure below under 'next step'.
- Some new applicants will be applying to do regulated work with children *and* adults.
- **Next step:** The Safeguarding Coordinator should contact the Church of Scotland Safeguarding Service and request the form **Application to join PVG Scheme**.

A pack will be sent to you containing the application form, guidance for completing the form, a coversheet and a revised Self Declaration Form. The new Self Declaration Form must be used for those intending to do regulated work with children *and* regulated work with adults. The Safeguarding Coordinator's role as a verifier remains the same as under the old system.

Return the completed papers to the Church of Scotland Safeguarding Service as previously. In due course we will also send Safeguarding Coordinators packs of forms and guidance for their completion to save you having to contact us first.

## A person who is already a member of the PVG Scheme applying to be a volunteer or paid member of staff with the Church of Scotland for the first time – what to do

Follow exactly the same procedure as for new applicants above. But when you contact the Safeguarding Service request the form **PVG Scheme Record Update** application.

It is likely to be a few months after the start of the new PVG Scheme that Safeguarding Coordinators will first process such applications from existing members of the PVG Scheme.

## The way forward

We appreciate that there will be teething difficulties with the transition from the old scheme to the new PVG Scheme. We have provided information about the process in 3 newsletters so far. This information will be pulled together into a single guide to make it easier for you to use.

The new PVG Scheme does involve some initial decision making by you to determine if a post involves regulated work with children or adults. Initially this may seem a little daunting but once we all become familiar with the new system it will become more straightforward.

Thank you for persevering with us during this period of transition. It is worth remembering that the changes are essential to improve protection for vulnerable members of our Church congregations. But PVG scheme membership is only part of safe recruitment: remember to ensure that the post holder has a job description, is interviewed, and that references are taken up. Together this all ensures safer recruitment.

## Who to contact for more information and advice

Please contact Kerry-Ann Hay, Advisory Assistant – Safeguarding, Church of Scotland 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 out with 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](mailto:Churchofscotland.org.uk)

w: [safeguarding@cofscotland.org.uk](mailto:safeguarding@cofscotland.org.uk) (Look under Safeguarding Service, News and Events).

Updated information about the PVG Scheme and its implementation will appear on our website.

This Newsletter has been sent by email or post to:

- Presbytery Clerks
- Safeguarding Coordinators
- Safeguarding Trainers
- Presbytery Contacts
- Head of Departments
- The Safeguarding Committee
- PVG Working Group
- SCC Safeguarding Reps




**Appendix: tables 3 and 1 from Protection of Vulnerable Groups (Scotland) Act 2007 Newsletter 2, 16 December 2011.**

Three questions to ask to see if a post is Regulated Work with Children.

A person requires to be checked and become a member of the Protection of Vulnerable Groups Scheme if the answer is YES to each of the following three questions.

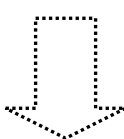
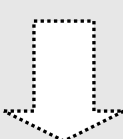
**Table 3:** regulated work with children

Question 1	Question 2	Question 3
<p><b>Is it work of any kind, paid or as a volunteer?</b></p> <p>YES / NO</p> <p>(If no, stop here because it will not be regulated work.)</p> <p><b>Work</b> is defined as ‘work of any kind’ including paid and unpaid that is NOT done as part of a personal relationship or arrangement.</p> <p>For example <i>personal arrangements</i> that parents make with friends and family to look after their children or transport them to activities or clubs is</p>	<p><b>Are they working with a child under the age of 18 years?</b></p> <p>YES / NO</p>	<p><b>Are any of the following tasks part of the normal duties of the person providing the service?</b></p> <p>You must be able to tick YES to at least one of the following.</p> <div style="text-align: center;">  </div> <p>3.1 Will the person be in sole charge or have unsupervised contact with the person receiving the service e.g. being with the person when no one else is present?</p> <p>YES / NO</p>

<b>not work.</b> But, in this example, if the care is provided by members of the Church who are recruited for that purpose, as in a youth group or crèche, the arrangements are formal and delivered on behalf of the organisation and it is therefore 'work'.		3.2 Providing teaching or instruction or training?  YES / NO
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Three questions to ask to see if a post is Regulated Work with Adults.

**Table 1:** regulated work with adults

Question 1	Question 2	Question 3
<p><b>Is it work of any kind, paid or as a volunteer?</b></p> <p>YES / NO</p> <p>If NO, stop here because it will not be regulated work.</p> <p><b>Work</b> is defined as 'work of any kind' including paid and unpaid that is NOT done as part of a personal relationship or arrangement.</p> <p>An example of an activity that is <b>not work</b> is a person visiting a friend in a residential care home. This is done in a personal capacity. But it would be <b>work</b> if they were a member of a pastoral care group doing this visit on behalf of the Church.</p>	<p><b>Are they working with a protected adult and providing a welfare service?</b></p> <p>You need to tick NO to question 2.1 and YES to questions 2.2 to 2.5 for the person to be a protected adult.</p> 	<p><b>Are any of the following tasks part of the normal duties of the person providing the service?</b></p> <p>You must be able to tick YES to at least one of the following.</p> 
	<p>2.1 Can <b>anyone</b> in the congregation receive this service, assistance, support or help?</p> <p>YES / NO</p> <p><b>If Yes stop here:</b> it is not regulated with adults.</p>	<p>3.1 Will the person be in sole charge or have unsupervised contact with the person receiving the service e.g. being with the person when no one else is present?</p> <p>YES / NO</p>
	<p>2.2 Does the person receiving the service have particular needs over and above those of the general population? e.g. need help with personal care or meal preparation, are housebound or depend on others for transport etc.?</p> <p>YES / NO</p>	<p>3.2 Providing teaching or instruction or training?</p> <p>YES / NO</p>
	<p>2.3 Is the person receiving the service 16 years or over?</p> <p>YES / NO</p>	
	<p>2.4 Is the service provided in the name of the Church of Scotland?</p> <p>YES / NO</p>	
<p>2.5 Is the service provided <b>regularly</b> and in a <b>planned</b> way?</p> <p>YES / NO</p>		

**Notes:**

- In the above table 'service' means the provision of practical or emotional support or advice and guidance with spiritual matters. There is an overlap for 16-18 year olds who may be classed as either children or protected adults. But it is usually obvious how this should be classified by the nature of the service provided.
- **If the answer to question 2.1 is 'yes'** then the activity, which is available for anyone in the congregation, means that the person receiving it is not a protected adult. The paid member of staff or volunteer providing the service does **not** need to join the PVG Scheme.
- In addition to the above tables a flowchart is available. It provides an alternative version of working through what we mean by regulated work with children and adults. If you'd like a copy please contact the Safeguarding Service.