



SPTC

Promoting Partnership
in Scottish Education

SPTC Guidance on the Protection of Vulnerable Groups (PVG) Act for Parent Councils and PTAs

What has Changed?

For the past few years we have become used to the disclosure system which was set up under the Police Act 1997. This applied to those working with children and was unwieldy as many people found they needed a disclosure check for each of their various roles. Also, the disclosure check simply identified whether a person was on the list of those barred from working with children *at that time*, under the Protection of Children (Scotland) Act or POCSA.

As from February 28 2011, a new membership scheme replaces and improves upon the current disclosure arrangements. The Protection of Vulnerable Groups (PVG) Membership Scheme is for people who work with vulnerable groups - both children and adults. When a person joins the PVG Scheme there will be no need for multiple checks as their records will be kept updated. And the good news is that, as with the Police Act, there will be no fee for volunteers in the qualifying voluntary sector.

- The PVG Scheme applies to voluntary, statutory and private sector organisations providing services and/or activities for children and protected adults.
- It aims to ensure that those who have regular contact with vulnerable groups do not have a history of harmful behaviour.
- It will require Parent Councils/PTAs to consider their child protection policy more carefully.

Key things you need to know

1. It is an offence to recruit a person who is barred from working with children.
2. It is an offence for a barred individual to put themselves forward for regulated work (this is explained later).
3. It is not compulsory for an individual to join the PVG Scheme.
4. Your Parent Council/PTA can make the decision that a person does not need to be disclosed.
5. It is an offence to disclose a person who does not come under the scope of regulated work.
6. If you register with CRBS and have concerns about the behaviour of one of your staff or volunteers, you are legally bound to make a 'referral'. This may lead to the individual being barred from working with children or vulnerable adults. In this situation, make contact with CRBS or Disclosure Scotland for advice.

Is Scheme Membership Necessary?

Membership is necessary if a person is doing **regulated work**. There are five questions you should ask yourself to find that out:

1. **Is it work?**
2. **Who are they working with?**
3. **What do they do?**
4. **Is it their normal duties?**
5. **Are there any exceptions which apply?**

Let's look at each of these questions in detail.

1. Is it work?

Work includes:

- Paid work
- Unpaid work
- Work done under contract
- Caring for or supervising any individuals taking part in any activity

If the answer is yes to one of these, then go to the next question

2. Who are they working with?

- Children – that means any individual under the age of 18
- Protected adults – that is an individual receiving health/care and/or welfare services?
- Both?

If the answer is yes to one of these, then go to the next question

3. What do they do?

Do their normal duties include:

- Caring for children?
- Teaching, instructing, training or supervising children?
- Being in sole charge of children?
- Unsupervised contact with children?
- Providing advice or guidance to children?

If the answer is yes to one of these, then go to the next question

4. Is it their normal duties?

It is **likely** to be normal duties when:

- It appears in a person's job description, task description or contract
- It can be reasonably anticipated
- It occurs regularly

If the answer is yes, then move to the next question

NB: It must be normal duties to be regulated work

It is **unlikely** to be normal duties when:

- It is done in response to an emergency
- It is arranged at the last minute to stand in for someone who is ill or other unexpected absences
- It is done as a one-off activity of short duration which is not part of the individual's normal routine or occupation

If the answer is yes to any of these statements, then you do not need to go on as the person is not doing regulated work

5. Are there any exceptions?

The scope of regulated work could be narrowed by a number of factors.

a. The incidental test.

Some, but not all, activities with children are excluded from being regulated work if the activity is occurring incidentally.

An activity is **likely** to be incidental when:

- It is a public event
- It attracts a wide cross-section of society
- The children's attendance is discretionary

An activity is **unlikely** to be incidental when:

- It is targeted at children
- It is more attractive to children
- The children's attendance at the event is mandatory

b. Children in work or employment

Any 16/17 year olds who are working are excluded

c. Opportunity for contact

If the volunteer is supervised at all times

d. Limitation on work in establishments (eg schools)

The volunteer is supervised at all times and/or there are no children present, e.g., at an evening Parent Council meeting.

If one of these exceptions applies, then do not go on as the person is not doing regulated work

If you believe you need to ask for a Disclosure

If your Parent Council/PTA decides it needs a disclosure, the next step is to ask that person to join the PVG Scheme. Contact the Central Registered Body for Scotland (CRBS) which provides free disclosure records, guidance, advice and support to the voluntary sector. Once your Parent Council/PTA has registered with CRBS they will manage the disclosure process for you and will ensure that you have the necessary policies and procedures in place. For more information ask for the SPTC leaflet: "Enrolling with the Central Registered Body for Scotland".

Child Protection in Practice

As well as this leaflet, SPTC provides a wide range of publications to help your Parent Council/PTA with child protection. Contact the office or go on the website for any of the following leaflets:

- Model child protection policies and agreement
- Safe Practice at Discos
- Keeping Children Safe
- Safe Practice at Fundraising Events
- A guide to risk assessment

Useful contacts for more information

Disclosure Scotland
Tel: 08701 609 6006
Website: www.disclosurescotland.co.uk

CRBS
Tel: 01786 849777
Website: www.crbs.org.uk

Of course, the SPTC helpline is also there for any questions: 0131 226 4378

We would like to know

Did you use this leaflet? Did you find it helpful? Please give us your comments.

Other leaflets available

- What is a Parent Council?
- Constitutions Made Easy
- Money Matters
- Good Practice for Committee Meetings
- Office Bearers & their roles

About SPTC

You may be interested to know that we offer our members a range of benefits including our membership insurance scheme which covers:

- Public Liability
- Personal Accident
- Fidelity Guarantee
- Employer's Liability
- Extended Public Liability for hired-in entertainers
- All-Risks (for equipment purchased by the Parent Council/PTA)
- Short-term all-risks insurance for special events.

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