

Disclosure Scotland / Protecting Vulnerable Groups Policy

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DISCLOSURE SCOTLAND / PVG POLICY

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NHS DUMFRIES & GALLOWAY

Policy on Disclosure Scotland (Incorporating Protection of Vulnerable Groups Scheme)

1. Introduction

As part of the Recruitment and Selection process NHS Dumfries & Galloway uses the Disclosure Scotland and Protection of Vulnerable Groups (PVG) service for relevant posts. A criminal record check is carried out on every successful applicant who has been offered a post, subject to the check being satisfactory. No approach will be made without written permission of the successful applicant who will be asked to sign and complete a disclosure application or PVG application as appropriate, giving authorisation for the check to be undertaken. No appointment will be made without appropriate clearance being approved, where such clearance is deemed necessary by NHS Dumfries & Galloway.

The introduction of the Protection of Vulnerable Groups (Scotland) Act 2007 has established a scheme to ensure that those who are unsuitable (or become unsuitable) to work with children or protected adults in accordance with the Police Act 1997 are identified to interested parties including employers.

2. Disclosure Scotland

Disclosure Scotland provides criminal history information to the individual and the organisation for offer of employment purposes under Part 5 of the Police Act 1997. The main objective of Disclosure Scotland is to help employers and other organisations make safer recruitment decisions by providing criminal history information on anyone seeking employment in relevant posts or voluntary posts which involve positions of trust such as working with children and protected adults. (See Annex A for definition list).

Where a member of staff will be working with children and/or protected adults PVG provides an organisation with the means of satisfying itself that those doing regulated work (see annex A for definitions) are not barred from doing so. These members of staff require a PVG scheme record which replaces the need for (normally) an enhanced disclosure.

2.1 There are some instances when a disclosure check is still required i.e. when the member of staff's role does not involve regulated work with children and/or protected adults. There are different levels of Disclosure record checks: Basic, Standard or Enhanced. It is for the prospective employer offering a position of employment to decide when Disclosure is appropriate (rather than PVG) and which level of Disclosure is applied for.

2.2 Basic Disclosure

Basic Disclosures are the first level of Disclosure and are available to anyone who applies on the appropriate form and pays the relevant fee. This type of Disclosure is only issued to the APPLICANT. It will show details of all convictions considered to be unspent under the Rehabilitation of Offenders Act 1974, or state that there are no such convictions. It will be for the individual to decide whether to show the Basic Disclosure to the employer/licensees or anyone who wishes to see it. Basic Disclosure checking is not normally undertaken, or relied upon, by NHS Dumfries & Galloway.

2.3 Standard Disclosure

Standard Disclosures will be available for those applying for positions listed in the Rehabilitation of Offenders Act 1974 (Exclusion and Exceptions) (Scotland) Order 2003 as amended. A Standard Disclosure will list details of all spent and unspent convictions and any cautions (from England, Wales and Northern Ireland) held on record or it will indicate that there are no such matters held on record. This means that even minor convictions, if they have not been deleted from central records, may be included on the Disclosure. Two certificates will be issued, one to the applicant and one to the Registered Person / counter signatory within NHS Dumfries & Galloway.

Examples of those who are eligible for Standard Disclosure check are:

- Administrative staff, e.g. those who have (non clinical) contact with patients for example administrative and clerical staff working in following departments, Child Health, Medical Records, Accident/Emergency, Clinic Reception Staff
- Catering Staff

Please refer to section 3 – Staff Groups within the NHS

2.4 Enhanced Disclosure

Enhanced Disclosures are the most detailed level of Disclosure check and are available when a registered person or their nominee is satisfied that they are entitled to receive Disclosure information when an Exempted Question is being asked for a prescribed purpose, as set out in the Police Act 1997 Criminal Record (Scotland) Regulations 2006. They include ALL of the details contained in the Standard Disclosure, but may also contain non-conviction information held locally by police/other organisation, where this is considered relevant to the post or voluntary work being sought. The Chief Constable or Chief Officer may also disclose information to the Registered Person only; this information will be sent separately to the Registered Person and will be withheld from the subject of the Disclosure (i.e. the Applicant) in the interests of the prevention or detection of crime.

Enhanced disclosures continue to be available for those posts unrelated to work with vulnerable groups e.g. gaming / lottery licences or posts with access to children or protected adults other than through regulated work.

Again, two certificates will be issued, one to the applicant and one to the Registered Person / counter signatory within NHS Dumfries & Galloway.

Enhanced disclosure checks are only applicable to NHS administrative roles which are based or required to visit prisons or Young Offenders Institutions. Posts which provide a clinical service in prisons (e.g. nurse, dentist) require PVG for protected adults.

2.5 PVG Scheme Membership

PVG scheme membership replaces the enhanced disclosure for people employed in regulated work with protected groups (see annex A for definitions).

NHS Dumfries & Galloway should inform individuals who are offered regulated work with children and/or adults for the first time, that it is a condition of their employment that they obtain membership of the PVG scheme. When a member of staff joins the scheme for the first time a scheme record will be sent to the counter signatory within NHS D&G and a scheme membership statement will be sent to the individual.

The scheme record will contain any vetting information in relation to the individual. Alternatively, if an individual is barred from working with adults and/or children, a letter will be sent to NHS Dumfries & Galloway confirming this and explaining that the individual is not eligible to become a member of the PVG scheme.

A scheme record is portable, it relates to one or both protected groups (adults or children). Consideration should also be given on every occasion where an individual requires PVG, in relation to whether this is for regulated work with children and / or adults.

PVG membership information is continually reviewed and updated by Disclosure Scotland. If any new vetting information is identified this will be assessed by Disclosure Scotland and consideration will be made whether the individual should be listed or barred (see definitions). The individual and their employer would be notified of this. This information will be notified to the counter signatory within NHS D&G who processed the initial PVG application form. It is essential that if this occurs the counter signatory informs the relevant Workforce Business Partner **immediately**, as consideration should be given to any interim risk mitigation arrangements i.e. removing the individual from regulated work with immediate effect. When NHS Dumfries & Galloway are notified of such information immediate action should be taken in accordance with section 4.2 below. However, it is important to understand that there is still a responsibility for organisations to undertake membership updates – see section 2.6 below.

It is the responsibility of the member of the PVG scheme to inform Disclosure Scotland of any changes in their personal details i.e. change of address, name, gender.

It is the responsibility of the employer to notify Disclosure Scotland when a member of the scheme leaves employment.

Organisations also have the responsibility to refer an individual to Disclosure where harmful or inappropriate behaviour has occurred out of work, but it has come to the organisation's attention (*see section 4.4*).

2.6 PVG scheme updates

A scheme membership (and membership number) is unique to the individual and never changes, this means that the membership is transferable were the individual moves to another employer. In these circumstances a scheme record update can be sought by an employer to confirm that someone is already a member of the scheme (i.e. joined the scheme with a previous employer), they are not barred from working with either vulnerable adults or children and that there is no new information which has been registered about an individual since the original scheme record was applied for. Additionally, this notifies Disclosure Scotland that the individual has a new employer and that the new counter signatory should be made aware if they are considered for barring as above.

The above would also be required in circumstances where an individual moves posts within the organisation where an appropriate PVG check has not been undertaken within the last 6 months.

Where someone is already a member of the scheme, consideration should be given as to whether their membership is suitable for the new post (i.e. regulated work with children and / or adults).

3 Level of Checks required

Disclosure Scotland / PVG checks are required to be carried out at the following levels for staff employed within NHS Dumfries & Galloway.

Basic	Standard	PVG required - consideration must be given whether regulated work is with adults and / or children
Not normally applicable to NHS Dumfries & Galloway	All relevant Administrative & Clerical staff e.g. those who have non clinical contact with patients and working in the following departments: <ul style="list-style-type: none"> • Domestic Staff (in most cases, refer to pt 5, of FAQ's if unsure of level required) • Child Health • Medical Records • Ward Clerks • Accident & Emergency • Reception Staff • Clinic Reception Staff • LHP Reception Staff • Laboratory Staff • Catering Staff • Estates • Volunteers 	All Medical Staff All Nursing Staff All Midwifery Staff All Nursing/Midwifery Bank Staff All Pharmacy Staff All AHP Staff Laboratory - Phlebotomists Psychologists Porters Integrated Community Equipment Store Workers (ICES) Chaplains Transport Staff Voluntary Services/Honorary Contracts, e.g. Richmond Fellowship, Red Cross. Students (although may not carried out by NHS Dumfries & Galloway)

- See Annex D Frequently Asked Questions and Annex E additional guidance for further clarity on the level of Disclosure Scotland check required.

All posts not explicitly identified above will be required to be reviewed at point of advertising by the Recruiting Manager and will be categorised for non/standard/enhanced or PVG checking according to the role and remit of the individual post and the likelihood of contact with, or handling information in relation to protected adults and/or children. Details of how to do this are covered below in the 5 step self assessment tool.

Dumfries & Galloway Council/NHS Dumfries & Galloway - It is expected that relevant joint funded posts would be subjected to appropriate level of Disclosure Scotland/PVG checks.

Five Step self assessment tool.

There is a five step self assessment process which a recruiting manager must follow when deciding whether a member or group of staff should apply to the PVG scheme. This involves considering

- Is it work?
- Who are they working with?

- What do they do?
 - Is it their normal duties?
 - Are there any exceptions which apply?
- The answers to these questions will determine whether PVG membership is required.

A link to the self assessment tool is available on the Disclosure Scotland website
http://www.disclosurescotland.co.uk/pvg_training/self-assessment/

PVG are not able to provide a definitive list of roles which would be covered by the scheme, nor are they able to define regulated work out with the 5 step self assessment tool.

4. Disclosure Practice for NHS Dumfries & Galloway

4.1 Validity of Disclosure/PVG Checks

Disclosure checks will be valid within NHS Dumfries & Galloway for 6 months. A further Disclosure check will not be undertaken if staff within the organisation move post within a period of 6 months of the previous check being carried out. If however staff are checked at, for example, Standard level and the post they are moving to requires either a higher level of Disclosure or PVG membership, a further check will be carried out. Under no circumstances will a standard or enhanced Disclosure check (where PVG is not required) undertaken by an outside organisation be accepted by NHS Dumfries & Galloway with the possible exemption of junior medical staff. Where a new member of staff is appointed who is already a member of the PVG scheme an update must be carried out on every occasion (*and consideration given as to whether it is for vulnerable adults and/or children*).

Disclosure / PVG checks will be taken up on appointment at the conditional offer stage as well as retrospectively for existing member of staff who are employed to undertake regulated work. The process of retrospectively checking staff is in accordance with The PVG Act and it is the Scottish Governments expectation that all individuals doing regulated work in Scotland will become members of the scheme by the end of 2015. .

Additionally, NHS Dumfries & Galloway reserve the right to undertake random disclosure/PVG checks on staff during their employment, if it is considered to be in the interests of patients, children or vulnerable adults to do so.

4.2 Applicants or employees with vetting information / previous convictions

Should a Disclosure Scotland / PVG certificate be received by the Counter Signatory showing details of previous criminal caution(s) or conviction(s) details, whether this be during the appointment process or retrospective checking, the Counter Signatory should escalate this immediately to the appropriate Manager (if they are not the Counter Signatory). NB: The appropriate manager may be the recruiting manager in recruitment situations.

Where the information is received in relation to an existing member of staff consideration should be given immediately to interim risk mitigation arrangements which need to be put in place to protect vulnerable groups and the individual whilst the procedure described below is completed. This might include suspension from regulated work.

The appropriate manager together with the relevant Workforce Business Partner will meet as soon as possible to complete a Risk Assessment (Annex 'B' of this Policy). Whether the applicant/employee has disclosed previous criminal caution(s) or conviction(s) details on their application form for the post will be taken into consideration.

On completion of the Risk Assessment, this document must be forwarded immediately to the Workforce Director for consideration by the Panel. If approved by the Panel, the applicant/employee will be advised by the appropriate manager that they are able to proceed with the recruitment process or remain in post. Whether there are any further actions to be taken to reduce any risk will also be discussed. If not approved by the Panel, the applicant/employee will be advised by the appropriate manager. In the case of new starts, this will result in the offer of appointment detailed in their appointment letter being rescinded and they are not able to proceed with the recruitment process. In the case of existing staff who have undertaken retrospective checking the employee will be informed of the outcome of the review and consideration will be given to the next steps necessary to safeguard vulnerable groups in relation to their employment in regulated work.

Where an individual's PVG scheme record or scheme record update confirms that they are barred from working with adults and/or children then it is an offence for NHS Dumfries & Galloway to employ them to do regulated work with the relevant protected group. Additionally, it is an offence for NHS D&G not to remove an individual from regulated work where they are told by Disclosure Scotland that they are barred.

To ensure consistency in decisions made, where vetting information / previous conviction is identified to NHS Dumfries & Galloway or a previous offence/criminal conviction is confirmed by Disclosure Scotland, the counter signatory must forward all relevant information to the Workforce Director. The Workforce Director will then constitute a panel of core senior officers to review the case. This panel will meet as a matter of urgency to make a decision on the employment status where an individual has a previous relevant offence / criminal conviction. This panel will be chaired by the Workforce Director, or nominated deputy and should comprise of a core panel consisting of the chair, plus one other panel member, which can be from the following. (At this point, the employee / candidate will be advised of the process.)

- The Nurse Consultant for Child Protection
- Associate Nurse Director
- Associate Director – AHP's
- Board Medical Director

The panel's decision will be communicated to the Recruiting manager for appropriate action and communications with the individual concerned.

4.3 Right of Appeal

Individuals will have the right to appeal the decision made by the panel (as above), this must be notified in writing to the Workforce Director, within 10 working days of the outcome of the panel being received. Recruiting Managers are not able to appeal on the applicant/employee's behalf.

An appeal panel will meet as soon as possible. The appeal will be considered by:

- Director of Public Health
- Director of Nursing & Patient Safety

The decision reached by the appeal panel will be final and will be communicated as soon as possible to the recruiting manager and employee/candidate.

All stages of this process should take place with upmost confidentiality. A flow chart is included on page 10.

4.4 Referrals by the organisation

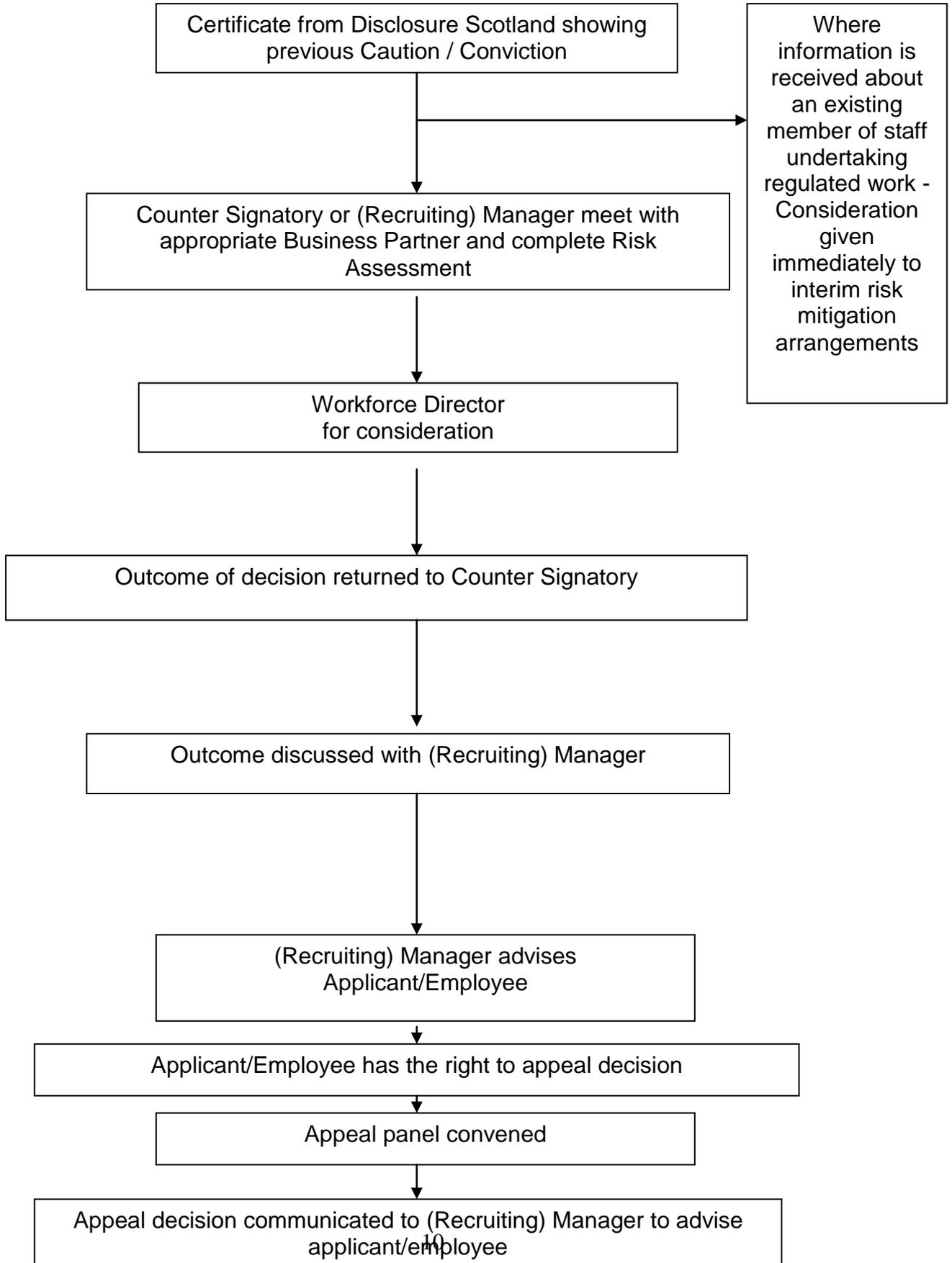
The PVG Act places a duty on organisations to make a referral to Disclosure Scotland when:

- An individual doing regulated work has done something to harm a child or protected adult and the impact is so serious that the organisation has (or would) permanently remove the individual from regulated work. The duty to make a referral in these circumstances applies whether or not the individual is a member of the PVG scheme. Harm as referred to above must be so serious that NHS D&G would have considered dismissing the employee.
- A referral must also be made where an employee stops doing regulated work, and the organisation becomes aware of information, which had they been aware of prior to the move, would have removed the employee from regulated work or dismissed them.
- Alternatively, if NHS Dumfries & Galloway dismiss an individual who was undertaking regulated work or transfers them to other duties that do not involve regulated work the organisation must make a referral.

These steps would be taken in accordance with the provisions of the organisation's disciplinary policy however, the referral process to Disclosure Scotland is entirely separate from any dispute the member of staff may have with their employer regarding any disciplinary action. The referral to Disclosure Scotland must still take place. The manager who makes the decision to dismiss, remove or transfer the member of staff should (with HR support) complete the relevant forms to refer the issue to Disclosure Scotland.

Line managers should consider the above obligations at anytime when someone leaves the organisation.

PREVIOUS CONVICTIONS
DISCLOSURE SCOTLAND GUIDELINES



5. Recruitment Process

- 5.1 For those posts requiring Disclosure Scotland / PVG clearance, NHS Dumfries & Galloway's standard template letter inviting candidates to interview will explain whether the post being recruited to requires the successful applicant to have disclosure clearance or PVG membership. The letter may include a Disclosure Scotland or PVG scheme application form/guidance notes, and may state that applicants must bring their completed form, together with three forms of ID (one of which must be photographic) with them to interview. The reason that this may not always be the case is that it is not clear what application form is required to be completed at this stage.

Having checked all applicant's ID at interview, at the earliest opportunity, the recruiting manager signs the pro forma checklist to confirm that this has taken place. The pro forma also allows the recruiting manager to capture an applicant's current Disclosure/PVG status. Then as part of the conditional offer of employment the Recruiting Manager must ensure that the appropriate Disclosure/PVG application form is sent to the successful applicant for completion.

The completed application form must then be forwarded to the appropriate Counter-Signatory along with the checklist as soon as possible. Successful candidates are advised to make contact with recruiting managers immediately upon receipt of their Disclosure Scotland certificate or PVG scheme membership statement quoting the reference number.

If the successful applicant is already a member of the PVG scheme the correspondence will ask them to provide a copy of their PVG scheme membership statement which will detail their membership number. Therefore, NHS Dumfries & Galloway will request a scheme record update for this individual.

- 5.2 The organisation's offer of employment is subject to satisfactory Disclosure or PVG check where appropriate. Standard template letters also state that for all posts that require Disclosure Scotland / PVG clearance, individuals should not be rostered for duty, or given permission to start work in their new post until Disclosure Scotland / PVG clearance has been received. Recruiting managers must therefore build this timeframe into their planning around new start dates.
- 5.3 In an operational situation where an **EXISTING MEMBER OF STAFF** or a **NEW EXTERNAL APPOINTEE** is required to start in a new position prior to a Disclosure Scotland certificate (but not PVG membership) being received, due to exceptional circumstances of service demands, then a risk assessment can be undertaken by the Recruiting Manager / Counter Signatory in conjunction with the respective Workforce Business Partner. Refer to Annex B of this policy. On completion of the Risk Assessment, and only with written agreement showing that the outcome warrants it, then the current member of staff will be allowed to start in the new post.

The Risk Assessment must be approved and counter signed by an Executive Director/General Manager and is only applicable to posts requiring Standard or Enhanced Disclosure. It is not applicable to posts requiring PVG scheme membership. The above arrangements are only available for individuals who require Disclosure certificates. Where PVG membership is required, no existing member of staff can move post and no external appointee can commence employment where a PVG scheme record or update has not been received. The reason for this is that it is an offence to offer

regulated work to someone who is barred from working with protected adults and/or children and the only way for NHS D&G to be satisfied that someone is not barred is to confirm that they have membership of the PVG scheme and that there is no new information which we need to be aware of.

It is mandatory that the Disclosure Scotland application must have been completed and sent to Disclosure Scotland and that all other documentation should have been checked, before the member of staff is allowed to start in the new position. (Please refer to Annex B)

Again, consideration should be given to the level of Disclosure/PVG check required (adults and/or children).

Consideration should also be given where an employee retires and returns to work in a new role or the same role which requires Disclosure/PVG membership. A check as described above should be undertaken in these circumstances.

The timescale described above for processing applications etc are a minimum, any opportunity should be taken to expedite the process.

6. Legal Framework - Protection of Vulnerable Groups (Scotland) Act 2007.

- 6.1 The PVG Act introduces a new concept of regulated work. Regulated work with children supersedes the definition of child care positions in the Protection of Children (Scotland) Act 2003 (POCSA) and regulated work with adults supersedes contact with an adult at risk.

The PVG Act replaces the DWCL established under POCSA with the PVG Children's List and makes provision for those individuals already included in DWCL to be migrated onto the PVG Children's List automatically. It also establishes for the first time in Scotland, a list of those who are unsuitable to do regulated work with adults. Individuals convicted on indictment of certain sexual or violent offences are included in those lists automatically.

Link to Full Act –

<http://www.legislation.gov.uk/asp/2007/14/contents>

The Police Act 1997 (section 5) details arrangements for Disclosure Scotland checks.

ANNEX 'A'

DETAILED DEFINITIONS

Definition of Child

Section 97 of the PVG Act 2007 defines a child as an individual aged under 18 years.

Definition of a Protected Adult

Section 94 of the PVG Act 2007 defines this a Protected Adult as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service. This is therefore, a service based definition and avoids labelling adults on the basis of their having a specific condition. This section of the Act includes four categories of service including health services. The NHS is within the categories of services which make an individual a protected adult i.e. a service which provides treatment, care, support of and provision of advice and assistance to individuals in relation to health and well being.

Definition of Health Service

The National Health Service (Scotland) Act 1978 defines a health service as a service provided or secured by a public health body concerning the treatment, care and support of, and provision of advice and assistance to individuals in relation to health and well being, or similar services provided by an independent health care service provider.

Definition of regulated work

It is not possible to provide a definitive list of all roles which involve regulated work. Instead the PVG Act 2007 defines regulated work by reference to: the activities that a person does; the establishments in which a person works; the position that they hold; or the people for whom they have day to day supervision or management responsibility. There are two types of regulated work

- Regulated work with children
- Regulated work with adults

Listed

The inclusion of an individual in the PVG children's list or OVG adults' list, maintained by Disclosure Scotland. Listing is the outcome of a consideration for listing process where it is determined that an individual is unsuitable to work with either protected adults or children, or is the result of automatic listing.

Barring

The consequence of being listed.

The Adults List

A new list of individuals who are unsuitable to work with protected adults.

ANNEX B - DISCLOSURE RISK ASSESSMENT (NOT FOR PVG)

Severity x Likelihood = Risk Criteria e.g. Moderate x Possible = Medium Risk	Likelihood of Occurrence Chance of event occurring within the next year				
	Rare (little chance of occurrence)	Unlikely (Probably won't occur)	Possible (may occur)	Likely (Probably will occur)	Almost Certain
Negligible, e.g. ♦ Minor injury, not requiring first aid ♦ Unsatisfactory patient experience not directly related to patient care and readily resolvable ♦ Partial loss of service ♦ Financial impact less than £5K	Low	Low	Low	Medium	Medium
Minor, e.g. ♦ Minor temporary injury or illness, first aid treatment required ♦ Unsatisfactory patient experience directly related to patient care – rapidly resolvable ♦ Individual service objectives only partially achievable ♦ Financial impact £5K - £50K	Low	Medium	Medium	Medium	High
Moderate, e.g. ♦ Significant injury or ill health requiring medical intervention – temporary incapacity ♦ Patient outcome or experience below reasonable expectations in a number of areas ♦ Unable to achieve service objectives without substantial additional costs or delays ♦ Financial impact £50K - £500K	Low	Medium	Medium	High	High
Major, e.g. ♦ Single avoidable death or long term incapacity or disability ♦ Significant impact on ability to deliver service objectives, service may have to be discontinued ♦ Major financial loss £500K - £2.5M	Medium	Medium	High	High	Very High
Extreme, e.g. ♦ Multiple or repeated avoidable fatalities or major permanent incapacity/disability ♦ Sustained loss of service with serious impact on delivery of patient care, major contingency plans invoked. ♦ Corporate obligations not met. ♦ Severe financial loss £2.5M +	Medium	High	High	Very High	Very High
Low	Low: No additional risk controls required. The person responsible shall document assurance that existing controls or contingency plans remain effective and ensure any weaknesses are addressed				
Medium	Medium: Further action shall be taken to reduce the risk but the cost of control should be proportionate. The person responsible shall ensure additional risk control measures are introduced within a defined timescale. Assurance that risk controls or contingency plans are effective shall be documented and evaluated by the relevant Head of Service and any weaknesses addressed				
High	High: Further action, possibly urgent and requiring considerable resources, shall be taken to reduce the risk. Responsibility for introducing risk control measures within a set timescale shall be explicitly defined by the appropriate Director or General Manager and followed up through the performance review process. Assurance that risk controls or contingency plans are effective shall be documented and evaluated by the relevant Director or General Manager				
Very High	Very High: If confirmed to be unacceptable, the risk should be escalated immediately to Director level. An immediate action plan should be drawn up with Executive level leadership. If appropriate, suspension of the activity until the risk has been reduced should be considered. The risk and the action taken to reduce it to an acceptable level should be taken to the next available Board				

Ref: DISCLOSURE SCOTLAND (For disclosure risk assessments only, not for PVG)
THIS IS AN EXAMPLE

Location		Department		Manager		Assessors	
Post Holder's Name						Job Ref No:	
Description of Operation/Activity/Task/Area/Environment that the Post Holder is going to undertake						GUIDANCE NOTES	
<p><i>Example:</i></p> <p><i>Mrs Karen Brown is a receptionist who has accepted a new post working in the A&E reception at DGRI. .</i></p>						<p><i>Complete the relevant details of the activity or issue being addressed</i></p>	
Identify Hazards			Potential Risk			<p><i>All hazards associated with the activity or issue should be entered here. Consideration to be given:</i></p> <p><i>1 - Level and frequency of exposure to patients</i></p> <p><i>2 – Level of risk to organisation because work undertaken might be impacted by previous, unknown convictions.</i></p> <p><i>3 – Impact to service provision if prevented from working until Disclosure Scotland check is available (negative score)</i></p>	
<p>No disclosure Scotland clearance received but has been applied for on <date></p>			<p>Exposure to sensitive & confidential information</p> <p>Indirect exposure to patients</p>				
Individuals or Groups Exposed						<p><i>Highlight the people at risk and the likely maximum numbers exposed</i></p>	
<p><i>Indirect - Children, Parents, Carers,</i></p> <p><i>Direct - Other Staff, Reputation of the Organisation</i></p>							

Current Control Measures	
<p><i>References obtained and satisfactory from most recent employer</i></p> <p><i>Cleared by Occupational Health Department as fit to undertake the role.</i></p> <p><i>Professional registration checked and all in order</i></p> <p style="text-align: center;">EXAMPLE ONLY</p>	<p><i>List current control measures, including physical controls but do not forget to include other controls including safe working procedures, information, instruction and training to include:</i></p> <ul style="list-style-type: none"> <i>- Previous Disclosure Scotland reviewed.</i> <i>- Disclosure check already applied for.</i> <i>- Reference details.</i> <i>- Professional registration check</i> <i>-Occupational Health information</i> <i>-Checks with relevant Professional Bodies for any information held</i>

INITIAL RISK RATING

Risk Rating <u>Using information above and the risk matrix and taking into account the control measures in position, decide the Likelihood and Severity, and calculate the risk rating.</u>	Likelihood Rarely happens Unlikely to occur Possibly can occur Likely to occur Almost certain	Severity Negligible injury, illness, loss Minor injury, illness, loss Moderate injury, illness, loss Major Injury, illness or loss Extreme loss, fatality, disaster	Rating R= L x S
Calculate Rating = Likelihood x Severity	POSSIBLE	NEGLIGIBLE	LOW

Further Control Measures Required/Action Plan	Include any additional controls identified to eliminate or reduce the risk further – or state whether the risks are already as low as reasonably practicable -Consider actions such as: -Increased Supervision -Chaperoning -Spot Checks -Control of access to protected groups and/or resources, e.g. medication, finances (purse)
<p><i>Until satisfactory Disclosure Scotland is received employee will be supervised by e.g. working same shifts as senior member of staff</i></p> <p><i>No night time shift working</i></p> <p><i>No lone working</i></p> <p><i>Not working unaccompanied</i></p> <p style="text-align: center;">EXAMPLE ONLY</p>	

RE-ASSESSED RISK RATING

Risk Rating <u>Using information above and the risk matrix and taking into account the further control measures in position again decide the Likelihood and Severity, and calculate the risk rating.</u>	Likelihood Rarely happens Unlikely to occur Possibly can occur Likely to occur Almost certain	Severity Negligible injury, illness, loss Minor injury, illness, loss Moderate injury, illness, loss Major Injury, illness or loss Extreme loss, fatality, disaster	Rating R= L x S
Calculate Rating = Likelihood x Severity	UNLIKELY	NEGLIGIBLE	LOW

Date:		Review Date:	
Assessors Names and Signature:			
Assessors Recommendations:	EXAMPLE ONLY		

IF RECOMMENDED = NOT TO START WORK WITHOUT RECEIPT OF SATISFACTORY DISCLOSURE SCOTLAND CHECK	<p>Retain the Risk Assessment on Post Holders file pending satisfactory Disclosure Scotland check and comments and agree start date.</p> <p><u>End of Process</u></p>
IF RECOMMENDED = TO START WORK WITHOUT RECEIPT OF SATISFACTORY DISCLOSURE SCOTLAND CHECK	<p>Please forward this Risk Assessment to your General Manager or Executive Director for review and approval.</p> <p><u>See below</u></p>
Date:	
Approval:	<p>APPROVAL TO COMMENCE PENDING DISCLOSURE SCOTLAND CHECK RECEIPT</p> <p>GRANTED / NOT GRANTED</p> <p>COMMENTS :</p> <p style="text-align: center;">EXAMPLE ONLY</p>
Signature: Director / General Manager	

**DISCLOSURE SCOTLAND
RISK ASSESSMENT (For disclosure risk assessments only, not for PVG)**

Location		Department		Manager		Assessors	
Post Holder's Name						Job Ref No:	
Description of Operation/Activity/Task/Area/Environment that the Post Holder is going to undertake						GUIDANCE NOTES	
						<p><i>Complete the relevant details of the activity or issue being addressed</i></p>	
Identify Hazards			Potential Risk			<p><i>All hazards associated with the activity or issue should be entered here. Consideration to be given:</i></p> <p><i>1 - Level and frequency of exposure to children or protected adults based on areas of work and client group.</i></p> <p><i>2 – Level of risk to patients because work undertaken might be impacted by previous, unknown convictions, e.g. handling medicines or lone working with clients.</i></p> <p><i>3 – Impact to service provision if prevented from working until Disclosure Scotland check is available (negative score)</i></p>	
Individuals or Groups Exposed						<p><i>Highlight the people at risk and the likely maximum numbers exposed</i></p>	
Current Control Measures							
						<p><i>List current control measures, including physical controls but do not forget to include other controls including safe working procedures, information, instruction and training to include:</i></p> <ul style="list-style-type: none"> <i>- Previous Disclosure Scotland reviewed.</i> <i>- Disclosure check already applied for.</i> <i>- Reference details.</i> <i>- Professional registration check</i> <i>-Occupational Health information</i> <i>-Checks with relevant Professional Bodies for any information held</i> 	

INITIAL RISK RATING

Risk Rating Using information above and the risk matrix and taking into account the control measures in position, decide the Likelihood and Severity, and calculate the risk rating.	Likelihood Rarely happens Unlikely to occur Possibly can occur Likely to occur Almost certain	Severity Negligible injury, illness, loss Minor injury, illness, loss Moderate injury, illness, loss Major Injury, illness or loss Extreme loss, fatality, disaster	Rating $R = L \times S$
Calculate Rating = Likelihood x Severity			

Further Control Measures Required/Action Plan	<i>Include any additional controls identified to eliminate or reduce the risk further – or state whether the risks are already as low as reasonably practicable</i> <i>-Consider actions such as:</i> <i>-Increased Supervision</i> <i>-Chaperoning</i> <i>-Spot Checks</i> <i>-Control of access to protected groups and/or resources, e.g. medication, finances (purse)</i>
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RE-ASSESSED RISK RATING

Risk Rating Using information above and the risk matrix and taking into account the further control measures in position again decide the Likelihood and Severity, and calculate the risk rating.	Likelihood Rarely happens Unlikely to occur Possibly can occur Likely to occur Almost certain	Severity Negligible injury, illness, loss Minor injury, illness, loss Moderate injury, illness, loss Major Injury, illness or loss Extreme loss, fatality, disaster	Rating $R = L \times S$
Calculate Rating = Likelihood x Severity			

Date:	Review Date:
Assessors Names and Signature:	
Assessors Recommendations:	

IF RECOMMENDED = <u>NOT TO START WORK</u> WITHOUT RECEIPT OF SATISFACTORY DISCLOSURE SCOTLAND CHECK	Retain the Risk Assessment on Post Holders file pending satisfactory Disclosure Scotland check and comments and agree start date. <u>End of Process</u>
IF RECOMMENDED = <u>TO START WORK</u> WITHOUT RECEIPT OF SATISFACTORY DISCLOSURE SCOTLAND CHECK	Please forward this Risk Assessment to your General Manager or Executive Director for review and approval. <u>See below</u>
Date:	
Approval:	APPROVAL TO COMMENCE PENDING DISCLOSURE SCOTLAND CHECK RECEIPT GRANTED / NOT GRANTED COMMENTS :
Signature: Director / General Manager	

ANNEX C – TABLE OF CHARGES

Circumstance	Fee
Joining the PVG scheme	£59 – disclosure record at same time is included
Scheme Record	£59 unless £41 – within 30 days of Scheme Record Update
Scheme Record Update (<i>organisation's update certificate</i>)	£18
Scheme membership statement (<i>member's certificate</i>)	£18 – for existing members
Volunteer work	FREE
Disclosure certificate (Standard or enhanced)	£25

Please note that the fees above were correct at time of writing the policy however, may be subject to change by Disclosure Scotland. Recruiting managers and counter signatories will be informed at any time when payments change.

All costs described above will be borne by the employer.

ANNEX D – FREQUENTLY ASKED QUESTIONS

GENERAL PVG QUESTIONS

- 1) Is there a time limit between signature/sign off the PVG application form and submitting this to Disclosure Scotland for processing?
 - There is no time limit between the signature date and date submitted to Disclosure for processing
- 2) When we engage a new employee in PVG role and carry out the check does our noted interest in this individual continues until either the NHS Board or the individual contacts Disclosure to notify we no longer have an interest?
 - *Yes. If the individual contacts Disclosure direct to remove interest (for example if they change employer), Disclosure will contact the NHS Board to verify they are no longer interested and the appropriate action is taken. The NHS Board will no longer be notified of any future changes in relation that individual and PVG status.*
- 3) If an employee leaves and takes up another PVG post with another employer, does the new employing body noting interest in the individual supersede the previous employer's interest?
 - *No. If neither the employer nor the individual have contacted Disclosure to remove noted interest, then if circumstances arise where the individual may be barred, Disclosure will contact both employers with noted interest to establish if the person is still in regulated work. Whilst there is no legal obligation to remove interest, Disclosure recommend as good practice, to notify them if a PVG member is no longer in regulated work.*

ROLE SPECIFIC PVG QUESTIONS

- 4) **Rotating doctors** can be employed by Board A for x months, terminate and move to Board B for x months terminate and back to Board A again for x months as part of rotational training programme. Board A will have completed an application to register interest through PVG when engaging the doctor.
If neither Board A nor the individual have withdrawn interest;
(a) do Board A need to carry out an update check when individual returns? (b) will Board A be notified of any changes in status during their time at Board B?
 - (a) *No need to apply for an update check as Board A has never removed noted interest.*
 - (b) *Board A will be contacted to establish if the person is still in regulated work (see 2 above)*
- 5) **Non-clinical support staff** such as Domestic, Portering / Logistics and Catering, are they eligible for PVG?
 - If the post is required to work in a Children's establishment as defined in the PVG legislation (ref: **Children Specific PVG Questions** below) PVG for children will apply, as long as it is part of the employee's normal duties and there is the opportunity for unsupervised contact with the children.
 - If the post is required to work with Adults, a PVG Adult check will only apply if the postholder is required to assist patients as part of their normal duties. Examples of assisting patients include; patient movement, transport/driver or feeding. Examples of not assisting patients include; cleaning around the bed space not involving the movement of the patient, or non-patient portering/transport/driver.
 - If not working in a children's establishment or assisting patients, then a standard check may apply if the post has direct access to patients, e.g. cleaning in patient bed space,

delivering meals in the ward/clinical area. This does not include public café / canteen as access to patients would be incidental and not deemed to be providing a health service.

6) **Reception staff** – are they eligible for PVG?

- If based in a children's establishment as defined in the PVG Legislation, PVG for children will apply as long as it is part of the employee's normal duties and there is the opportunity for unsupervised contact with the children
- If based in an adult establishment, PVG would not normally apply for reception staff. A possible exception to this would for example be in X-ray, if the normal duties of the role required the post holder to 'be in sole charge' of the patient's child whilst parent under goes x-ray, PVG for children may apply. However if this is not part of normal duties and only required to do so on occasion, this would be deemed to be incidental and PVG for children would not apply.

7) **Pharmacy Technician** – are they eligible for PVG?

- If normal duties require the postholder to be alone in a cubicle with a patient, checking their medicines/charts and discussing the patient's treatment, this would be eligible for PVG. This is similar to a dietician role with a patient discussing treatment.

8) **External Contractors** – are they eligible for PVG?

- The Board will confirm the level of check applicable for the contracted work and include this in the service contract/agreement
- The contractor is responsible for ensuring the necessary checks are in place and to confirm this prior to commencing the work.

9) **Senior Managers** – are they eligible for PVG?

- If the post is responsible for the day to day supervision or management of staff in regulated work, i.e. the postholder's direct/first level reports are in regulated work, then yes the senior manager post will be eligible for PVG
- If the senior manager post also includes an element of clinical work which involves direct patient care as part of their normal duties, then yes the senior manager post will be eligible for PVG as s/he is caring for children and/or Protected Adults.

CHILDREN SPECIFIC PVG QUESTIONS

10) What is considered to be a children's establishment?

- A children's hospital (establishment) is any institution for the reception and treatment of persons suffering from illness and is exclusively or mainly for children.

11) Is a Young Persons Unit / Child & Adolescent Unit situated as a separate building but within the ground of a predominantly adult hospital setting be considered to be a children's establishment?

- although on the grounds of a "general" hospital, the unit can be treated as a Children's hospital if it is clearly managed separately and is exclusively for under 18s for the reception and treatment of illness.

12) Is a children's service (i.e. a service exclusively or mainly for treating/caring children) which is situated within a main hospital location for both adult and children, considered to be a children's establishment?

- No, as the hospital (institution) is not exclusively for children

13) Are admin or other non-clinical support roles within in a children's establishment considered to be in regulated work?

- Yes all posts based within a children's establishment are eligible for PVG childcare check as long as it is part of the employee's normal duties and there is the opportunity for unsupervised contact with the children

14) Is a post involved in delivering supplies to or visiting schools as part of normal duties considered to be in regulated work?

- if the postholder as part of their normal duties, is visiting schools and has the opportunity for unsupervised contact for children, this is deemed to be regulated work and eligible for PVG Children.

ADULT SPECIFIC PVG QUESTIONS

15) Does a Domestic carry out regulated work?

- If the Domestic is physically assisting or helping to feed the patient and is required or expected to do so as part of normal duties, then yes this would be regulated work and eligible for PVG Adult check.
- If the Domestic is purely cleaning and not required to assist patients, this is not considered to be regulated work.

16) Is a post involved in delivering supplies to an adult care home as part of normal duties considered to be in regulated work?

- if the postholder's normal duties includes work at an adult care home and has the opportunity for unsupervised contact with the residents which is not just incidental (incidental being - waiting at reception and a resident passes by), then this would be regulated work and adult PVG would apply.

ENHANCED DISCLOSURE

17) Are Enhanced Disclosure checks still in use?

- Enhanced disclosure checks are only applicable to NHS Admin roles which are based or required to visit the prisons or Young Offenders Institutions (note: the normal duties test is not required to be satisfied in this instance). Posts which provide a clinical service in prisons (e.g. Nurse, Dentist) require PVG for protected adults.

STANDARD DISCLOSURE

18) If a post is in regulated work for children but not for adults, although the duties include unsupervised contact with protected adults – does it need a PVG Childcare check and a Standard Disclosure check for the adult element?

- The PVG certificate will show the same spent/unspent convictions as would be on the Standard certificate so there should be no reason to complete the standard check.

19) If the post is an exempted profession (note 1), does this automatically become eligible for at least a standard level check?

- Yes

20) If a post is not an exempted profession (note 1), can it still be eligible for a standard check?

- The post will qualify for a standard disclosure only if **all** three conditions of the following conditions are met.
 - i. The work carried out is concerned with the provision of a health service, as defined under the NHS Scotland Act 1978
 - ii. The applicant whose work is concerned with the provision of a health service has access to patients in receipt of this health service (note: this could be face to face, over the telephone etc)
 - iii. The work is part of the applicants normal duties

21) What level of check are maintenance craftsmen and medical physics technicians eligible for?

- If the post involves the repairing/maintenance of 'health equipment which is required to care for patients' with access to patients, a Standard check will apply.
- If the post involves repairing / maintenance of 'non-health equipment' this is not eligible for Standard check.

NOTES

- 1) **EXEMPTED PROFESSIONS:** An exempted profession is as per listed at Part 1, Schedule 4 of The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 (ROA) .

Extract from the Rehabilitation of Offenders Act 1974

Part 1 – Professions

1. Medical practitioner
2. Advocate, solicitor
3. Accountant
4. Dentist, dental hygienist, dental auxiliary
5. Veterinary surgeon
6. Nurse, midwife, health visitor
7. Ophthalmic optician, dispensing optician
8. Pharmaceutical chemist
9. Registered teacher
10. Any profession to which the Professions Supplementary to Medicine Act 1960 applies and which is undertaken following registration under that Act. (This includes health professions. The HCPC list changes regularly, please refer to the Health and Care Professions Council website for the updated list <http://www.hcpcuk.org/aboutregistration/professions/>)
11. Registered osteopath
12. Registered chiropractor
13. Chartered psychologist
14. Actuary
15. Registered European lawyer, registered foreign lawyer
16. Social worker
17. Social service worker.

ANNEX E – DISCLOSURE/PVG GUIDANCE CHECKLIST

This document has been designed to assist NHS Scotland Boards to implement the legislation and to assist in determining the appropriate level of disclosure, (if any) is required for a post. Please refer to the 'Frequently Asked Questions' document for further clarity and examples.

SECTION A – PVG Childcare only	YES	NO
<p>1. Is the post holder required to work in a children's establishment ⁽¹⁾ as part of normal duties?</p> <p>⁽¹⁾ defined as 'A children's hospital (establishment) is any institution for the reception and treatment of persons suffering from illness and is exclusively or mainly for children'</p> <p>IF YOU HAVE ANSWERED 'YES' to Q1 – and the postholder has the opportunity for unsupervised contact with children, the postholder is considered to be in regulated work and required to become a PVG Scheme member for Children. Generally speaking, most posts within a Children's establishment will have freedom of movement and as such have the opportunity for unsupervised contact with Children.</p> <p><u>If No, or the post does not have the opportunity for unsupervised contact - Progress to SECTION B.</u></p>		
SECTION B – PVG Childcare and/or Adult	YES	NO
<p>2. Who are the post holders working with?</p> <p>a) Children – all children under the age of 18 years</p> <p>b) Protected adults ⁽²⁾</p> <p>⁽²⁾ is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service, e.g. Health service.</p>		
<p>3. What are the post holders doing?</p> <p>a) Regulated Activities/work with children</p> <p>An individual may be doing regulated work with children if their work involves any of the following activities (as part of their normal duties)</p> <ul style="list-style-type: none"> • Caring for children • Teaching, instructing, training or supervising children • Being in sole charge of children • Unsupervised contact with children under arrangements made by a responsible person • Providing advice or guidance to a child or to particular children which relates to physical or emotional well-being, education or training. • Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children. 		

<p>b) Regulated activities/work with adults</p> <p>An individual may be doing regulated work with adults if their work involves any of the following activities (as part of their normal duties)</p> <ul style="list-style-type: none"> • Caring for protected adults (individual in receipt of a health service) • Teaching, instructing, training or supervising protected adults. • Being in sole charge of protected adults. • Providing assistance, advice or guidance to a physical or emotional well-being, education or training. • Inspecting adult care services. <p>With the exception of supervising children, sole charge of children, or unsupervised contact with children, the following incidental test applies to activities listed in a) and b) above.</p> <p><i>Exceptions to regulated work - Incidental</i></p> <p><i>The scope of regulated work is narrowed by the incidental test. Some, but not all, activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally to working with individuals who are not children or protected adults.</i></p> <p><i>e.g. - open to all</i></p> <ul style="list-style-type: none"> - Health promotion events - Public Meetings - presenting/delivering training to a group that may have children or vulnerable adults; or - attendance is discretionary 		
<p>4. Is it the postholders 'Normal' duties?</p> <p>Normal duties can be considered as something the individual might be expected to do as part of their post on an ongoing basis, and excludes one-off occurrences and unforeseeable events.</p> <p>Normal duties</p> <ul style="list-style-type: none"> - appears in a job description, task description or contract (but these should not be manipulated to stretch the boundary of the PVG scheme) - it can be reasonably anticipated or - it occurs regularly <p>Unlikely to be normal duties when:</p> <ul style="list-style-type: none"> - done in response to an emergency (unless by an emergency worker) - arranged at the last minute to stand in for sickness or other unexpected absence, or - done as a one-off activity of short duration which is not part of normal routine/occupation 		
<p>IF YOU HAVE ANSWERED 'YES' to Q2, 3 <u>and</u> 4 – The postholder will require to be a PVG Scheme member.</p> <p>If you have answered 'NO' to any one or more of these questions <u>please progress to Q5</u></p>		
<p>5. Is the Person Providing a Welfare service – particular need</p>		

<p>physical/mental impairment – e.g. Chaplains, Counsellors, some health promotion and some volunteers (these individuals need to be working with protected adults or children or both, <u>and</u> satisfy questions 3(b) and 4 to be considered as regulated work.</p> <p>A welfare service includes any service which provides support, assistance, advice or counselling to individual with particular needs, meeting the following conditions. The service must be a service that:</p> <ul style="list-style-type: none"> • Is provided in the course of work to one or more persons aged 16 or over • Is delivered on behalf of an organisation • Requires training to be undertaken by the person delivering the service • Has a frequency and formality attached to the service and • Either <ul style="list-style-type: none"> (i) requires a contract to be agreed between the service provider and the recipient of the service prior to the service being carried out or (ii) is personalised to an individual adult’s needs. <p>A particular need is a specific requirement an individual may have arising from whether physical or mental illness, or physical or mental disability (temporary or permanent) which may disadvantage that person when compared to the rest of society.</p>		
<p>6. Will the postholder be providing immediate day to day supervision or management of workers doing regulated activities?</p> <p>An individual may be doing regulated work if, as part of normal duties, they are responsible for the day to day supervision or management of an individual doing regulated work through activities the individual performs e.g. the holder is responsible for the management, supervision, appraisal, training and immediate welfare of the individual, the holder of the position meets regularly with the individual to discuss and review the individuals work.</p> <p>e.g. Service Managers, Senior Nurses, Heads of Professions (dependant on departmental structure)</p>		
<p>IF YOU HAVE ANSWERED ‘YES’ to Q5 <u>or</u> Q6 – The postholder will require to become a PVG Scheme member.</p> <p>If you have answered ‘NO’, then consideration should be given to whether or not an Enhanced, Standard or Basic Disclosure is required. <u>Please progress to SECTION C</u></p>		
<p>SECTION C – ENHANCED / STANDARD / BASIC</p>	<p>YES</p>	<p>NO</p>
<p>7. Is the postholder in a non-clinical role which is either based or required to visit the prison service to carry out normal duties?</p> <p>e.g. Administration role</p>		
<p>IF YOU HAVE ANSWERED ‘YES’ to Q7 – the postholder will require an Enhanced Disclosure. This is the only NHS category currently</p>		

<p>eligible for an Enhanced Disclosure.</p> <p>If you have answered 'NO', <u>please progress to Q 8.</u></p>		
<p>8. Is the postholder registered with the Health Professions Council but not doing regulated work or providing a welfare service as described in questions 1, 2, 3 & 4?</p> <p>e.g. Biomedical Scientists</p>		
<p>IF YOU HAVE ANSWERED 'YES' to Q8 – the postholder will require a Standard Disclosure.</p> <p>If you have answered 'NO', <u>please progress to Q9 & 10.</u></p>		
<p>9. Is the postholder providing a health service?</p> <p>Any employment or work which is concerned with the provision of health services and which is of such a kind as to enable the holder to have access to persons in receipt of such services in the course of that persons normal duties.</p> <p>e.g. providing appointments to patients, A&E reception, Inputting patient notes, Technicians if they are maintaining medical equipment , ATO</p>		
<p>10. Does the postholder have regular access to patients?</p> <p>That is regular face to face, 1:1, telephoning (passing test results, giving appointments) to/with patients.</p>		
<p>IF YOU HAVE ANSWERED 'YES' to Q9 <u>and</u> 10 – the postholder will require a Standard Disclosure.</p> <p>IF YOU HAVE ANSWERED 'NO' to either Q9 <u>or</u> 10, consider whether or not a Basic Disclosure is required.</p>		
<p>11. Is it another role which is felt to need a criminal record check for example; finance, payroll, audit?</p>		
<p>IF YOU HAVE ANSWERED 'YES' to Q11 – the postholder is only eligible for a Basic Disclosure</p>		

DOCUMENT CONTROL SHEET

1. Document Status

Title	Disclosure Scotland / PVG
Author	Margot Martin (this version reviewed by Laura Young and Anne Marie Kerr)
Approver	Area Partnership Forum
Document reference	
Version number	4.0

2. Document Amendment History

Version	Section(s)	Reason for update
3.0	1	Information on introduction of PVG (Scotland) Act 2007
	2	Information in relation to PVG requirements.
	2.1	Instances when disclosure still required.
	2.4	Enhanced disclosures continue to be available for posts unrelated to work with vulnerable groups.
	2.5	PVG Scheme memberships – New section regarding scheme membership
	2.6	PVG Scheme membership updates – New section regarding scheme membership updates
	3	Text to include staff who will require PVG rather than Disclosure (previously). Basic Disclosure changed to say 'not normally' required. Insertion of 5 step assessment guide to consider whether regulated work
	4	Disclosure/PVG information added.
	4.1	Wording changed throughout to reflect new information received about applicants or existing employees in accordance with retrospective checking.
	4.2	New paragraph in relation to right of appeal which applicant/employee has in relation to the panel's decision.
	4.3	New paragraph informing about the organisation's obligation to refer to Disclosure.
	4.4	Includes new wording to reflect the fact that this could take place for new applicants or existing staff. Where it is existing staff then consideration must be given to the risk mitigation arrangements i.e. suspension.
	Flowchart	
	5	Disclosure/PVG wording added throughout and also advising that no current or new member of staff can take up new role without PVG if it is required for that post.
	6	The Protection of Vulnerable Groups (Scotland) Act 2007 added.
	Annex A	New section detailing definitions of Child/Adult
	Annex C	New section on payments
4.0	2	Enhanced Disclosure – additional information regarding NHS staff who should apply for this level of disclosure
	2.4	Enhanced Disclosure – additional information regarding NHS staff who should apply for this level of disclosure
	3	Significant change – level of Disclosure for Domestic staff (see point 5 of FAQ's)
	5	Significant change to who can sign off Risk Assessments for Enhanced and Standard Disclosure (not PVG membership)
	5.3	Significant change to who can sign off Risk Assessments for Enhanced and Standard Disclosure (not PVG membership)
	Annex D	Frequently Asked Questions sheet
	Annex E	Guidance checklist

3. Distribution

Name	Responsibility	Version number
Board Secretary	Place on policy register	4.0
Human Resources Dept	Place on intranet and in 'latest news'	4.0
	Inform recruiting Managers and Counter Signatories	
	To be included in the workforce paper for February 2014	4.0
	Briefing to HR team inc recruitment team	4.0
Area Partnership Forum	Dissemination to all staff through line management	4.0

4. Associated documents

Legal Framework - Protection of Vulnerable Groups (Scotland) Act 2007.

Protecting Vulnerable Groups Scheme Guidance for individuals, organisations and personal employers June 2010.

5. Action Plan for Implementation

Action	Lead Officer	Timeframe
Place on policy register	Board Secretary	January 2014
Place on intranet	Human Resources Dept	January 2014
Dissemination to senior staff through line management	Area Partnership Forum	February 2014
Raise awareness and inform staff	All line managers & HR staff	February 2014
Use policy	All staff	January 2014
Train counter signatories and recruiting managers	Human Resources Dept	February 2014

Disclosure Scotland / PVG Policy February 2014