

Extra PVG Information

Regulated Work Categories:

Listed below are the activities under the PVG Act which constitute 'regulated work' for children and protected adults, provided that this activity is part of the PVG applicant's **normal** duties. Individuals only need to undertake one of the categories below to require a PVG check.

Children:

- 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
- Moderating a public electronic interactive communication service which is intended for use wholly or mainly by children
- Providing, or working for an organisation which provides, a care home service which is provided exclusively or mainly for children
- Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children
- Work on any part of day care premises at times when children are being looked after in that part
- Being a host parent

Protected Adults:

- Caring for protected adults
- Teaching, instructing, training or supervising protected adults
- Being in sole charge of protected adults
- Providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training
- Inspecting adult care services

It is also important to PVG check individuals who manage those who undertake regulated work, even if they do not undertake regulated work themselves. Such as a manager of coaches or a manager of volunteers or club helpers.

Exceptions to Regulated Work - Incidental test:

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. For example, a teacher in a school is doing regulated work with children but a college lecturer running woodwork classes in the evening aimed at adults is outside the scope of regulated work, even if one or two children attend his class. This is because the presence of children (and the teaching of children) is incidental to the main activity and purpose of the class which is to teach adults.

An activity is likely to be incidental when:

- open to all (characterised by where the event is held, where it is advertised, admission policy etc);
- attractive to a wide cross-section of society; or
- attendance is discretionary.

An activity is unlikely to be incidental when:

- targeted at children or protected adults (characterised by where the event is held, where it is advertised, admission policy etc);
- more attractive to children or protected adults than others; or
- attendance is mandatory.

An important consideration is the degree to which it could be reasonably foreseen that children or protected adults would attend. Whether an activity is incidental or not is not so much about the numbers of children or protected adults attending but the purpose and intended client group for the activity. For example, an outdoor navigation skills day event advertised in a mountaineering magazine for the population in general may or may not attract some participants who are children. Whether the turnout is 5% or 50% children, the instructing of children is still an incidental activity.

Sharing information with Badminton Scotland:

Under the PVG scheme individuals undergo regular ongoing checks. If the individual becomes barred from working with protected groups or is 'Under consideration for listing' (which means the individual is under investigation) the Club / Group will be informed by the police. Badminton Scotland **will not be informed**, so it is important that the club/group informs Badminton Scotland if this happens.

Update PVG every 3-5 years:

It is recommended good practice to update PVGs with every organisation individuals undertake regulated work with every 3-5 years. This is because even though individuals on the PVG scheme are subject to ongoing regular checks the club will only be informed if the individual is barred or under consideration for listing (under investigation). Clubs will not be informed of any criminal offences individuals obtain after the PVG certificate has been issued, which may impact on the individual's suitability for their work at the Club / Group. As a result having an update every 3-5 years allows any offences to be captured and also allows for any changes to individual's details such as name and address to be updated. It is important to update Disclosure Scotland if individuals stop working at your club.

Available Training:

Volunteer Scotland offer training courses you can book onto here:

<http://www.volunteerscotland.net/disclosure-services/training/>

NSCCP offer training courses you can book onto here:

<https://www.nspcc.org.uk/what-you-can-do/get-expert-training/>

Children First offer training courses you can book onto here: <https://www.children1st.org.uk/what-we-do/how-we-help/safeguarding-in-sport/training/>

INFORMATION SHARING

THE RELATIONSHIP BETWEEN CLUBS AND SGBs

Since the earliest days of Child Protection policies and procedures being introduced to and implemented by Governing Bodies of Sport and their affiliated clubs there has been a level of uncertainty, confusion and anxiety around the handling and sharing of Disclosure information. The uncertainty centred on the fact that it is illegal to share Disclosure information with a third party, and the need for confidentiality to be respected and protected, yet CPOs in both SGBs and clubs needed support.

We are now in a position to address this circumstance in a way which will make the recruitment, selection and Disclosure checking process clearer, more effective and fairer to everyone involved. It will also help ensure more thorough and objective management of any complaints and/or concerns of a child wellbeing/protection nature which might arise. This will include the referral to ministers procedure should it be necessary.

Safeguarding in Sport acknowledges the support, co-operation and expertise of Volunteer Scotland Disclosure Services, (formerly CRBS) and the Information Commissioner's Office in reaching this point.

The solution is straightforward and lies within the Data Protection Policy processes of each SGB and each Club.

Our focus has been on information sharing as it relates to individuals in regulated work roles. However, by adding an appropriately worded FAIR PROCESSING NOTICE within the Data Protection policy statement of the organisation, every person who is/becomes a member and/or employee (paid or unpaid) of that organisation could, if the criteria are met, have their information shared between the recognised persons in the designated organisations.

It will be everyone's responsibility to ensure that the FPN process operates within the letter and spirit of the Law, but it does mean that designated and trained persons will, when the criteria are met, be able to discuss cases and circumstances directly which will assist towards fairer and more objective decisions being taken.

FAIR PROCESSING NOTICE RE CHILD WELLBEING/PROTECTION

"The Data Protection Act 1998 requires that you are informed about how your personal information will be used. For the purposes of child wellbeing/child protection matters, the club may share information about you with the sport's Governing Body in Scotland and/or National (UK) Governing Body where it has been alerted to circumstances that might affect your status as a member of the PVG scheme for regulated work with children and/or protected adults or your suitability to carry out the regulated work role for which you have applied/been appointed or already doing. In the event such sharing is deemed necessary, it will normally only be carried out between the registered Child Protection Officers in the Club and Governing Body."

Candidates are therefore required to disclose any unspent convictions or cautions and any spent convictions for offences included in Schedule A1, 'OFFENCES WHICH MUST ALWAYS BE DISCLOSED' of the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Amendment Order 2105. Candidates are not required to disclose spent convictions for offences included in Schedule B1, 'OFFENCES WHICH ARE TO BE DISCLOSED SUBJECT TO RULES' until such time as they are included in a higher level disclosure issued by Disclosure Scotland.