

AdvoCard

Adult Protection Policy – Disclosure Records

For the purpose of this policy, PVG Scheme Records, PVG Scheme Record Updates, Standard and Enhanced disclosures will be referred to as Disclosure Records.

AdvoCard aims to ensure that any protected adult is kept safe from harm while they are with staff or volunteers in this organisation. In order to achieve this we will ensure our staff and volunteers are carefully selected, screened, trained and supervised.

Selection

- All applicants to our organisation will complete an application form
- Short listed applicants will be asked to attend an interview
- Short listed applicants will be asked to provide references and these will always be taken up prior to confirmation of an appointment.
- The successful applicant will be asked to complete a self declaration form prior to the Disclosure Record being accessed.

Screening

The successful applicant will be asked to complete a Disclosure Record (relevant to the position applied for) prior to the applicant taking up the post.

Training

The successful applicant will receive induction training, which will give an overview of the organisation and ensure they know its purpose, values, services and structure. Relevant training and support will be provided on an ongoing basis and will cover information about their role, and opportunities for practicing skills needed for work. Training on specific areas such as health and safety procedures, identifying and reporting abuse, and confidentiality will be given as a priority to new staff and volunteers and will be regularly reviewed.

Supervision

All staff and volunteers will have a designated supervisor who will provide regular feedback and support. Every member of staff and volunteer will attend an annual appraisal, where their performance, skills, motivation and expectations will be discussed. Appraisals will be minuted and copies made available to the member of staff/volunteer.

It is an offence for an individual who is barred to undertake the type of regulated work from which they are barred.

It is an offence for an organisation to offer regulated work to someone who is barred or fail to remove a person from regulated work if they have been notified that they are barred.

It is an offence for an organisation not to refer an individual to Disclosure Scotland where the grounds have been met.

AdvoCard will ensure that all staff and volunteers involved in recruitment, training and supervision, are aware of this policy and have received appropriate training and support to ensure its full implementation.

Disclosure Information – Definitions

These definitions obtained from the website of Central Registered Body for Scotland (CRBS) on 10 September 2012.

Adults List

The list maintained by Disclosure Scotland of individuals who are unsuitable to work with protected adults.

Automatic Consideration for Listing

A person who is convicted of any of the so-called "relevant offences" set out in schedule 1 of the PVG Act will automatically be placed under consideration for listing in the children's list. There is no equivalent automatic consideration for listing in the adults list.

Automatic Listing

A person who is convicted of any of the serious offences set out on the Order made under section 14 of the PVG Act will be automatically included in both the children's and adults' lists, without the right to make representation or to appeal the listing.

Barring/Barred

Barring is the consequence of being listed. Normally, an individual will be listed by either Disclosure Scotland or the Independent Safeguarding Authority and they will then be barred across the UK. For example, an individual included on the SVG children's list by the Independent Safeguarding Authority is barred from doing regulated work with children in Scotland.

Care (for a child or protected adult)

A position is likely to be regarded as caring if it involves responsibility for the:

- health of,
- guidance of,
- protection of,
- provision of, or
- welfare of one or more children or protected adults.

Care Inspectorate

Care Inspectorate formerly known as Social Care and Social Work Improvement Scotland (SCSWIS) is the new unified independent scrutiny and improvement body for care and children's services and has a significant part to play in improving services for adults and children across Scotland. They regulate and inspect care services and carry out social work and child protection inspections.

Central Registered Body in Scotland (CRBS)

The Central Registered Body in Scotland (CRBS) is a registered body that countersigns disclosures on behalf of voluntary sector organisations that require them, but are not registered bodies themselves. The majority of the applications processed by CRBS are free checks for volunteers working for qualifying voluntary organisations.

Child (children)

"Child" means an individual under the age of 18.

Children's List

The list maintained by Disclosure Scotland of individuals who are unsuitable to work with children.

Civil Orders

Civil orders are orders made by a court under civil, rather than criminal, proceedings and are usually designed to prevent some future harm to others. The civil orders included on the Scheme Record are:

- a sexual offences prevention order (or interim order) under the Sexual Offences Act 2003 ("the 2003 Act");
- a foreign travel order under the 2003 Act;
- a risk of sexual harm order (or interim order) under the 2003 Act;
- a notification order (or interim order) under the 2003 Act; and
- a risk of sexual harm order (or interim order) under the Protection of Children and Prevention of Sexual Offences (Scotland) 2005

Code of Practice

Published by the Scottish Ministers the Code of Practice is intended to ensure that disclosure information is handled, stored and disposed of appropriately

Contact

Contact means physical proximity and does not normally include remote communications such as telephone or e-mail. (However, in some limited circumstances it might also include remote communications such as telephone or e-mail.) Contact does not necessarily require being in the same room but does require a line of sight with the possibility of physical access or communication. For example, a window cleaner cleaning the windows on the outside of a care home would be regarded as being in contact with residents on the other side of those windows.

Continuous Updating

Once an individual becomes a member of the PVG Scheme, Disclosure Scotland will add any new vetting information to their scheme record as and when it arises, rather than simply collating information whenever a disclosure needs to be issued. Where that information suggests that the scheme member may have become unsuitable to work with children or protected adults, there will be a consideration of the case and if appropriate, the individual will be listed on one or both lists.

Consideration for Listing

The process of determining whether an individual is unsuitable to work with children or protected adults, triggered by an organisation referral, court referral, vetting information or the individual being named in a relevant inquiry report.

CRB

The Criminal Records Bureau, an executive agency of the Home Office which provides a standard and enhanced disclosure service for England and Wales

Day to Day Supervision or Management

Individuals at one remove from the front-line, those whose normal duties include the day to day supervision or management of individuals doing regulated work (either carrying out activities or working in establishments) are also doing regulated work. This is explained in sections 2.4 and 2.5 of the guidance

Disclosure Certificate

Issued by Disclosure Scotland in response to an application for basic, standard or enhanced disclosure under the Police Act 1997. A certificate is issued to the individual who requested it and a copy will also be sent to the person who countersigned the application if a standard or enhanced application was made.

Disclosure Record

Disclosure record means any Scheme Record, Scheme Record Update or Scheme Membership Statement issued under the PVG Scheme.

Disclosure Scotland

An executive agency of the Scottish Government. Disclosure Scotland has delegated authority to exercise the functions conferred upon the Scottish Ministers by Part 5 of the Police Act 1997 and the PVG Act. Disclosure Scotland provides a basic disclosure service across the UK, standard and enhanced disclosures to Scottish employers and operates the PVG Scheme and maintains the lists of those who are unsuitable to work with children and protected adults under the PVG Act.

GTCS

The General Teaching Council for Scotland

Harm

Harm is defined at section 93 of the PVG Act and includes: physical harm; psychological harm (for example: causing fear, alarm or distress); and unlawful conduct which appropriates or adversely affects an individual's property, rights or interests (for example:

theft, embezzlement or extortion). The PVG Act also refines risk of harm. Harm in explained in more detail in section 6.1

HMIE

Her Majesty's Inspectorate of Education

Healthcare Improvement Scotland (HIS)

Healthcare Improvement Scotland is a health body formed on the 1st April 2011. It has been created by the Public Services Reform (Scotland) Act 2010 and marks a change in the way the quality of healthcare across Scotland will be supported nationally.

Host Parent

Being a host parent is defined as an activity for the purposes of regulated work with children. This is explained in section 2.4 of the guidance.

Incidental Activity

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. This is explained at section 2.7 of the guidance.

Independent Safeguarding Authority (ISA)

The Independent Safeguarding Authority is a non-departmental public body established to take decisions on suitability and manage the barred lists for England, Wales and Northern Ireland. It operates in partnership with the Criminal Records Bureau (CRB) which manages the list of people who are subject to monitoring under the VBS (equivalent to PVG Scheme members) and issues disclosures.

Intermediary Organisation

An organisation registered with CRBS to act on behalf of other organisations. An Intermediary Body can be used by smaller organisations who are not able to work to the requirements of the Ministerial Code of Practice

Listing / Listed

Listing is the inclusion of an individual on a list or lists under the PVG Scheme or the VBS. Disclosure Scotland will maintain the PVG children's list and PVG adults list. The Independent Safeguarding Authority maintains similar lists as part of the VBS.

Non-conviction Information

Information which the chief officer of a relevant police force thinks might be relevant to the regulated work carried out by a scheme member. The information may relate to civil orders, fixed penalty fines, pending cases or police intelligence. This will appear on a Scheme Record when it is supplied by the chief officer of a relevant police force. Non-conviction information can also appear on those enhanced disclosures that will still be issued under the 1997 Act.

Normal Duties

The concept of normal duties is extremely important in limiting the scope of regulated work. For an activity or work in an establishment to be regulated work, the carrying out of the activity or the work in the establishment must be part of the individuals' normal duties. Normal duties can be considered as something the individual might be expected to do as part of their post on an ongoing basis, for example appearing in a job description. Normal duties exclude one-off occurrences and unforeseeable events. No particular frequency for undertaking the work or duration of work are specified in the PVG Act as these will depend on the context. This is explained further at 2.6 of the guidance.

Opportunity (for contact)

Opportunity for contact means that there is a reasonable expectation, but no necessarily certainty, of contact with children/protected adults. This is explained further at section 2.6 of the guidance.

Organisation

An organisation means:

- a body corporate or unincorporated;
- an individual, who in the course of a business, employs or otherwise gives work to other persons;
- the governing body, trustees or toher person or body of persons responsible for the management of a school, a body listed in schedule 2 to the Further and Higher Education (Scotland) Act 2005 or a hostel mainly used by pupils attending such a school or body

Particular Needs

For a service to be a welfare service (for the purposes of making an individual receiving the service a protected adult), the service must be provided to individuals with particular needs. Particular needs are those over and above the general needs that any individual might have. For example, the need for regular meals is a general need (everybody needs this) but the need for assistance in preparing meals is a particular need (only some people with, e.g a disability, needs that assistance). See also section 2.3 of the guidance which explains the definition of a protected adult.

Personal Employer

An individual (i.e. not an organisation) seeking to employ another individual to undertake regulated work, for example as a nanny or a home help or private music teacher. Personal employers can ask to see a Scheme Membership Statement or countersign an application for one and receive their own copy.

Police Act 1997

The legislation under which Disclosure Scotland issues basic, standard and enhanced disclosures, and which makes provision for the registration of organisations, lead signatories and countersignatories.

Police Intelligence

Information held about an individual by police for operational policing purposes. Intelligence, or a summary of it, might form part of the non-conviction information submitted to Disclosure Scotland for inclusion in an individual's Scheme Record.

Protected Adult

A person (aged 16 or over) protected by the PVG Act because they are receiving certain services as set out at section 94 of the PVG Act and regulations. The details of the services and how they apply are set out in section 2.3 of this guidance.

PVG

Reference to the Protection of Vulnerable Groups (Scotland) Act 2007 or Protecting Vulnerable Groups Scheme, depending on context.

PVG Act

The Protection of Vulnerable Groups (Scotland) Act 2007.

PVG Scheme

Any individual who is not barred may apply to become a member of the PVG Scheme. The PVG Scheme is administered by Disclosure Scotland and allows organisational employers and personal employers to satisfy themselves that an individual to whom they are offering regulated work is not barred from doing that type of regulated work. The PVG Scheme provides three different disclosure records for this purpose, which replaces the use of standard and enhanced disclosures for work with vulnerable groups. PVG Scheme members are continuously monitored for new vetting information and any information which comes to light which may indicate that they are unsuitable to do regulated work will lead to a consideration for listing.

Qualifying Voluntary Organisation

Volunteers doing regulated work for qualifying voluntary organisations are eligible for PVG Scheme membership and disclosure records at no charge. A qualifying voluntary organisation is defined in regulations. It is an organisation which:

- is not a further education institution, a school, a public or local authority, or which is not under the management of a public or local authority; and
- is not conducted primarily for profit, and any profit generated is used to further the objectives of the organisation and not distributed to its members. This is explained further in chapter 3 of the guidance.

Refer/Referral

The process of providing information to Disclosure Scotland when an individual's behaviour has given cause for concern and certain conditions set out in the PVG Act have been met. Some organisations are under a duty to make referrals and others have power to do so. This is explained at chapter 6 of the guidance.

Regulatory Work

Regulated work means regulated work with children or regulated work with adults. Regulated work with children is defined at schedule 2 of the PVG Act (Annex A) and regulated work with adults as defined at schedule 3 (Annex B). Regulated work is explained in chapter 2 of the guidance.

Regulatory Body

Regulatory bodies maintain standards for the profession(s) they regulate. There are 11 regulatory bodies referred to in the PVG Act. These are: the General Chiropractic Council, the General Dental Council, the General Medical Council, the General Osteopathic Council, the General Teaching Council for Scotland, the Health Professions Council, the Nursing and Midwifery Council, the Pharmaceutical Society of Great Britain, the Scottish Commission for the Regulation of Care and the Scottish Social Services Council. The NHS Tribunal also has the power to make referrals to Disclosure Scotland on the same basis as the regulatory bodies.

Relevant Inquiry Report

A relevant inquiry report is an inquiry held by the Scottish Ministers, the Scottish Parliament or an inquiry held under the Inquiries Act 2005. Where a relevant inquiry results in criticism of the actions of any individual who is undertaking regulated work, that information may be referred to Disclosure Scotland by the organisation making the report and, if appropriate, the individual may be considered for listing on one or both lists

Responsible Person

A person who is responsible for a child, used in the context of unsupervised contact with children. This term is defined at paragraph 1A of schedule 2 and explained in section 2.4

Scheme Membership Statement

The Scheme Membership Statement is a disclosure record that shows that a named individual is a member of the PVG Scheme and the workforce(s) to which the membership relates. It also shows whether or not they are under consideration for listing for that workforce.

Scheme Record

The Scheme Record is a disclosure record which contains a scheme membership statement and any vetting information that is held about a scheme member. In response to a disclosure request, the content of the scheme record can be disclosed to scheme members and registered persons employing them in regulated work or acting for anybody employing the individual.

Scheme Record Update

The Scheme Record Update is a disclosure record that contains a more limited summary of the information held in an individual's scheme record. The scheme record update provides the scheme membership statement, the date that the last full scheme record was issued, whether it contained any vetting information, and whether any vetting information has been added to or removed from the scheme record since that date.

SSI

Scottish Statutory Instrument.

SSSC

The Scottish Social Services Council

SWIA

The Social Work Inspection Agency.

SVG Act

The Safeguarding Vulnerable Groups Act 2006. The SVG Act applies in England and Wales with certain provisions in that Act extending to Northern Ireland, principally for the Independent Safeguarding Authority (ISA) to make the listing decisions for Northern Ireland. The SVG Act establishes the VBS, the equivalent to the PVG Scheme for England, Wales and Northern Ireland.

Unsupervised Contact

Unsupervised contact has a different meaning in the context of regulated work with children and protected adults (see below).

Unsupervised Contact with Children

Unsupervised contact with children is defined at paragraph 1A of schedule 2 of the PVG Act and explained at section 2.3 of the guidance.

Unsupervised Contact with Protected Adults

Unsupervised contact with protected adults only has any meaning in the context of work in establishments (care homes and residential establishments or accommodation). Unsupervised contact with protected adults is defined at paragraph 1 of schedule 3 to the PVG Act and explained at sections 2.4 and 2.7 of the guidance.

Umbrella Body

An umbrella body is a registered body that countersigns disclosure applications for organisations which are not themselves registered bodies

Unsuitable

An individual who is found to be unsuitable to do regulated work with children and / or adults following consideration for listing will be listed on the corresponding list(s). The corollary is that a barred individual is deemed to be unsuitable to do regulated work. A barred individual must not do regulated work and cannot join the PVG Scheme.

Vetting Information

Vetting information held about an individual on their PVG scheme record and comprises:

- convictions held on central record in the UK;
- whether the individual is included in the sex offenders register;
- relevant non conviction information provided by police forces; and
- prescribed civil orders

Vetting information is disclosed only on a Scheme Record but its existence and additions or deletions are flagged on the Scheme Record Update, see chapter 1 of guidance.

The existence of vetting information may trigger a consideration for listing when an individual applies to join the PVG Scheme. New vetting information received about a scheme member as part of ongoing monitoring can also trigger a consideration for listing. This is explained in chapter 7 of the guidance.

Vulnerable Adult

Vulnerable adult is the SVG Act equivalent to protected adult in respect of the VBS for England, Wales and Northern Ireland. There are significant differences between the definition of vulnerable adult in the SVG Act and the definition of protected adult for the PVG Scheme.

VBS

VBS is the Vetting and Barring Scheme established by the Safeguarding Vulnerable Groups Act 2006 and Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 for England, Wales, and Northern Ireland. See section 1.10 of the guidance for more information about cross border matters.

Work

Work is defined at section 95 of the PVG Act and has a very wide meaning; it means work of any kind. It includes paid or unpaid work and other types of work. See section 2.2 of the guidance for more information about work.