

# Safeguarding In Scotland

## **PVG (Protecting Vulnerable Groups) Scheme**

In Scotland, Criminal Record checks are carried out through the PVG scheme whereas in England and Wales they are carried out through the DBS (Disclosure and Barring Service).

All clubs and venues have legal duty, under the Protection of Vulnerable Groups (Scotland) 2007 Act, to make sure that individuals who work with children or Adults at Risk at the club/venue are not on the Children's/Adults at Risk Lists. These are lists held by Disclosure Scotland of people unsuitable to do regulated work with children and/or work with protected adults. The lists are separate although individuals can be on both lists.

### **How to apply for a PVG Scheme Record or update**

All applications for people in Tennis are processed through Tennis Scotland. There is now an easy online application process - to join the PVG Scheme costs £59 (free if you are a Volunteer) and if you are already a member of the PVG Scheme, an update costs £18 (again, free if you are a Volunteer).

If you wish to join the PVG scheme, or do a PVG Scheme Record Update please use this link - <https://tennisscotland.wufoo.com/forms/pvg-request-for-application-packs>

The process will involve an ID verification process currently being conducted over Zoom – applicants will be contacted by Tennis Scotland to arrange a suitable time for this.

### **Where can I get help with the PVG scheme?**

Tennis Scotland can provide guidance to clubs on how to manage the PVG process, they can be contacted on 01786 641716 or email [info@tennisscotland.org](mailto:info@tennisscotland.org)

### **Who needs to join the PVG Scheme?**

A role that needs the post holder to be vetted is known as '**regulated work**' and it is defined in law. You must make sure that people who are doing 'regulated work' at your club have not been barred from doing this type of work with children. This is done using the PVG scheme. Only people who do regulated work can be asked to join the PVG scheme. This includes those who have a DBS check from England, or non-Scottish equivalent. It is not legal to ask people to join the PVG scheme if they are not doing regulated work

### **What is regulated work?**

Tennis can provide guidance on whether a specific position at the club is deemed to be 'regulated work'. See also: Disclosure Scotland's website

<http://www.disclosurescotland.co.uk/disclosureinformation/training.htm>.

A person is in Regulated Work if their role involves them supervising or managing children and/or Adults at Risk as part of their normal and regular duties.

### **What does the PVG Scheme do?**

When someone applies to join the PVG scheme, Disclosure Scotland carry out a criminal record check to confirm that they are not on the list of people who have been barred from this type of work. It provides the club with information to inform a decision on their suitability for the post.

All PVG scheme members are subject to ongoing monitoring by Disclosure Scotland. The PVG scheme application registers the interest of your club in the person who will be doing regulated work on behalf of the club. The club will then be informed directly by Disclosure Scotland if that person comes under consideration for listing.

### **PVG Certificates and how they are used**

PVG applications are sent to Disclosure Scotland to perform the list checks. Once this has been done, they issue 2 certificates – one is sent to the Applicant and the other is sent to Tennis Scotland (via VSDS see below). Applicants can use their copy for the club to update their PVG log – Tennis Scotland copy is used to update the applicant's profile on the LTA system, it is immediately destroyed securely after this.

### **PVG Certificates with content**

If a PVG certificate is received that has conviction/s shown (referred to as 'content') Tennis Scotland will always log this on the LTA report a concern system. The applicant will then be asked to produce a detailed account of the circumstances leading to the conviction as well as contact details for 2 people who can act as a referee. Tennis Scotland/LTA will carefully risk assess the information given together with the 2 references.

### **Overseas Applicants**

Applicants from overseas being appointed to regulated work with children are required to join the PVG Scheme.

Applicants from overseas must prove their 'right to work' in the UK. You can then request a police check from the relevant country. For more information on how to go about this see the Centre for the Protection of National Infrastructure ([www.cpni.gov.uk](http://www.cpni.gov.uk)) and search for 'overseas criminal record checks'.

You may also request references from either:

- the sport governing body in the country where they previously worked/volunteered
- the international federation of the sport

### **Consideration for Children's List or Barred Individuals**

If Disclosure Scotland informs the club that an individual is barred, that member of the sports volunteers/staff must be removed from regulated work with children immediately. This is a legal requirement

If Disclosure Scotland informs the club that a member is considered for listing, that person should be suspended as a precaution until the outcome of the case is determined. Suspension is not a form of disciplinary action and does not involve pre-judgment.

### **New vetting information on PVG Scheme Records**

It is a common misunderstanding that a club will be contacted by Disclosure Scotland in the event of any new information becoming available about a PVG Scheme Member. This is not the case. A club will only be informed by Disclosure Scotland if any relevant new information becomes available about a member of the sports volunteers/staff. For example, a club will be contacted if the individual is being considered for listing because they have received a conviction for harming a child, but they will not be contacted if the PVG Scheme Member receives a dangerous driving conviction.

### **When a PVG Scheme Member leaves the role**

If a PVG Scheme member is no longer in regulated work with children on behalf of the club, Disclosure Scotland should be notified. Should a member of the sports volunteers/staff not be in contact for three months or more, inform Disclosure Scotland that the individual is no longer in regulated work with children.

### **Club PVG records & Secure Handling**

Under LTA Minimum Safeguarding Standards, clubs have to maintain a PVG log (see template in resources below) showing expiry date of PVGs for those people at the club who are in regulated work and their role. To compile this log club officials are entitled to ask to see a copy of a recent PVG. This is deemed to constitute Disclosure information and it is important that clubs adopt a 'Secure Handling Policy' which detail how this information is securely managed by the club.

### **PVG referrals**

Tennis Scotland will help advise clubs with this process.

The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances. If an individual is permanently removed from regulated work a decision needs to be made if the reason(s) that they were removed mean that Disclosure Scotland know what's happened. This is called "Making a Referral" and includes circumstances where they would have been removed if, for any reason, they have already left the role.

Referrals should only be made when 2 conditions have been met – Tennis Scotland must be informed if the following apply.

Condition 1 – A person has been permanently removed/removed themselves from regulated work

Condition 2 – At least 1 of the following 5 grounds apply to their permanent removal:

- Caused harm
- Placed someone at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Given inappropriate medical treatment

When both of these conditions have been met, Disclosure Scotland must be informed by making a referral. The form for making a referral can be found on Disclosure Scotland's website, along with instructions for completing the form and the Protection Unit can be contacted on 03000 2000 40 if you need any help.

**It is important to understand that making a referral is not optional. It is a legal requirement to report circumstances where both conditions are met. This should be done within 3 months of making your decision.**

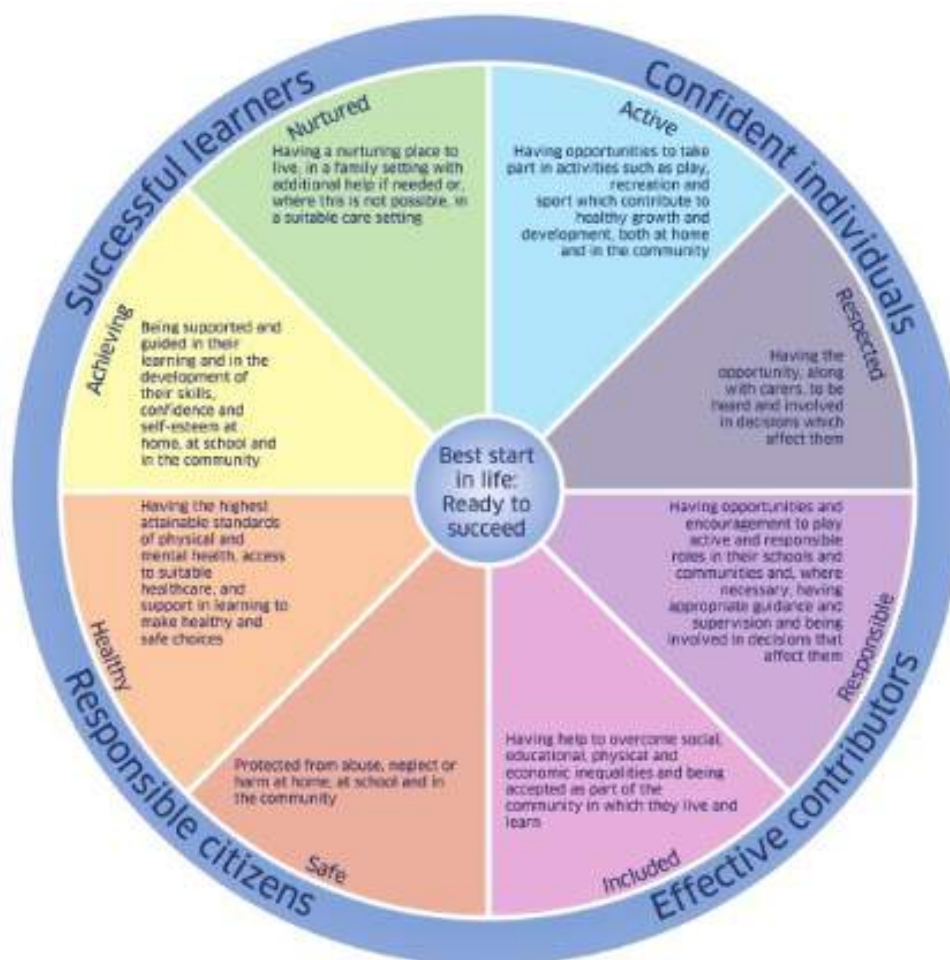
## Getting it Right For Every Child – GIRFEC

The Scottish approach to child protection is based upon the protection of children’s rights. The Getting it right for every child (GIRFEC) policy and practice model is a practical expression of the Scottish Government’s commitment to implementation of the United Nations Convention on Rights of the Child (UNCRC). This is widely referenced across the Scottish education sector and many Scottish Governing Bodies of Sport include this within their safeguarding policies and procedures. It is also referenced in Tennis Scotland Safeguarding training.

The Getting it right for every child (GIRFEC) approach supports children and young people so that they can grow up feeling loved, safe and respected and can realise their full potential. At home, in school or the wider community and in sport, every child and young person should be:

**Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included**

These eight factors are often referred to by their initial letters – SHANARRI. They are wellbeing indicators which help make it easier for children and families and the people working with them to discuss how a child or young person is doing at a point in time and if there is a need for support. The wheel below gives descriptions for each of the Wellbeing indicators.





## Relevant Legislation in Scotland

A brief guide to the legislation relevant to the care and protection of children and adults at risk in Scotland.

### 1. RIGHTS OF THE CHILD

- United Nations Convention on the Rights of the Child (1989) UNCRC
- European Convention on Human Rights (1950)
- Children and Young People (Scotland) Act 2014
- Commissioner for Children and Young People (Scotland) Act 2003

### 2. DISCLOSURE CHECKS

- Rehabilitation of Offenders Act 1974
- Exclusions and Exceptions (Scotland) Amendment Order 2010
- Police Act 1997
- Protection of Vulnerable Groups (Scotland) Act 2007
- Disclosure (Scotland) Act 2020

### 3. CRIMINAL OFFENCES

- Criminal Procedure (Scotland) Act 1995
- Children (Equal Protection from Assault) (Scotland) Act 2019
- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- Sexual Offences (Amendments) Act 2000 – Sexual Offences (Scotland) Act 2009
- Protection from Abuse (Scotland) Act 2001

### 4. OTHER

- Children (Scotland) Act 1995
- Age of Legal Capacity (Scotland) Act 1991
- The Age of Criminal Responsibility (Scotland) Act 2019
- Data Protection Act 1998
- General Data Protection Regulation