

Policy Number	HRM 1.3A
Level	3
Issue	2
Issue date	14 January 2019
Review Date	14 January 2020
Author	Irene Michie
Policy Committee Approval	9 January 2019



For the future you want

# Protecting Vulnerable Groups (PVG) Scheme

## Policy

(Please note that this policy applies to all employees who started with Edinburgh College on or after merger. If you started prior to this date, 1 October 2012, a legacy policy may apply. Please ask HR for clarification)



Human Resources &  
Organisation Development

## CONTENTS

1. INTRODUCTION .....	2
2. SCOPE .....	2
3. KEY PRINCIPLES.....	2
4. RESPONSIBILITIES .....	3
5. LINKED POLICIES/PROCEDURES .....	3
6. DIRECTLY RELATED LEGISLATION .....	4
7. EFFECTIVE DATE .....	4

## 1. INTRODUCTION

- 1.1 This policy and associated procedure details what process the College will follow with respect to ensuring that College employees, and potential employees, have appropriate and up to date pre-employment checks.
- 1.2 This policy and procedure also details the ethos and process the College will follow when considering information supplied by the scheme regarding individual's criminal convictions and/or warnings.

## 2. SCOPE

- 2.1 All job roles within the College will be assessed against the qualifying criteria for regulated work of the PVG scheme as detailed in the scheme guidance. (See appendix one) This includes:
  - All full time posts
  - All part time posts
  - All 'Specialist' or guest lecturers
  - All agency staff (The College's procurement processes explicitly detail the responsibility PVG scheme membership of agency staff including meeting the cost lies with the recruiting agency)
- 2.2 This policy and procedure is related to all issues concerning pre-employment checks for employees and potential employees. It is not associated with scheme membership required for student placements which is governed by a separate process
- 2.3 The terms of this policy will apply to all staff that process PVG Applications for College employees in the course of their employment.

## 3. KEY PRINCIPLES

- 3.1 This policy and associated procedure has been developed based on official PVG scheme guidance. The College will comply with all PVG guidance & legislation governing how the PVG scheme should be administered.
- 3.2 The College recognises its duty to remove individuals from work defined as 'regulated work' should we receive information from Disclosure Scotland that the individual is barred from such work.
- 3.3 The College has an obligation to recruit/ continue to employ individuals only where it is safe and appropriate to do so. Delivering on this responsibility is the main function of this policy and associated procedure and will be the guiding principal in considering any disclosure information we may receive.
- 3.4 Information received by the College will be assessed in regard of how 3.3 applies in relation to the job role that the person is employed in / has a conditional offer for. Individuals holding a conditional offer will not necessarily be declined based on information received.

- 3.5 The College will review all roles to distinguish whether they qualify as regulated work under the definitions provided in the official PVG scheme guidance.
- 3.5.1 For Working with children: As a Further Education Institution the vast majority of job roles at the College will meet the definition of working with children and will be dealt with as such. The College will apply the 'incidental test' as laid out in the official scheme guidance. (see appendix one)
- 3.5.2 For Working with 'Protected Adults': Some job roles at the College will be deemed to be working with protected adults & the College will use the service based definition provided in the official scheme guidance to assess this. (see appendix one)
- 3.5.3 In deciding which of the above categories is applicable for each individual job role at the College, a risk assessment approach will be adopted to apply the definitions detailed in the PVG scheme and to ensure the principals identified in 3.3 and 3.4 respectively.
- 3.6 The College will treat all information given and/or accessed as part of the PVG application process in the strictest confidence. We will use, handle and store all information in line with official PVG scheme guidance and the Data Protection Act. The information will only be used for the purpose it is provided and will only be discussed with individuals at the College who are absolutely central to applying the above Principles. This will normally be the College Lead Counter Signatory / Appropriate Counter Signatory and the relevant manager who will be able to provide additional information regarding the job role.

## 4. RESPONSIBILITIES

- 4.1 The Lead Counter Signatory is responsible for the operation, monitoring, application and review of this operational policy and its associated procedures.
- 4.2 The Lead and Counter Signatories are responsible for the consistent application of this policy and associated procedure.
- 4.3 The Lead and Counter Signatories are responsible for ensuring that they are aware of their requirements under this procedure.
- 4.4 All staff are responsible for ensuring that they are aware of their responsibilities / obligations under this operational policy and procedure.
- 4.5 Quality approval check of the policy is the responsibility of the Quality Manager.

## 5. LINKED POLICIES/PROCEDURES

- 5.1 Staff Disciplinary Policy and Procedure.
- 5.2 Staff Recruitment and Selection Procedure
- 5.3 Procurement/Agency Staff Procedures.

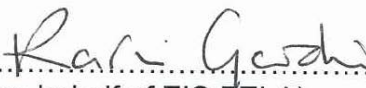
## 6. DIRECTLY RELATED LEGISLATION

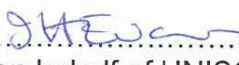
- 6.1 Protection of Vulnerable Groups Act (Scotland) 2007
- 6.2 Employment Rights Act 1996
- 6.3 Data Protection Act 1998
- 6.4 Equality Act 2010
- 6.5 The Rehabilitation of Offenders Act

## 7. EFFECTIVE DATE

- 7.1 This operational HR policy and its supporting procedures become effective 5<sup>th</sup> May 2011, and will be used as guidance before then for those administering the PVG scheme which came into effect and superseded previous schemes on 1 March 2011.

Signed .....  ..... Date 5 May 2011  
(For and on behalf of College Management)

Signed .....  ..... Date 5 May 2011  
(For and on behalf of EIS FELA)

Signed .....  ..... Date 5/ May 2011 .  
(For and on behalf of UNISON)

---

<sup>i</sup> The College is an equal opportunities organisation and aims to reflect the diversity of British Society. We welcome and support staff, students and visitors irrespective of race, ethnic origin, religion, age, sexual orientation, disability and gender.