

Scottish Charity Regulator and Volunteer Scotland Disclosure Services Event Q&A

Question	Response
<p>Will informal volunteering be covered by the new legislation?</p>	<p>Not within PVG.</p> <p>There will still be a requirement for the roles being undertaken to be the normal duties of an individual where they are working/volunteering with vulnerable groups. Activities that are seen as being informal will not require a PVG check. There will still be the option to access a Basic check on someone, or Level 1 as it will be called under the new legislation.</p>
<p>Will all regulated roles require a PVG check?</p>	<p>Yes.</p> <p>If someone is going to be undertaking a role that is classed as regulated and it meets the PVG criteria then going forward this will legally require you to ensure the person is an appropriate member of the PVG scheme prior to you starting them in the regulated role.</p> <p>Currently the PVG scheme is not mandatory but whilst most groups treat it as if it was there is no obligation placed on you to do the check and thus someone unsuitable could be placed in a role without the appropriate check, this move will strengthen safeguarding by ensuring that all groups are working to the same guidelines around disclosure checking.</p>
<p>If all positions now require a completed PVG check prior to starting will that not slow down the process?</p>	<p>We are hopeful that the amended disclosure process will be quicker for organisations to complete the PVG process.</p> <p>The introduction of a digital application process will allow information to be transferred quicker and with data being checked on entry, for example you will not be allowed to answer the next question if you have not put in five years of address history, there will be less mistakes on the forms that will be returned as they require corrected.</p> <p>The mandatory aspect of the scheme has been developed in line with having an online portal in place to allow for quicker access of disclosure information. Individuals will still be able to start work for your group, they just will not be allowed to undertake the regulated role until their disclosure check is completed.</p>

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<p>We are using templates that refer to the current PVG Act, will there be amended templates available?</p>	<p>Yes.</p> <p>Volunteer Scotland Disclosure Services will have amended policies and templates available prior to the implementation of the Disclosure (Scotland) Act.</p> <p>There will also be an extensive programme of training and support for groups across the country to ensure that the implementation runs as smoothly as possible for everyone.</p>
<p>How will the 5 year rechecks impact on our group?</p>	<p>Lifetime membership of the PVG scheme will be removed, this will now require all groups with staff/volunteers in regulated roles to ensure that these workers are still appropriate members of the scheme.</p> <p>Groups will be asked to notify Disclosure Scotland whether or not someone is still undertaking a regulated role within their group at the end of the five year membership period.</p> <p>Notification will be sent to individuals and groups 3 months prior to the end of the membership period for an update to be completed. If there is not a response from this then a further update will be sent 1 month prior to the end of the membership period.</p> <p>Failure to update an individuals PVG membership could mean that they are working for you in a regulated role whilst not a PVG scheme member which will be an offence under the Disclosure (Scotland) Act.</p> <p>it is first and foremost the responsibility of an individual to maintain their scheme membership and not the organisation. Various changes in the new legislation give the scheme member more control over their data to ensure that it is accurate and that only relevant information is passed to groups. Scheme membership may well be extended by the individuals themselves or through other organisations or employers.</p>

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<p>Will the 5 years start from the implementation date of the Disclosure (Scotland) Act?</p>	<p>At this point we do not know when the 5 year membership dates will start.</p> <p>There will be a transition plan nearer the go-live date to ensure that all groups are aware of when somebody's membership period will start/have started.</p> <p>All those who join the PVG scheme after the go-live date will have their membership started from the date they join the scheme.</p>
<p>Who will the list of members requiring to be renewed be sent from?</p>	<p>We anticipate this being sent to the Lead Signatory of a group.</p>
<p>We currently recheck everyone after 3 years, will we still be able to do that?</p>	<p>This will be an individual organisational decision.</p> <p>The digital process will allow for more flexibility in accessing PVG checks on people already working for you and whilst the legal requirement will be five years you will be able to check more often than that.</p> <p>Although it should be noted that as there will still be continuous monitoring in place and notification to groups of someone being moved to being barred or considered for barring these additional checks should be carried out appropriately and not overdone.</p>
<p>Will employers be responsible for renewing PVG applications every five years and will new applications be required for this (including ID checks etc.)?</p>	<p>The process for renewal has yet to be finalised.</p> <p>Information on how to renew a PVG membership will be made available closer to the go live date.</p>
<p>Should we inform Disclosure Scotland if someone stops doing regulated roles with us before the end of their 5 year membership?</p>	<p>The changes to the PVG scheme give the individual more control over their own information and they should still remove the link between themselves and organisations if they are no longer in a regulated role.</p> <p>The ability for groups to remove the link will remain in place as well.</p>

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<p>How will we know when a current volunteer/staff member moves onto the new 5 year system?</p>	<p>All those who join the PVG scheme after the go live date will be part of the new 5 year membership programme.</p> <p>For those who are currently scheme members and who will move onto the 5 year membership guidance will be available closer to the go live date.</p>
<p>If someone currently has a PVG will that be valid when the changes come into force?</p>	<p>Yes.</p> <p>Whilst there are changes to the legislation that may take some current work outside of regulated roles going forward, those that are currently on the PVG scheme will remain as members until they either remove themselves from the scheme or notification is received via all interested parties that they are no longer undertaking regulated roles at the time when they are required to renew their membership.</p>
<p>Will there be costs attached to the new Disclosure process?</p>	<p>The areas that have costs attached to them at the moment will continue to have costs attached to them going forward.</p>
<p>Will the fee waiver remain in place for those who are volunteering with qualifying voluntary organisations?</p>	<p>The fee waiver will remain in place for volunteers who are volunteering for Qualifying Voluntary Organisations.</p>
<p>We currently work with 16 - 25 year olds, do we need to check against children as well as adults?</p>	<p>Currently work with 16 and 17 year olds will be seen as being work with children or adults dependent on the service that is being provided.</p> <p>Going forward with children being those under 18 and adults being those 18 and above, if you are offering services to those under 18 and if it meets the PVG criteria you will require a PVG check in relation to working with Children.</p> <p>We do anticipate this requiring some groups to access both children and adults checks under PVG when at the moment they are only required to access the Adult check.</p>

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<p>How early before someone's 16th birthday can you apply for a PVG so that it is in place for them turning 16?</p>	<p>There is not a timeframe set out as yet but we anticipate it being a short period beforehand such as a couple of weeks.</p>
<p>Will adults with childhood convictions be able to ask for these to be removed from showing on their PVG?</p>	<p>All convictions accrued between the ages of 12 and 17 will be assessed by Disclosure Scotland and if deemed not relevant will not be placed on the issued certificate. If information is to be released then this will given to the applicant first and they will have a right to request Disclosure Scotland remove the information.</p> <p>There will also be an independent reviewer in place who will make a final decision on any disputed information that the applicant wants removed but which Disclosure Scotland think should remain on the certificate.</p>
<p>What happens with the removal of court referrals?</p>	<p>Currently anyone convicted of an offence that is set out within the legislation as a mandatory barring or consideration for barring is automatically referred to the Disclosure Scotland Protection Unit, who then assess the information which can lead to someone being barred.</p> <p>The issue being that these referrals are for everyone convicted of the offences even though they may not be now or have ever worked with children and adults. This places onto the barred list some individuals who would never have any intention of working with or coming into contact with vulnerable people.</p> <p>Going forward there will not be a requirement for these court referrals as the system will be mandatory and everyone who needs a check will legally be required to undertake a check. Relevant information will be accessed and assessed at that time – thus someone who was convicted of an automatic barring offence would be barred at the point of applying to work with vulnerable groups.</p> <p>This also ties in with the introduction of Standard conditions around those under consideration for barring – where there may be a barring offence in the persons past and whilst just now that would see Disclosure Scotland place someone under consideration for</p>

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	<p>listing, and still allow them to work for you, the changes in the Disclosure (Scotland) Act allow for Disclosure Scotland to ensure that the person is not in a regulated role even though they are not yet barred.</p>
<p>Will the digital system be tested with groups to ensure it meets our needs and is accessible?</p>	<p>Yes.</p> <p>There will be a testing phase with a number of groups to ensure that the system functions correctly and meets the needs of those using it.</p>
<p>Will there still be a non-digital process available for those who will not or cannot use an online system?</p>	<p>Yes.</p> <p>There will still be a paper based application process for those submitting disclosure applications.</p>
<p>When will the digital system be available?</p>	<p>Details will be announced going forward of when the digital portal will be available.</p>
<p>Am I legally required to use self-disclosure or similar with an applicant if we are PVG checking them?</p>	<p>There will not be a legal requirement to use a self-declaration policy or similar, it will be a decision for each group to decide if they want to use that policy.</p>
<p>We do Standard checks for non-regulated roles and PVG for regulated roles. We can allow a non-regulated person to start work under supervision but if they will fall into Level 2 in the new system does that mean we cannot start them until informed of their current PVG status?</p>	<p>Only Level 2 disclosures with PVG will have the mandatory disclosure checking in place, if you are accessing a Level 2 check for what is currently a Standard or Enhanced check then you will be able to start that person in the role prior to the disclosure being returned.</p> <p>Please note that as the PVG checks are mandatory, accessing a Standard check to allow someone to start working when they are actually in a regulated role will be considered an offence.</p>

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<p>Will volunteers still be able to undertake multiple activities working with children and adults?</p>	<p>Yes.</p> <p>As long as employers are ensuring that volunteers are appropriate members of the PVG scheme then people will be able to work with children and adults. Groups will still be able to access checks for people to work in both areas of regulated roles as long as the person is working in both areas.</p>
<p>We interview possible volunteers carefully. by agreement they then work with vulnerable adults under supervision. If this works well for all parties we then apply for PVG certificate. Will this no longer be allowed?</p>	<p>At present we anticipate that you will be able to start someone and have them undertake training and an induction programme whilst awaiting for the return of their PVG but they will not be able to do any regulated role until the return of the disclosure even if supervised.</p>
<p>Will there be further guidance/training for Identify checker roles as I cover all of Scotland and can't always get to see individual face to face (especially just now)?</p>	<p>There will also be an extensive programme of training and support for groups across the country to ensure that the implementation runs as smoothly as possible for everyone.</p>
<p>What about kinship carers, do they need PVG?</p>	<p>For those roles that meet the requirements for PVG there will be the requirement to access a PVG check, for some kinship carers the new legislation will probably bring them into requiring (or updating) PVG membership.</p>
<p>If someone is coming from Australia, for example, to do a regulated role in Scotland will they be covered by the PVG scheme?</p>	<p>People from outside of the UK can still become PVG members if they are undertaking a regulated role in Scotland.</p> <p>PVG will not automatically check overseas information for all countries and roles. It will be an individual organisational decision as to whether or not you want to access information from outside of the UK.</p>

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<p>Will information be made available once the go live date is announced?</p>	<p>There will also be an extensive programme of training and support for groups across the country to ensure that the implementation runs as smoothly as possible for everyone.</p>
<p>How secure is the current process for PVG applications via email, as they contain substantial personal information?</p>	<p>All emails are being sent to Scottish Government secure e-mail accounts. The current situation has seen the implementation of this process and we do recognise that some people will not feel comfortable sending information via e-mail which is why the paper forms can still be submitted.</p>
<p>What are the current guidelines for PVG, online or paper submissions and is priority still given to frontline covid related staff/volunteers?</p>	<p>PVG is still in place, those in regulated work should be checked. Covid support applications are being prioritised.</p> <p>A coronavirus response worker is someone:</p> <ul style="list-style-type: none"> • who only needs a disclosure because of their coronavirus work • working in a qualifying sector • in a role only supporting the response to coronavirus <p>You must meet all 3 criteria points for a covid response application.</p> <p>To get a fee waived Covid-19 disclosure, the vacancy has to exist because of coronavirus and only to respond to it. If you needed someone in that role anyway for work not normally about coronavirus, you will still need to pay.</p>