

KEY EMPLOYMENT POLICIES

EMPLOYEE INFORMATION BRIEFING

ISSUE 14: JUNE 2017



NEW POLICY



POLICY REVIEW



REGULAR REMINDER

PROTECTION OF CHILDREN AND PROTECTED ADULTS

POLICY OVERVIEW

The Protection of Vulnerable Groups (Scotland) Act 2007 provides statutory protection to children and protected adults from harm. In order to comply with the Act, the council has robust procedures in place to protect children and protected adults in its care or in receipt of its services.

The Protection of Vulnerable Groups (PVG) Scheme is central to the Act and covers individuals who are engaged in 'regulated work' which means work with children or protected adults. The Scheme is designed to ensure that unsuitable individuals do not gain access to vulnerable groups through regulated work and aims to ensure that individuals who become unsuitable are detected early and prevented from continuing to work, or from seeking work, with children or protected adults.

Only individuals with a satisfactory PVG Scheme Record or a PVG Scheme Record Update obtained by the council will be engaged in a regulated position (paid or unpaid work with children or protected adults).

KEY INFORMATION FOR EMPLOYEES

- To ensure that employees engaged in regulated work remain suitable for that work, the Council requests a PVG Scheme Record Update for each individual **every 3 years** in line with Care Inspectorate recommended best practice.
- If the council becomes aware of information or conduct which indicates that an individual may be unsuitable to do regulated work, the council is obliged to pass on information to Disclosure Scotland (referral) so that a full evaluation can be made and appropriate action taken as necessary.
- Behaviour which may result in referral to Disclosure Scotland does not necessarily have to take place in the course of employment. Referral is required where:
 - *an individual doing regulated work is considered to have done something to harm a child or a protected adult; and*
 - *the impact is sufficiently serious for the council to permanently remove the individual from regulated work*
- The 2007 Act establishes two separate PVG lists. One list contains the names of those individuals who are unsuitable for regulated work with children and the other contains the names of those who are unsuitable for regulated work with protected adults.

- *'Listing'* refers to the inclusion of an individual on the PVG Children's List or the PVG Protected Adults List. *'Barring'* is the consequence of listing.
- The council will be notified automatically by Disclosure Scotland if a PVG Scheme member engaged in regulated work is under consideration for listing by Disclosure Scotland or is barred from regulated work.
- If an individual is under consideration for listing, the council will conduct an assessment to consider whether, pending the outcome of the consideration process, the individual should be:
 - allowed to continue in the regulated post (subject to appropriate risk management measures);
 - temporarily transferred into a non-regulated post ; or
 - suspended on full pay.
- It is a condition of employment that **all employees** disclose any unspent criminal conviction(s) prior to commencing or during the course of employment with the council.

In addition, **employees in regulated positions** must disclose the following:

- Spent criminal convictions listed under ['Offences which must always be disclosed'](#).
- Involvement in police investigations
- Criminal charges
- Police cautions
- Disciplinary action taken by professional or regulatory bodies.
- If you are a PVG scheme member and you change your **name** or **gender**, you are legally obliged to tell Disclosure Scotland within **3 months** of doing so.
- If you are barred from regulated work or are under formal consideration for listing, you must tell Disclosure Scotland within **1 month** if you change your **name, address or gender**. If you don't tell Disclosure Scotland about these changes you may be committing a criminal offence.
- If you are a PVG scheme member, you must also inform Disclosure Scotland **as soon as possible** of any change to your address, contact email, phone/mobile number or employer.

ROLL OUT ARRANGEMENTS

- Services should ensure that records are kept of the date that employee briefings were conducted and the employees who attended. Those records may be subject to internal audit at any given time to ensure that council employment policies are being properly disseminated throughout services.
- Employees should be encouraged to read the full Policy and Procedure on the Protection of Children and Protected Adults available on Mytoolkit and accessible from work and home at:
<https://www.westlothian.gov.uk/article/2200/Policies-Procedures-and-Guidance>