

Safeguarding Handbook 2

The Safe Recruitment, Selection and
Management of Volunteers and Paid Staff



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The Safe Recruitment, Selection and Management of Volunteers and Paid Workers

“For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed...”

Bichard Report, 2004, p12, para 79

Introduction

Many of you will remember being a volunteer in your Church before we used such terms as 'safe recruitment' and 'Disclosures'. Then, you did not need an application form, to be interviewed or wait weeks for your Disclosure to be processed. You simply volunteered by putting up your hand and you got the job! So why did it all change?

Sadly, over the last 20 years there have been a number of tragic incidents where children and vulnerable adults have been harmed or even murdered. When such a tragedy happens the government calls for an Inquiry to establish what went wrong and, more importantly, identify what can be done to prevent it ever happening again. The Inquiry will produce an Inquiry Report and that Report will contain recommendations.

Inquiries you might remember are the 1996 Cullen Inquiry into the shootings at Dunblane Primary School and the Bichard Inquiry in 2004. The Bichard Inquiry followed the murder of 2 young girls by their school caretaker. Sir Michael Bichard was asked to produce an "Independent Inquiry into Child Protection measures, record keeping, vetting and information sharing."

Inquiry Report recommendations inevitably lead to changes in legislation and changes in legislation will mean organisations are required to adopt policies and procedures to comply with that legislation.

The two Inquiry Reports previously mentioned, along with others, have been instrumental in changing our attitudes and actions in relation to 'safe recruitment' over the last two decades.

We now talk about the 'safe recruitment' of paid and unpaid workers because we have learned it is important to be as rigorous with volunteers as paid employees.

We have learned that no matter how well-intentioned someone may appear to be, not everyone is a suitable candidate to work with vulnerable groups and sometimes we have to say 'no'.

Since 1997 The Church of Scotland has embraced the challenge of keeping children as safe as they can be in our congregations and projects. Changes, developments and new policies that have sometimes been perceived as barriers have been adopted with trust and respect.

Now, in our efforts to ensure a safe Church for all, our safeguarding journey must continue. As a responsible and caring organisation we prepare for the challenges of another new piece of legislation in the form of The Protection of Vulnerable Groups (Scotland) Act 2007. As well as protecting children we look forward to also ensuring that we protect all those adults in our midst who are in need of protection as far as we are able.

The Protection of Vulnerable Groups (Scotland) Act 2007

The **Protection of Vulnerable Groups (Scotland) Act 2007** ("the PVG Act") introduced the new **Protecting Vulnerable Groups Scheme** ("the PVG Scheme") in Scotland. (See Safeguarding Vulnerable Groups in England and Wales for more information about the related legislation there). This new PVG Scheme, which was introduced on 28th February 2011, is a crucial part of any safe recruitment procedure and replaces the previous Enhanced Disclosure check. This chapter explains the background to the PVG Scheme, what the Scheme is for, how it should be used, the information it collects and provides and how the Scheme operates.

Key points about the PVG Scheme:

- The Church of Scotland views the introduction of the PVG Scheme as a positive development.
- It extends the same measure of protection to protected adults as already existed for children.
- It is not a radical change – it is an improvement of the previous Disclosure checks system to reduce bureaucracy and improve protection from harm.
- The application forms to join the PVG Scheme are nearly identical to those for the previous disclosure process.
- The role of the Safeguarding Coordinator remains the same: to act as a verifier confirming the applicant's identity.
- The need for multiple disclosure checks for volunteers and paid staff working for different organisations has ended although there will still be a small amount of form-filling required.
- If someone already in post becomes unsuitable to work with children or protected adults, the Church will be automatically notified. This didn't happen under the old Disclosure checks system.
- The PVG Scheme offers better protection for vulnerable children and some adults who may be vulnerable. It does it in a way that does not interfere with people's rights. A common sense approach will be used – the Scottish Government calls this a 'proportionate approach'. Consequently some volunteers working with children who are currently Disclosure Scotland checked may not need to become PVG Scheme members e.g. standing in at short notice, and on a one-off basis, to help with a children's club where the volunteer will be supervised at all times by a member of the PVG Scheme.
- The PVG Scheme is only part of a safe recruitment process: we still need to ensure that every post has a job description, interviews are carried out, references followed up and ideally paid staff and volunteers are supervised. Supervision means that the standard of the person's work is monitored by the person that they are responsible to or line managed by.

Background to the Protecting Vulnerable Groups Scheme

Around 700,000 people in Scotland work with vulnerable groups, either through their paid employment or as volunteers. Since April 2002, the Scottish Government and BT have worked in partnership with Disclosure Scotland to provide criminal record checks for Scotland. In the first eight years of operation, over 4.6 million applications have been made for basic, standard and enhanced disclosures. In the year 2008/09, 360,000 enhanced disclosures were processed for the purposes of working with vulnerable groups.

The PVG Act came about as a response to recommendation 19 of the Bichard Inquiry Report published in June 2004, following Sir Michael Bichard's inquiry into the murder of two schoolgirls in Soham in 2002. The Inquiry looked at police intelligence gathering and record keeping, the way such information was shared, and the way it was used for vetting individuals as part of child protection procedures and it made 31 recommendations. Recommendation 19 stated that, "new arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered."

The PVG Scheme ends the use of Enhanced Disclosure checks. They are replaced by new types of disclosure records under the PVG Act called PVG Scheme Memberships. The PVG Scheme ensures that those who either have regular contact with vulnerable groups through the workplace, or who are otherwise in regulated work, do not have a history of inappropriate behaviour. It excludes people who are known to be unsuitable, on the basis of past behaviour, from working with children and/or protected adults and detects those who become unsuitable while in the workplace. Disclosure Scotland keeps a list of individuals who are considered to be unsuitable to work with children ('the children's list'). Under the PVG Act, Disclosure Scotland also keeps, for the first time in Scotland, a list of those who are unsuitable to work with protected adults ('the adults' list').

The Protection of Children (Scotland) Act 2003 has been superseded by the PVG (S) Act and all those people who were on the Disqualified from Working with Children List (DWCL) have been transferred on to the new PVG children's list.

The PVG Scheme is managed and delivered by Disclosure Scotland as an executive agency of the Scottish Government. The Protection Unit within Disclosure Scotland receives and considers referrals and takes decisions, on behalf of Scottish Ministers, about those people who may be unsuitable to work with children or protected adults.

Improvements offered by the PVG Scheme

The PVG Scheme offers the following improvements on the current system:

- effective barring - Disclosure Scotland does not just collect vetting information, it also assesses it so that individuals who are considered unsuitable on the basis of vetting information are prevented from entering the workforce;
- the adults' list - a new list of individuals who are unsuitable to work with protected adults;
- continuous updating - continuing to collect vetting information about an individual after the initial disclosure check has been made so that new information indicating that they might be unsuitable can be acted upon;
- streamlined disclosure processes - recognising that some people may have several roles (e.g. a supply teacher in several different locations and a church volunteer in their spare time) and that people move and change jobs over time; and
- access to disclosure for personal employers - they can check that the person they are seeking to employ is not unsuitable, e.g. a parent employing a music tutor for their child or someone buying a care service directly.

The following addresses some common questions about the PVG Scheme and how The Church of Scotland will be implementing this legislation. The key to this will be deciding what activities carried out by paid staff and volunteers are regulated work.

Who is a child in the PVG Scheme?

A child is a person under the age of 18.

Who is a protected adult in the PVG Scheme?

A protected adult is a person over 16 years of age, who because they receive a certain type of service, become protected. These services are likely to be provided for people affected by physical or mental illness and/or disability, who have particular needs over and above those of the general population. A protected adult differs from an 'adult at risk' but we will look further at the definition of a protected adult later in this document.

16-18 year olds overlap: is it regulated work with children or regulated work with adults?

The PVG Act defines children and protected adults in a way that there is a deliberate overlap. A protected adult is defined as an individual aged 16yrs or over who is provided with (and thus receives) a type of care, support or welfare service. It is possible for 16 and 17 year olds to be both children and protected adults. Consequently some people, working as paid staff or volunteers, with 16-18 year olds may need to join the Scheme and have membership for working with children and protected adults.

What is regulated work?

This is work done by paid staff or volunteers which is defined in the PVG Act. To find out if work is regulated work we will have to look at what the person does (is it regulated work?) and who they are working with (children and/or protected adults?). This is relatively straightforward for regulated work with children. But for protected adults we will have to be sure that the work is a 'welfare service' and is provided for people with 'particular needs'. We have provided a chart in this handbook (Step 6) to help you work this out.

Who in the Church needs to join the PVG Scheme?

Previously, the Church only disclosure checked those working with children. Under the new PVG Scheme that work is now called regulated work with children. In addition, there is now regulated work with adults as discussed above. An applicant can only apply for a PVG Scheme membership for the children's workforce if they are already or are planning to work with children. Equally an applicant can only apply for a PVG Scheme membership for the Adult workforce if they are already or are planning to work with protected adults. Some paid staff and volunteers in the Church will be working with children and protected adults and will need to apply for a PVG Scheme membership for both groups. It is important to note that a person's job title does not always tell you if they are doing regulated work, you will find that information in their job description. You will find more about this in the section about job descriptions (Step 2).

What does joining the PVG Scheme mean?

Instead of applying for an Enhanced Disclosure Scotland check it means filling in a very similar form to apply for PVG Scheme membership. The applicant will be given a PVG Scheme Record instead of the old Enhanced Disclosure Scotland certificate. The PVG Scheme Record will still look like a paper certificate. It will confirm that the person is

a member of the PVG Scheme and will list vetting information. Vetting information means details about convictions, cautions or other relevant information.

Who needs to join the PVG Scheme retrospectively?

Everyone employed (paid and unpaid) in regulated work will have to join the PVG Scheme. A flowchart on page 13 of this handbook explains how we plan to do this.

What if a person already has a PVG Scheme Membership and wants to start being a volunteer with The Church of Scotland for the first time?

This is where the system of lengthy repeated checks comes to an end and, although at the time of writing, some paperwork will still be needed, it is hoped this service will eventually be available 'on-line' from Disclosure Scotland.

If the applicant is already a PVG Scheme member for both the children's and adult's workforces and is applying to work for either or both workforces for the Church, then they will complete a much shorter application form called an Existing PVG Scheme Member Application. The applicant will then receive a PVG Scheme Update Certificate. This certificate will confirm whether that person has any changes to their last PVG Scheme Record. If not, then it should be a straightforward matter for that person to start as a new volunteer or new paid member of staff.

If the applicant is already a PVG Scheme member for only one of the workforces, either children's or adult's, then they will be able to 'update' that existing membership if that is the workforce they are applying to work in. They can also apply for membership to the other workforce on the shorter application form if that is the workforce they are going to be working in.

So a check of some type will still be needed but this application form is shorter.

If a person wishes to join the PVG Scheme for the first time has convictions, is this going to be a problem?

As under the old Disclosure Scotland Scheme convictions are not an automatic bar to working with children or protected adults. But it does depend on the type of conviction, when it happened, whether there is a pattern of offending, the sentence, and what has changed in the person's life since the offence(s).

The Church of Scotland Safeguarding Service has a group of people, who are all suitably qualified volunteers, who meet to consider applications where the information contained on the certificate is significant. They are called the Safeguarding Advisory Group (SAG). SAG will recommend to Kirk Sessions whether a person is suitable to work with children or protected adults or not.

So if the Church employs (paid or unpaid) a Scheme Member and that person commits an offence, the Church will be advised?

No. The organisation is only advised if the Scheme Member has been 'listed' or is under consideration for listing on either the children's list or the adults' list.

How much is this going to cost the applicant?

A PVG Scheme Membership costs £59. A PVG Scheme Update costs £18. There is no charge to the person if they are a volunteer.

What are the PVG Scheme Lists?

The PVG Act has established two lists of those unsuitable to do regulated work with vulnerable groups: one for children and one for adults. If a person's name is included on either of these lists that person is barred from doing regulated work (paid or voluntary) with children or protected adults. A person can be barred from one type of regulated work and not the other, or from both.

People become listed i.e. barred, when successfully referred to The Scottish Government by the courts, professional organisations or employers (paid and unpaid). Certain convictions lead to automatic listing e.g. rape and murder where the act was committed against a child or protected adult. It will be an offence to employ, as a volunteer or paid member of staff, a person who is listed.

Summary of the recruitment process

The following is a summary of the recruitment process which must be carried out for all relevant appointments which fall within the jurisdiction of The Church of Scotland. This includes volunteers in all Presbyteries.

Step 1

Any position can be **advertised**. As well as a description of the role, it should also state the Church's commitment to safe recruitment and the request for PVG Scheme membership where required. An advert should also advise potential applicants that having a criminal record does not mean they would not be considered for the post.

Step 2

A clear and up-to-date **Job Description (SG1)** (duties, role and responsibilities), a person specification (experience and/or qualifications required), as well as details of the support and training that will be provided, should be given to every applicant. This is because the role of a crèche worker is going to be different from a care assistant or that of a trustee.

Step 3

Prospective workers are asked to complete a **Job Application form (SG2)**.

Step 4

Two **references** are requested for prospective workers (**SG3**).

Step 5

Prospective workers are **interviewed (SG4 and SG5)**.

Step 6

If the post is Regulated Work with children and/or Protected Adults, a **PVG Scheme membership** is required for the worker before he/she is appointed. The Safeguarding Service will supply a recruitment package containing all the forms and guidance you will need.

Step 7

If PVG Scheme Membership is required, applicants are required to complete a **Self-Declaration Form (SG6)** which will be contained in the recruitment package.

Step 8

All relevant background information will be **risk assessed** and any significant information received from a PVG Scheme certificate will be considered by the Safeguarding Advisory Group (SAG).

Step 9

Making an **appointment** and supporting a new worker in their role.

Step 10

Supervision is an extremely important aspect of managing both paid staff and volunteers. It should be carried out routinely, at least annually and in the event of any concerns.

Step 11

An explanation of the **Disciplinary Code** and what to do when someone is not suitable, or becomes unsuitable, to work with children or adults.

Step 1 Job Advert

Any position can be advertised and for paid posts it is helpful to be clear about what the job title is and which qualifications, qualities or experience the successful applicant should have. As well as a brief description of the role it should also state the Church's commitment to safe recruitment and the fact that, if the post is regulated work, then PVG Scheme membership is required. Here are some examples:

Suburbia Parish Church

Volunteers required to work in the Sunday School.
Every Sunday for 3 hours (to include planning) during term time.
Experience of working with children an advantage.
See Mary Brown (Safeguarding Coordinator) for further details.

Please note this post is considered Regulated Work with children under the Protection of Vulnerable Groups (Scot) Act 2007 and successful applicants will be required to join the PVG Scheme or undergo a PVG Scheme Update Check prior to working in the Sunday School.

City Centre Parish Church

Paid part-time youth worker required for youth groups (11-17yr olds).
15 hours/week.
Relevant SVQ level 3 qualification essential.
For further information contact church office.

Please note that The Church of Scotland operates a safeguarding policy and follows safe recruitment practice. The successful applicant will require to be a member of the PVG Scheme under the terms of the Protection of Vulnerable Groups (Scot) Act 2007.

The Village Green Parish Church

Volunteers required to help with the Dementia Support Group.
The group meets every week for 2 hours and applications from volunteers who could help with transporting group members would be most welcome.

Experience of working with adults with special needs or dementia would be an advantage.
Please contact John Smith (Safeguarding Coordinator) for further information.

Please note that this post is considered regulated work with Protected Adults under the Protection of Vulnerable Groups (Scot) Act 2007 and successful applicants will be required to join the PVG Scheme or undergo a PVG Scheme Update Check prior to working with the group.

Step 2 Job Description

The Safeguarding Service has devised a Job Description Form (SG1) which should be completed for all volunteers and paid workers in congregations.

Please remember that the need for PVG Scheme membership is determined by the duties that are outlined in the job description and not necessarily the job title. For example an Organist who solely plays the organ is not doing regulated work but an Organist who has a responsibility for the children's choir, and this is in their job description, would require a PVG Scheme membership.

Who is responsible for completing job descriptions?

The work of developing job descriptions should not necessarily rest with the Safeguarding Coordinator alone. It makes sense that this task is led by someone in the Church who has a thorough understanding of the roles and responsibilities of the post(s) under review. However, the Safeguarding Coordinator should ensure that job descriptions are developed and that copies of the forms are attached to the appropriate Application Form.

Completing a job description

Normally this should be a relatively easy task and the section headings on the form are self-explanatory. However, it is very important that any job description is a meaningful document to those who are actually doing the job. Non-specific statements such as 'work in the Sunday school' are vague and do not really explain to a prospective worker what their key duties and responsibilities will be.

Suggestion

One of the most effective ways of drawing up – or revising – a job description, is to bring together a group of workers and ask them to consider the things they do, or would like to do, within their specific roles. Such sessions can allow all kinds of new and creative ideas to be born! It can also have the added bonus of strengthening the worker's team.

Step 3 Application form

All prospective workers, must complete an Application Form – there must be no exceptions to this. *A sample Application Form (SG2) is available on The Church of Scotland website.*

Step 4 References

Two references must be requested for all new applicants, even for those who have been church members for several years. References should be from an individual who is not a relative of the applicant.

Whenever possible, references should be provided by an individual or organisation outwith the local church community. Such a reference may offer a different view of an applicant to that held by members of the church. It is a good idea to include a copy of the job description (SG1) with the reference request so that the referee has an idea of the role being applied for.

If a reference is not forthcoming after being requested the Safeguarding Coordinator should ask the applicant's permission to make contact with the referee.

A sample Reference Request Form and accompanying letter are available on The Church of Scotland website.

Step 5 Interview

In the context of volunteering in the church, interviewing can be an informal process - it is not meant to be an interrogation. A chat over a cup of coffee in a positive atmosphere is more likely to illicit the information you want and enable you to get to know the applicant. This does not mean paying lip service to the interviewing process.

The purpose of the interview is to accomplish a 'fit' by:

- Helping the applicant to decide if the organisation is right for him/her.
- Finding out about the applicant's interests, abilities and motivation.
- Working out which roles within the organisation match the applicant's interests and strengths.
- Identifying the applicant's training and support needs.
- Answering any questions or concerns that the applicant may have about the organisation.

Preparing for the interview

A good interview requires planning; questions that need to be answered are:

Who should be present?

An interview 'panel' of two or three people is ideal. It is a big responsibility for one person to interview alone. Make sure that all the members of the panel have a role. To help the flow of the discussion, it is a good idea to have one person asking questions while another takes notes. The Interview Checklist and Record can be used for this purpose. The interview notes will form part of the volunteer's recruitment file kept by the Safeguarding Coordinator. You might also want to include the Safeguarding Coordinator so that they can provide guidance about PVG Scheme membership and answer any questions the applicant might have.

All members of the interview panel need to be aware of the job description and see the applicant's application form and references.

Where will the interview be held?

Ensure that the interview room is comfortable (temperature, seating, etc.) and that you will not be interrupted.

What information shall we give the applicant?

- Tell the applicant about the organisation they will be working in.
- Ensure the applicant is made aware of and understands that they will have to complete a Self-Declaration Form and apply for PVG Scheme Membership if they are applying to do regulated work.
- Tell the applicant when and how they will be informed of the outcome of the interview.

What questions will we ask?

To decide what questions you need to ask, you will need to have the:

- Completed application form.
- Job description.
- References.

Compare the job description with what you already know about the applicant; agree what areas need further exploration. Decide the main areas of questioning; relate the questions to the qualities being sought; design them to explore the applicant's knowledge, skills, attitudes and values. The Sample Interview Questions may help you decide what questions to ask.

In addition:

- Explore gaps in the applicant's personal history.
- Do not ask for personal information or views which are not relevant to the job.
- Establish the applicant's expectations of the role.
- Be clear about what answers you are expecting.
- Offer the applicant the opportunity to ask questions and be prepared to answer them.
- In the event that there is more than one applicant for the post, make sure you ask all applicants the same questions.
- This does not prevent you from exploring additional avenues raised by the applicant on the application form or at the interview.

Try to make the interview as relaxed as possible as this will help put the applicant at ease and assist the interviewing panel to determine the applicant's suitability for the post. It is important to:

- Listen to what the applicant has to say; show genuine interest.
- Use open ended questions, to encourage the applicant to tell their story about who they are and why they want to work with children or vulnerable adults.
- Be prepared to enable the candidate to give full responses by prompting and questioning them on their answers.

Step 6 Determining whether PVG Scheme membership is required

Below are tables for determining if a post is regulated work with children or protected adults or both. This guidance is to help identify if an applicant for a paid or volunteer post needs to join the PVG Scheme. Use the tables below to determine if the post is 'regulated work' with children, protected adults, or both.

Table 1: is the post regulated work with children?

A person requires to be checked and become a member of the PVG Scheme for regulated work with children if the answer is YES to Questions 1 and 2 and YES to Questions 3.1 or 3.2 in the table below.

Question 1	Question 2	Question 3
<p>Is it work of any kind, paid or as a volunteer? YES/NO</p> <p><i>If NO, stop here because it will not be regulated work.</i></p> <p>Work is defined as 'work of any kind' including paid and unpaid that is NOT done as part of a personal relationship or arrangement.</p> <p>For example personal arrangements that parents make with friends and family to look after their children or transport them to activities or clubs is not work. But, in this example, if the care is provided by members of the Church who are recruited for that purpose, as in a youth group or crèche, the arrangements are formal and delivered on behalf of the organisation and it is therefore 'work'.</p>	<p>Are they working with a child under the age of 18 years? YES/NO</p>	<p>Are any of the following tasks part of the normal duties of the person providing the service and not just incidental (occasional or by chance)?</p> <p><i>You must be able to tick YES to at least one of the following.</i></p> <p>3.1 Will the person be in sole charge or have unsupervised contact with the child(ren) receiving a formally organised activity? YES/NO</p> <p>3.2 Providing teaching or instruction or training? YES/NO</p>

Table 2: is the post regulated work with protected adults?

A person requires to be checked and become a member of the PVG Scheme for regulated work with adults if the answer is YES to Questions 1, NO to 2.1, YES to 2.2 to 2.6 and YES to Questions 3.1 or 3.2 in the table below.

Question 1	Question 2	Question 3
<p>Is it work of any kind, paid or as a volunteer? YES/NO</p> <p><i>If NO, stop here because it will not be regulated work.</i></p> <p>Work is defined as 'work of any kind' including paid and unpaid that is NOT done as part of a personal relationship or arrangement.</p> <p>An example of an activity that is not work is a person visiting a friend in a residential care home. This is done in a personal capacity. But it would be work if they were a member of a pastoral care group doing this visit on behalf of the Church.</p>	<p>Are they working with a protected adult and providing a welfare service? (See note 1 below about welfare service)</p> <p><i>You need to tick NO to question 2.1 and YES to questions 2.2 to 2.6 for the person to be a protected adult.</i></p> <p>2.1 Can anyone in the congregation receive this service, assistance, support or help? (See note 2 after this table). YES/NO</p> <p><i>If YES stop here: it is not regulated with adults.</i></p> <p>2.2 Does the person receiving the service have particular needs over and above those of the general population because they are affected by disability? E.g. need help with personal care or meal preparation, are housebound or depend on others for transport; are affected by mental health difficulties, learning disabilities, etc? See note 3 below about particular needs. YES/NO</p> <p>2.3 Is the person receiving the service aged 16 years or over? YES/NO</p> <p>2.4 Is the service provided in the name of the Church of Scotland? YES/NO</p> <p>2.5 Is the service provided regularly and in a planned way? YES/NO</p> <p>2.6 Does training need to be undertaken by the person delivering the service? (Training could mean anything from a very brief induction to a one-day session about what the post entails, responsibilities and how the job is done. Training is not defined in the Scottish Government's PVG Scheme guidance). YES/NO</p>	<p>Are any of the following tasks part of the normal duties of the person providing the service?</p> <p><i>You must be able to tick YES to at least one of the following.</i></p> <p>3.1 Will the person be in sole charge or have unsupervised contact with the person receiving the service e.g. being with the person when no one else is present? YES/NO</p> <p>3.2 Providing teaching or instruction or training? YES/NO</p>

Further Helpful Information

1. In Table 2 'welfare service' means the provision of practical, personal or emotional support or advice, and guidance with spiritual matters. There is an overlap for 16–18 year olds who may be classed as either children or protected adults but it is usually obvious how this should be classified by the nature of the service provided.
2. If the answer to question 2.1 is 'YES' then the activity or service which is available for **anyone** in the congregation, regardless of their health, age, disability or circumstances, means that the person receiving it is not a protected adult. The paid member of staff or volunteer providing the service does not need to join the PVG Scheme. **Elders** are a good example of such a post: the service is provided for all in the congregation.

For the answer to be 'NO' the service or activity would need to be targeted only at people with particular needs – see note 3 below.

All **elders** provide **pastoral care** in the general sense but **only** those who are members of formally set up pastoral care visiting groups for people with **particular needs** need to join the Protecting Vulnerable Groups Scheme.

3. **Scottish Government new clarification about the definition of 'particular needs', February 2011.** (The following is a direct quote from the Scottish Government)

'Particular needs' is explained at paragraph 23 of chapter 2 of the PVG Guidance. In relation to the activity of providing 'assistance, advice and guidance' (schedule 3, paragraph 5), further clarity is required. The Scottish Government has provided the following expansion of the definition already provided in the PVG Guidance:

"A particular need is a specific requirement an individual may have arising from either physical or mental illness, or physical or mental disability which may disadvantage that person when compared to the rest of society."

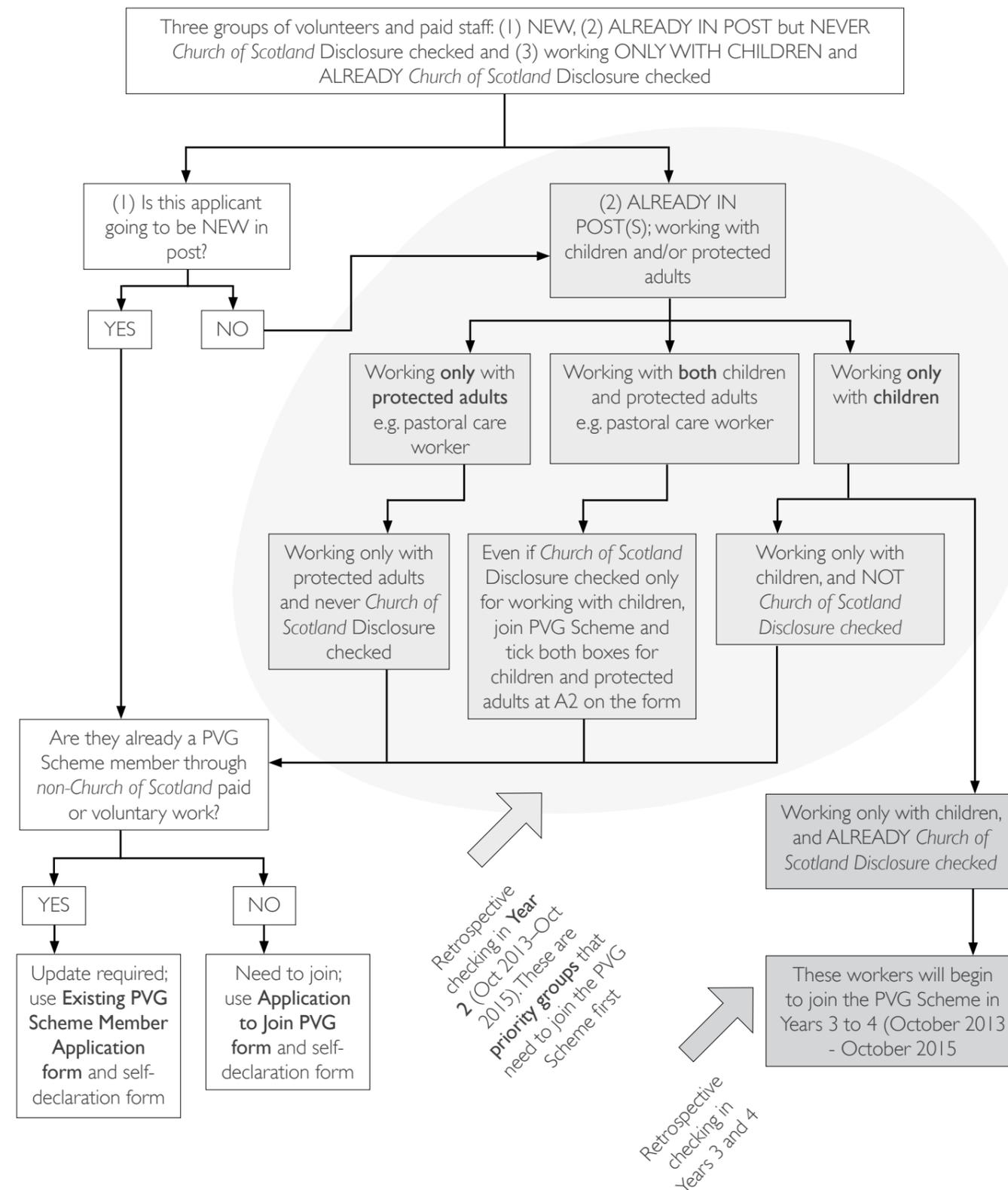
Therefore, the following individuals **may have particular needs**:

- individuals with (temporary or permanent) physical capacity issues above and beyond the normal course of events, i.e. not including ailments which affect everyone from time to time such as colds or flu;
- individuals with (temporary or permanent) mental disorder (i.e. mental illness, learning disability or personality disorder);
- individuals with degenerative diseases;
- generally, individuals who suffer a prolonged impairment in doing ordinary tasks necessary to support their work or home life (rather like the DDA criteria);
- people with drug or alcohol problems (unless as a result of a medical condition or mental disorder).

Therefore, the following **do not have particular needs** by virtue of the following alone:

- people with debt problems;
- people who do not have English as a first language;
- people in detention;
- the jobless, or otherwise economically deprived;
- people with literacy or numeracy problems (although these may be symptoms of a condition which does give rise to particular needs);
- friends or relatives of protected adults or individuals with particular needs.

Flowchart for PVG Scheme Retrospective Checking; who needs to join the PVG Scheme and when, October 2012 to October 2015.



Step 7 Self-Declaration Form

Applicants are required to complete a Self-Declaration Form which will be contained in the recruitment package along with accompanying guidance notes.

A Self-Declaration form allows the applicant to declare, and explain in their own words, any information that might appear on a PVG Scheme Membership Certificate. It also allows the Safeguarding Service to establish if the applicant has any convictions, warnings etc. which may affect their suitability for regulated work. Having a 'spent' or 'unspent' conviction (as defined under the Rehabilitation of Offenders Act 1974) will not automatically bar an individual from working for their Church.

Importantly, on signing the Self-Declaration form the applicant agrees to inform The Church of Scotland Safeguarding Service if they are charged, cautioned or convicted of any offence that may affect their suitability to continue to undertake regulated work with children or protected adults; or if they become the subject of a police and/or social work department (children's or adult's services) investigation.

It is important that the applicant is allowed privacy to complete this declaration. It should be returned to the Safeguarding Coordinator sealed in the envelope provided.

Having a criminal record will not necessarily debar someone from working with children and/or adults in The Church of Scotland. It will depend on the nature of the position applied for together with the circumstances and background to the offences.

A copy of The Church of Scotland's Rehabilitation of Offender's policy can be found on the website (www.churchofscotland.org.uk)

Step 8 Risk Assessment

All relevant PVG Scheme information will be risk assessed and any concerning information may be considered by The Church of Scotland's Safeguarding Advisory Group (SAG). If the Safeguarding Service have any questions at this stage they will communicate directly with the applicant. It would only be if there was a question about the 'process' that we would communicate with the Safeguarding Coordinator. Potentially, and for reasons of confidentiality, applications could take some time to travel through the risk assessment process and the Safeguarding Coordinator would be unaware of this. In such cases, if a Safeguarding Coordinator contacts the Safeguarding Service to enquire about an application, they will be advised that the application is still being processed. The applicant and the Safeguarding Coordinator will be notified of the outcome of the process. There will only be two possible outcomes. The applicant can be recommended by the SAG for appointment as a paid staff member or volunteer or the applicant is not recommended by the SAG for appointment as a paid staff member or volunteer.

If an applicant approaches a Safeguarding Coordinator with a query during the PVG Scheme process he/she should be advised to contact the Safeguarding Service.

Appeals Procedure

Grounds of Appeal

Where it is considered by SAG (following consideration of the Disclosure information supplied by Disclosure Scotland via the PVG Scheme) that an applicant is not suitable to work with vulnerable groups in the Church, he/she has a right to appeal that recommendation.

Any appeal must relate to the fairness of the decision in all the circumstances of the case e.g. that it was not made in-keeping with relevant Church of Scotland Safeguarding policies.

Any disagreement as to the contents of the PVG Scheme information itself cannot be the subject of an appeal under this procedure and should be taken up by the applicant with Disclosure Scotland, through the procedures established by that body.

Process for Appeal

It is hoped that most concerns will be easily resolved via discussion between staff of the Safeguarding Service and the applicant. However, where this informal system fails to achieve a resolution, the applicant is entitled to have the matter independently reassessed through the following procedures:

1. The applicant should contact the Safeguarding Service by telephone to discuss, confidentially, their complaint.
2. If the applicant remains unsatisfied, he/she should contact the Safeguarding Service in writing.
3. The Safeguarding Service will respond in writing within 10 working days, explaining the reasons for the decision and how it was made. All decisions require to have been made in accordance with existing criteria, details of which will also be made available to the applicant.
4. If the applicant remains unsatisfied, he/she shall be entitled to require an independent review of the decision. Such a review must be initiated by the applicant intimating his/her wish to appeal the decision by writing to the Solicitor of the Church ('the Solicitor') within three calendar months of the date on which the decision was intimated to the applicant.
5. The appeal will be undertaken by an Appeal Group comprising three persons selected by the Solicitor from a Safeguarding Appeals Panel previously appointed by the General Assembly and composed of persons with safeguarding and related experience. Having due regard to the need to ensure independent scrutiny of any appeal, none of the panel shall be current or former employees of any of the employing agencies of the Church nor shall they be current members of the Safeguarding Service. The Appeal Group will be overseen by the Solicitor of The Church or another solicitor from within the Law Department.
6. The applicant will be notified of the Appeal Group's decision, in writing, normally within four weeks of the written appeal being received by the Solicitor of The Church.
7. The Appeal Group will also notify the Safeguarding Service of its decision. The Safeguarding Service will take any necessary action, in line with the Group's decision.
8. The decision of the Group will be final.

Step 9 Appointment

Where a satisfactory PVG Scheme Check has been completed by the Safeguarding Service the Kirk Session will be notified via the Safeguarding Coordinator. The Kirk Session will then be able to appoint the applicant to a position.

The name of the worker should be entered onto the Kirk Session's Congregational Register of Personnel Working with Vulnerable Groups. The instruction to maintain this register was given to Kirk Sessions at the General Assembly of 1998.

A probationary period for newly appointed workers

A probationary period should not be seen as a time when a newly appointed worker is 'on trial.' A probationary period gives a new worker an opportunity to decide if a ministry with vulnerable groups is actually right for them. It also gives the leaders of a group or activity the chance to observe the worker and offer constructive and sensitive feedback, when and where appropriate.

During the agreed probationary period, the worker should be supported and offered informal opportunities to discuss his/her work. It is important that the timescale for the probationary period is agreed on appointment and that a review is undertaken at the end of this period.

*Please also read the section **Safe Retention and Disposal of Confidential Information.***

Step 10 Supervision of Volunteers and Paid Workers

Supervision is an extremely important aspect of managing both paid staff and volunteers. It should be carried out routinely, at least annually and in the event of any concerns.

Supervision in this sense is a vital and valuable way to encourage and support workers and to build up a sense of collaboration and team work. Supervision sessions should be used to discuss issues surrounding work and personal relationships with children, young people, protected adults and other workers.

In a review meeting (or supervisory session) the worker could be encouraged to consider the following questions:

- Do they match the tasks detailed in their job description?
- How would the individual describe their experience of working in the Church so far?
- Have they felt supported?
- Have they been able to make changes?
- Have they done anything which they view as a special achievement?
- Are there any issues to do with the personal safety or behaviour of children, Protected Adults and workers that should be discussed?

Outcomes from the supervision meeting should be summarised and recorded, especially during the probationary period.

Should the Safeguarding Coordinator be directly involved in supervision?

The answer is, 'not necessarily.' It may be more appropriate for this task to be undertaken by the leader of the group or team. However, it is important that the Safeguarding Coordinator is informed of any issues which may indicate that difficulties are occurring with the worker's relationships with children, young people, Protected Adults and other workers.

Step 11 Disciplinary Code

What to do when someone is not suitable, or becomes unsuitable, to work with children or adults.

At this point you may find it helpful to make reference to Safeguarding Handbook 1, Section 2, The 4 R's of Safeguarding:- Recognising, Reporting, Recording and Referral. Serious concerns about the safety and wellbeing of any child or protected adult should always be reported to the police and/or social work department in the first instance.

No matter how rigorous our 'safe recruitment' processes may be, occasionally there will be situations where a volunteer or paid employee is unsuitable to continue working with children or adults. On these occasions it is important that Kirk Sessions, or usually Safeguarding Panels on behalf of Kirk Sessions, are reassured that The Church of Scotland has a structure in place for managing these difficulties and that the Law Department and the Safeguarding Service are available to offer advice and guidance when required.

When the concern relates to a paid employee then the Law Department would be able to advise in terms of employment law.

When does someone become unsuitable?

An individual may become unsuitable because of their actions whilst working/volunteering for the Church or their behaviour or actions out with the Church. Usually these situations are managed by the Congregation's Safeguarding Panel. (For more information about Safeguarding Panels please see Safeguarding Handbook 1, page 37)

The Safeguarding Panel should refer to the table on page 19 of this handbook;- **Are you concerned about the behaviour of a worker?**

If the Safeguarding Panel become aware that an individual has done one or more of the following:

- Harmed a child or protected adult;
- Placed a child or protected adult at risk of harm;
- Engaged in inappropriate conduct involving pornography;
- Engaged in inappropriate conduct of a sexual nature involving a child or protected adult;
- Given inappropriate medical treatment to a child or protected adult.

then they must advise the Safeguarding Service by using an SG 9 Form at the first available opportunity, even if the actions happened outwith the Church and even if the information is historic.

What does the PVG Act say?

The PVG Act aims to provide a robust system by which unsuitable people are prevented from doing regulated work with children or protected adults, and by which people who become unsuitable are identified. For it to work effectively, it is necessary for organisations to pass on information to Disclosure Scotland that indicates an individual may be unsuitable to do regulated work so that it can be properly evaluated and appropriate action taken. The process of providing such information to Disclosure Scotland is called 'making a referral'. The PVG Act places a duty on organisations to make a referral when certain criteria are met. Broadly speaking, the criteria are that:

- (a) an individual doing regulated work has done something to harm a child or protected adult and
- (b) the impact is so serious that the organisation has (or would) permanently remove the individual from regulated work.

If, as a result of any of the referral grounds being met, an organisation dismisses an individual who was doing regulated work or transfers them to other duties that do not involve that type of regulated work, the organisation must make a referral. If the individual concerned has stopped doing regulated work for some other reason, the organisation must make a referral if it would or might have dismissed or transferred the individual on the referral grounds. The duty to make a referral in these circumstances applies whether or not the individual is a member of the PVG Scheme.

The same duty applies if the individual stops doing regulated work and the organisation subsequently becomes aware of information which it was unaware of when the individual stopped doing regulated work. If the organisation had been aware of that information at the time and the individual had not stopped doing regulated work, it would or might have dismissed the individual on the referral grounds. In this case the organisation must make a referral.

Who in the Church makes a referral to Disclosure Scotland?

The Safeguarding Service makes referrals to Disclosure Scotland on behalf of Kirk Sessions. On the rare occasions this happens it necessitates a close working relationship between the Safeguarding Panel in your Church and a member of the Safeguarding team. The Church of Scotland has a Disciplinary Code for PVG(S) Act purposes. Please see page 19 of this handbook.

Making a referral is very important. Failure to refer an individual may mean that an individual who is unsuitable to do regulated work does not get barred from doing that type of work and can go on and harm other vulnerable people in other settings.

Disciplinary Code for PVG(S) Act Purposes

1. *This disciplinary code applies to matters covered by the Protection of Vulnerable Groups (Scotland) Act 2007 ("the Act") which introduces The Protecting Vulnerable Groups Scheme ("the PVG Scheme"). The PVG Scheme seeks to prevent vulnerable groups being harmed by those people who work with them. Sometimes an individual doing regulated work can become unsuitable to continue to do this work and this may be indicated by their conduct at work or outside of work. In certain circumstances organisations are required to refer these individuals to Disclosure Scotland where consideration will be given to barring that individual from the children and/or the adult workforce. This disciplinary code may be used in relation to paid or voluntary workers and in all circumstances it shall be implemented in a manner consistent with the requirements of (a) the Act and (b) the Church's Safeguarding Service's guidance and advice.*

In relation to paid workers it shall be interpreted consistently with the contract of employment, or set of terms and conditions, (and particularly any disciplinary or grievance procedures contained there) which apply to the worker.

2. The Kirk Session has the responsibility to fulfil the organisation’s disciplinary obligations in terms of the Act, and shall take action whenever circumstances arise which give grounds to suspect that a worker (whether or not in the course of their work with the congregation) has:

- Harmed a child or a protected adult;
- Placed a child or protected adult at risk of harm;
- Engaged in inappropriate conduct involving pornography;
- Engaged in inappropriate conduct of a sexual nature involving a child or a protected adult;
- Given inappropriate medical treatment to a child or protected adult.

(Hereinafter referred to as “the alleged misconduct”). The Kirk Session may consult the Safeguarding Service at any stage.

3. Any referral to either the Childrens' List or the Adults' List in terms of the Act shall be made by the Safeguarding Service.

4. In the first instance and without any delay, where a question of alleged misconduct arises, the Kirk Session (or the Safeguarding Panel when appropriate, on its behalf) shall consider whether the alleged misconduct indicates a possible child or adult protection concern. This consideration shall not involve making any formal investigation of the facts, but shall be carried out in consultation with any line manager of the worker concerned and with the Safeguarding Service. Where the representatives of the Kirk Session have a child or adult protection concern, the matter shall be reported by them to the police or appropriate Social Work department and the individual concerned shall be administratively suspended pending the outcome of the police or Social Work investigation.

5. In all other cases the Kirk Session shall, in consultation with the Safeguarding Service, review the situation and consult the flowchart (attached) that supports this code.

6. For the purpose of the review, actions falling short of discipline shall constitute advice, further training, or an informal warning administered by the person or agency to which the worker is accountable for the performance of their duties.

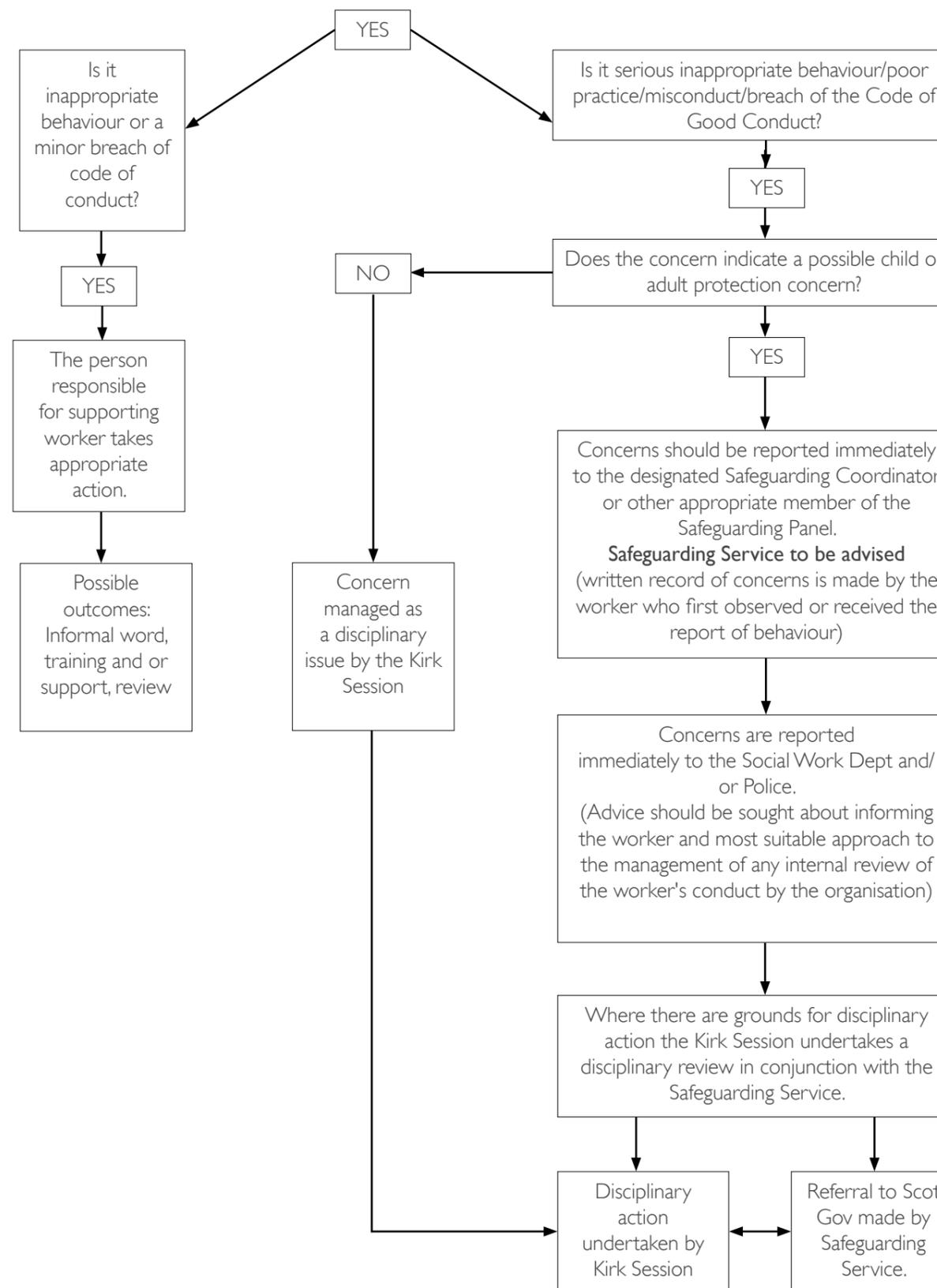
7. In the case of volunteers, any decision made by a Kirk Session to impose a form of discipline shall be one of the following: (a) reprimand, which shall be an expression of disapproval of particular behaviour with counsel regarding future conduct; (b) an instruction to the individual to receive further training, or to do or refrain from doing any specified action, or otherwise as the Kirk Session shall judge necessary; or (c) dismissal, i.e. removal from the post held. In the case of dismissal or in a case that would have led to dismissal but for the intervening resignation, retirement, transferring to another post, redundancy or expiry of contract of the individual, the Kirk Session shall determine whether to exercise any other form of discipline in terms of this code and the Safeguarding Service shall determine whether to make a referral to Disclosure Scotland in terms of the Act.

8. In the case of a paid worker, any review shall (so far as consistent with the provisions of this code) follow the disciplinary procedure set out in the worker’s contract or terms and conditions of engagement. If allegations of harm against a paid member of staff are found to be unsubstantiated but there are good grounds for believing that the person continues to pose a risk, ‘compromise agreements’ should not be used to end the person’s employment. The appropriate disciplinary procedure should be used to manage the employment situation.

9. All decisions of the Kirk Session in fulfilment of this code shall be subject to the right of appeal to the Presbytery, but no such appeal shall delay any report to the police or Social Work authorities.

Checklist to support the Church’s Disciplinary Code

Are you concerned about the behaviour of a worker?



Safe Retention and Disposal of Confidential Information

The Safeguarding Service will manage all personal and sensitive data given in PVG Scheme Disclosure certificates and PVG Scheme Application forms according to the guidance set down in the Explanatory Guide of the Code of Practice for Registered Persons and other Recipients of Disclosure Information (Disclosure Scotland). This document is available on Disclosure Scotland's website.

A copy of the Church of Scotland's Policy regarding the correct handling, holding and destroying of Disclosure information can be found on the website: www.churchofscotland.org.uk.

It is essential that safe disposal of 'spoiled' PVG Scheme applications is undertaken. These forms contain personal and sensitive data which must be managed in line with the requirements of the Explanatory Code. Spoiled forms must be shredded or treated as confidential waste. If Kirk Sessions do not have access to these means of disposal, forms should be returned to the Safeguarding Service. Staff of the Safeguarding Service will then dispose of the forms. Forms returned to the Office for disposal should be clearly marked 'for disposal' and returned in a sealed envelope.

Once a recruitment decision has been made in relation to a volunteer, their details have been entered on to the Congregational Register including the date clearance letter received, and a suitable probationary period has been worked (see step 9), then all other personal paper work should be shredded. Job application forms and references should not be kept for longer than is necessary.

Kirk Sessions should ensure that they have somewhere safe and secure where they store any confidential and sensitive safeguarding information.

Safeguarding Vulnerable Groups in England and Wales

The Church of Scotland is a member of The Churches Agency for Safeguarding (CAS) www.churchsafe.org.uk and all our Disclosure checks for congregations in the Presbytery of England are processed through CAS. This relationship mirrors our relationship with the Central Registered Body in Scotland (CRBS).

In England and Wales, The Safeguarding Vulnerable Groups Act 2006 (SVG Act) introduces the Vetting and Barring Scheme (VBS). Following a review of the Vetting and Barring Scheme carried out in 2012, changes are being made to the Scheme. This required changes to be made to the Safeguarding Vulnerable Groups (NI) Order 2007. This was done by way of the Protection of Freedoms Act which received Royal Assent on 1 May 2012. Some changes will come into effect from 10 September 2012.

A leaflet explaining the key changes can be viewed at : <http://www.dhsspsni.gov.uk/changes-to-barring.pdf>
These are all relatively new legislations in England and Wales and organisations there are still preparing to make all the necessary changes. What we can tell you so far is that:-

- There are significant differences between the definition of vulnerable adult in the SVG Act and the definition of protected adult for the PVG Scheme in Scotland.
- The Protection of Freedoms Act makes a number of key changes to the definition of regulated activity and the system of criminal record checks relevant to employers and voluntary organisations working with children or vulnerable adults.
- The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority will be merged to form the Disclosure and Barring Service (DBS) in November 2012.
- If you are working or volunteering in the Presbytery of England and you have any questions about the new system please contact the Safeguarding Service.

Recruiting workers from Overseas

When recruiting workers, paid and unpaid, from overseas, it will often be very difficult to complete the criminal background information section of the recruitment process. It will depend very much on which country the individual is coming from. All applicants have to complete all other parts of the recruitment process including a Self-Declaration (SG6) and References (SG3).

Quite often an applicant will be able to bring some kind of certificate with them. It might be called a 'certificate of good conduct' or a 'certificate of non-conviction' depending on where they are coming from. This would be similar to a UK resident taking their PVG Scheme Membership Certificate with them to another country.

Perhaps an individual has come to the UK without considering the need for any such certificate. They can be asked to contact their country of origin and request the information to be sent to them. Sometimes Police Authorities will supply this information to an individual and on most occasions it will have to be paid for.

If the person is unable to produce any form of certification and it is not possible to verify whether there is any significant criminal background information, then other parts of the recruitment process should be bolstered up.

You should ask for at least 3 references and at least one of them should come from the country of origin. These references should make mention as to whether the referee is aware of any criminal background information.

If a congregation, project or workplace is recruiting an individual from a non E.C. country then Ministries Council at The Church of Scotland should be advised to ensure that individual is appropriately sponsored.

No matter where they are coming from all new workers who are applying to do regulated work must join the PVG Scheme.

Recruiting Asylum Seekers

Asylum seekers will find that their rights and entitlements in the UK are restricted. They are unable to take paid employment but they are entitled to volunteer. Please visit our website or follow the following link for guidance about recruiting asylum seekers as volunteers:-
http://www.churchofscotland.org.uk/__data/assets/pdf_file/0018/5463/pvg_asylumseekers_guide.pdf

The Church of Scotland has been advised that all PVG Scheme applications submitted for asylum seekers must verify to the CRBS that the applications are for the purpose of a volunteering activity and not for paid work. In response to this directive, CRBS requires that organisations complete a declaration form when submitting PVG Scheme applications for individuals who are asylum seekers. This is to verify that the PVG Scheme application submitted is for the purposes of a volunteering activity. This is in addition to completing Section D1 of the PVG Scheme application form to confirm that the position applied for is a voluntary position. A copy of the Declaration which Asylum Seekers have to submit to you with their PVG Scheme application is available on our website.

The Role of Presbytery

Presbyteries have a responsibility to ensure that all congregations comply with the Instructions of the General Assemblies of The Church of Scotland. To assist Presbyteries with this task the Safeguarding Service has devised a Schedule (SG 11) that can be used by Presbytery representatives conducting a local church review in regard to safeguarding matters. Listed below are items that Presbyteries should check:-

- Kirk Sessions are obliged to make all associated with the congregation aware of the Church's Policy Statement 2010 'Ensuring a Safe Church for All'.
- Kirk Sessions are required to appoint a suitable Safeguarding Coordinator under the terms of the Report on Child Protection to the General Assembly of 1998. (Form SG10)

- Registration of Safeguarding Coordinators with the Church's Safeguarding Service is mandatory (Report of Joint Boards, 1998).
- Safeguarding Coordinators must undergo training conducted by persons accredited by the Church's Safeguarding Service. For more information about safeguarding training see Safeguarding Handbook 3.
- Safeguarding Coordinators are required to be authorised verifiers for PVG Scheme Membership applications.
- Safeguarding Coordinators are required to update their instructions and guidance to the congregation to reflect the latest policies and procedures.
- Kirk Sessions are required to adopt and use the Safeguarding Panel model to manage confidential and sensitive safeguarding matters as instructed by General Assembly 2009 (refer to Safeguarding Handbook 1).
- Kirk Sessions should ensure that all new paid staff and volunteers doing regulated work with vulnerable groups have satisfactorily completed the safe recruitment process.
- Kirk Sessions are required to ensure that all new appointments (paid and unpaid) since 28th February 2011 have been subject to the checking process required to do regulated work with vulnerable groups via membership of the Protecting Vulnerable Groups Scheme.
- All appointments of those doing regulated work with vulnerable groups need to be reported to, and minuted by, the Kirk Session.
- Kirk Sessions are required to establish and maintain a Register of Personnel doing Regulated Work with children and/or protected adults (Report of Joint Boards 1998 updated to comply with the Protection of Vulnerable Groups (Scotland) Act 2007).
- The text of the Summary Card, first approved by the General Assembly of 1997, has been updated. Copies of the new Pocket Guide are available from the Safeguarding Service and should be provided to all those working with children and adults at risk.
- All those working with vulnerable groups should be actively encouraged to attend the appropriate level of Church of Scotland Safeguarding Training.
- All workers should be made aware of the procedures to be followed in the event of an allegation or disclosure of harm or abuse as per the Pocket Guide 'Safeguarding Children and Adults at Risk' (see Safeguarding Handbook 1).
- All records should be stored in a secure and confidential place. Safeguarding records, when necessary, should be destroyed securely.
- It is suggested that an annual Health and Safety Audit of church premises be conducted paying particular attention to potential risks to children and adults at risk (see Safeguarding Handbook 4 for helpful walk-through guide).
- Kirk Sessions should liaise with individuals or groups who hire church premises to attempt to ensure compliance (where applicable) with the requirements of the Protection of Vulnerable Groups (Scotland) Act 2007. Kirk Sessions are not responsible for ensuring other groups' compliance with legislation, but Kirk Sessions are responsible for ensuring they only let their premises to responsible groups.
- The Kirk Session needs to be aware of the Disciplinary Code for the purposes of the Protection of Vulnerable Groups (Scotland) Act 2007. It is not necessary for all members of the Kirk Session to be made aware of the personal details of any individual who is subject to the Disciplinary Code. This process will be managed by the Safeguarding Panel on behalf of the Kirk Session.
- The report 'For of Such is the Kingdom of Heaven' presented to General Assembly in 2009 led to a policy and procedures to manage those who may pose a risk (convicted sex offenders) worshipping in our congregations. Covenants of Responsibilities are drawn up to manage any risks in the Church. The Church of Scotland has an appointed Sex Offender Liaison Officer (SOLO) based in the Safeguarding Service who works with Police and Criminal Justice Teams to monitor, manage and support offenders. This procedure is mandatory.
- Safeguarding: a course to inform Kirk Sessions of their roles and responsibilities in the recruitment, management and support of those they appoint was developed in 2007 and was made mandatory by General Assembly in 2010.
- Members of the visitation team should satisfy themselves that the Kirk Session is pursuing and implementing the Church of Scotland's Safeguarding policies and procedures.
- As in other areas of Presbytery visits to a congregation, the emphasis should be placed on encouragement, enlightenment and enablement.

Standard forms

The Safeguarding Service has developed safeguarding forms (SG Forms) to assist with the safe recruitment process. These forms are described below and the most recent version is available to download from our website. If you are unable to download any of these forms and require copies to be sent to you please contact the Safeguarding Service.

Form SG1

Job Description

Every worker in the Church should have a Job Description. The purpose of this form is to ensure that the individual has, on appointment, a clear idea of what his/her work will involve and consequently the congregation can be clear about what it expects the person to do. The job description should state if the role is regulated work with children and/or protected adults and the applicant should sign the declaration included on the form to confirm their understanding of their safeguarding responsibilities.

Note: You may wish to develop your own Job Description based on this one. Please remember that this should give a clear summary of the aims of the group that the person will be working with and a realistic description of an individual's duties and responsibilities. A review meeting with previous or existing workers is a good way to ensure this. It is also important that the form identifies the position of the person responsible for supervising the worker.

Form SG2

Application Form

Every person applying to work with children or protected adults in the Church should complete an Application Form. They must also provide 2 referees, preferably from individuals who have experience of the applicant's capacity to work with children and adults with particular needs.

SG3 and SG3 Information

Self-Declaration Form and supporting guidance notes

It is important that every applicant complete a Self-Declaration form. All applicants should have the opportunity to complete this form confidentially and return it sealed to the Safeguarding Coordinator in the brown envelope provided. The Safeguarding Coordinator will then forward it to the Safeguarding Service along with the PVG Scheme paperwork. It is not the responsibility of the Safeguarding Coordinator to assist with the completion of these forms or to open the brown envelopes.

Form SG4 and SG4 Information

Sample reference request and sample letter to accompany reference request

This is an example of a reference request form and letter which can be used to request references for a worker.

Form SG5

Interview checklist and record

For those involved in the interview this is a helpful checklist and record which can be used to prepare beforehand and then afterwards to keep a record and reflect.

Form SG6

Interview Questions

Another helpful tool that helps you prepare for and structure an interview.

Form SG7

Congregational Register

Every Kirk Session is required to maintain an accurate record of personnel engaged in regulated work with children and protected adults. This record will be checked at annual and Presbytery inspections. There should be no confidential information held on this Register.

Form SG8

Volunteer Transfer Form

This form can be used when a volunteer who has been recruited to do regulated work with children and/or protected adults wants to transfer to another congregation or wants to volunteer for regulated work in more than one congregation. The form must be used for volunteers only and it only covers the regulated work the volunteer has been approved to do.

Each congregation retains the right to fully recruit volunteers themselves if they so wish, even if that volunteer has previously been recruited by another congregation.

Form SG 9**Notification of Termination of Appointment Form**

The PVG Act aims to provide a robust system by which unsuitable people are prevented from doing regulated work with children or protected adults, and by which people who become unsuitable are identified. For it to work effectively, it is necessary for organisations to pass on information to Disclosure Scotland when there are indications an individual may be unsuitable to do regulated work. The PVG Act places a duty on organisations to make a referral when certain criteria are met and this responsibility lies with the Safeguarding Service.

This form must be completed and sent to the Safeguarding Service when the criteria outlined on page 32 of this Handbook (Step 11 – Disciplinary Code) have been met.

Form SG10**Registration Form for the appointment or retiral of a Safeguarding Coordinator**

This form should be completed in full and sent to the Safeguarding Service as soon as a new Safeguarding Coordinator is appointed. The Safeguarding Service's central records will be updated and the Safeguarding Coordinator will be sent information relevant to the role and an invitation to attend training when a training event is available. For more information about Safeguarding Training please see Safeguarding Handbook 3.

Please also remember to send a copy to your Presbytery Contact and keep them informed of any changes to this form.

Form SG11 and SG11 Info**Presbytery Inspection Schedule and notes on Schedule**

The Schedule aims to assist Presbyteries in their duty to inspect congregations with respect to safeguarding matters. Presbyteries will require Kirk Sessions to respond to all of the questions in the Schedule during a Presbytery visit. It will be helpful for Safeguarding Coordinators and Kirk Sessions to consider these points in advance of their inspection.

Glossary of Terms

The guidance introduces a number of key words and phrases, which are summarised in this glossary.

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 in 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 (to become the Disclosure and Barring Service (DBS) in England and Wales) 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 for; or
- welfare of

one or more children or protected adults.

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 applications processed by CRBS are for free checks for volunteers working for qualifying voluntary organisations.

Child (children)

Under the terms of the Protection of Vulnerable Groups (Scotland) Act 2007 and for the purposes of determining 'regulated work', '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.

Contact

Contact usually means physical proximity and does not normally include remote communications such as telephone or email (however, in some limited circumstances it might also include remote communications such as telephone or email). 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 organisational referral, court referral, vetting information or the individual being named in a relevant inquiry report.

Countersignatory

An individual within a registered body nominated by the registered person (a.k.a. lead signatory) to countersign standard, enhanced or PVG Scheme disclosure requests on behalf of their organisation. The suitability of individuals to fulfil this function is assessed at initial registration and regularly reviewed.

CRB

The Criminal Records Bureau, an executive agency of the Home Office which provides a standard and enhanced disclosure service for England and Wales. The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority will be merged to form the Disclosure and Barring Service (DBS) in November 2012.

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.

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.

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. The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority will be merged to form the Disclosure and Barring Service (DBS) in November 2012.

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.

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.

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 individual's 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.

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 other 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 (everyone needs this) but the need for assistance in preparing meals is a particular need (only some people with e.g. a disability, need that assistance).

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 Scheme Membership Statements or countersign an application for one and receive their own copy.

Personnel suppliers

An employment agency or an employment business.

POC(S)A

The Protection of Children (Scotland) Act 2003.

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 in 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 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.

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 a power to do so. The Church of Scotland, as an employer of paid and unpaid staff, has a duty to make referrals.

Regulated work

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

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 Optical 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.

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.

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.

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 6 (a) and (b) of Schedule 2 of the PVG Act.

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 in Schedule 3 to the PVG Act.

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 is information held about an individual on their PVG Scheme Record and comprises:

- convictions held on central records 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.

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.

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.

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.

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