

## Other disclosure levels

There are 3 other disclosure levels available under Part V of the Police Act 1997, for positions which are not regulated work: Enhanced, Standard and Basic.

Enhanced disclosures are available for positions prescribed in the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (as amended). Eligible positions include prospective adoptive parents; individuals aged 16 or over residing with childminders, foster carers or prospective adoptive parents; foster/adoption panel members.

Enhanced disclosures can provide details of spent and unspent convictions and cautions, other relevant police information, inclusion on the Sex Offenders Register, and where applicable whether the individual is on the children's or protected adults barred list.

Standard disclosures are available for positions defined in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (as amended). One of the exemptions is for any employment or work which is concerned with the provision of a care service.

Standard disclosures can provide details of spent and unspent convictions and cautions, and inclusion on the Sex Offenders Register.

Basic disclosures are available for any purpose and can contain details of unspent convictions.

***It should be noted that for registered care services, any position which does not meet the criteria for PVG may be checked at Standard disclosure as a minimum.***

## Further information

If you need any further information on eligibility for PVG or other disclosure levels, please contact Disclosure Scotland's helpdesk on **0870 609 6006** or **[info@disclosurescotland.gsi.gov.uk](mailto:info@disclosurescotland.gsi.gov.uk)**



# GUIDANCE ON PVG AND OTHER DISCLOSURE LEVELS FOR REGISTERED CARE SERVICES

## Introduction

Disclosure Scotland issues disclosures under Part V of the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007, and administers the Protecting Vulnerable Groups Scheme (“PVG”) on behalf of Scottish Ministers. The Scheme is designed to ensure that those who have regular contact with children and/or protected adults through paid and unpaid regulated work do not have a known history of harmful behaviour.

## PVG and “regulated work”

Organisations employing individuals to do regulated work may request PVG Scheme Record disclosures (or PVG Scheme Record Updates for individuals who are already members of the PVG Scheme). Eligibility for PVG is set out in the PVG Act, with regulated work defined in Schedules 2 & 3 to the Act.

A child is defined as anyone under the age of 18. A protected adult is someone aged 16 or over in receipt of certain prescribed services. Registered care services are one of the prescribed services.

Regulated work is any work with a child and/or protected adult which is part of their normal duties and is:

- a regulated activity;
- work in a regulated establishment;
- day to day management or supervision of anyone doing a regulated activity or working in a regulated establishment; or
- a regulated position of trust.

## Regulated work with children

Regulated activities include teaching, instructing, training or supervising children; being in sole charge of a child; unsupervised contact under arrangements made by a responsible person; providing advice or guidance relating to physical or emotional wellbeing, education or training; work in day care premises when children are being looked after; working for a care home service or independent health care service; moderating an interactive service for children; being a host parent.

If the postholder is not doing a regulated activity, are they working in a regulated establishment and have the opportunity for unsupervised contact

with children? Regulated establishments for children include schools & colleges, school/college hostels, children’s homes, children’s hospitals, children’s detention institution.

Regulated positions of trust with children include foster carers, children’s panel members, children’s charity trustees, etc.

## Regulated work with protected adults

Regulated activities include caring; teaching/instructing/training/supervising or being in sole charge of a protected adult; providing assistance, advice or guidance relating to physical or emotional wellbeing, education or training; inspecting care services on behalf of the Care Inspectorate.

***It should be noted that even if the client group of a care service does not include children, care staff may still be doing regulated work with children if part of the service to the client is to assist with the client’s children, eg. Feeding or dressing the child, taking to or collecting from school, etc. Employers would therefore be able to carry out PVG checks in respect of both children and protected adults.***

If the postholder is not doing a regulated activity, are they working in a regulated establishment? Regulated establishments for protected adults are registered care homes, and certain residential accommodation provided or secured by a local authority under social work or mental health legislation. If so, the postholder must have the opportunity for unsupervised contact with the protected adults as part of their normal duties, and the contact must be more than incidental, to be eligible for PVG.

Regulated positions of trust with protected adults include the chief social work officer, protected adult charity trustees, etc.

## PVG suitability checks

In addition to organisations having the ability to do PVG checks on eligible staff, under section 73 of the PVG Act the Care Inspectorate are entitled to carry out PVG checks in order to assess someone’s suitability to provide or continue to provide a registered care service. This section allows the Care Inspectorate to check care providers against both the children’s and adults barred lists.