

Wellbeing and Protection Guidance

Understanding the PVG Scheme



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Introduction

All new members of staff or volunteers who will be working with children and/or protected adults in football must be recruited appropriately and in line with the Appointment and Selection Procedure. Part of this appointment process should involve finding out if someone has a history of criminal or other concerning behaviour.

Every club has a legal duty under the Protection of Vulnerable Groups (Scotland) Act 2007 to make sure any person authorised to work or volunteer with children and/or protected adults is not barred from working with either or both of these groups. If the member of staff or volunteer will be working with children and/or protected adults they must apply to become a member of the appropriate PVG Scheme and the application countersigned by the Club or relevant Affiliated National Association.

This guidance note has information on the PVG Scheme, regulated work and frequently asked questions about membership to the PVG Scheme.

What is the PVG Scheme?

The PVG Scheme is managed and delivered by Disclosure Scotland as an executive agency of the Scottish Government.

The PVG scheme:

- Ensures those who are otherwise in regulated work with children and/or protected adults do not have a history of inappropriate behaviour; and
- Excludes people who are known to be unsuitable, on the basis of past behaviour, from regulated work with children and/or protected adults; and
- Detects those who become unsuitable.

All PVG scheme members are monitored by Disclosure Scotland on an ongoing basis. The person will remain a member of the PVG Scheme until they notify Disclosure Scotland that they are no longer in regulated work with children and/or protected adults and remove themselves from the Scheme, or if they become listed. By countersigning the PVG application it registers the club's or Association's interest in the person and the club/Association will be informed directly by Disclosure Scotland if that person comes under consideration for listing or barred (listed) from working the children and/or protected adults.

Children and Protected Adults

PVG membership for regulated work with children and regulated work with protected adults are distinct.

- “Children” is anyone who is under 18 years old.
- A “Protected Adult” is a person aged 16 or over who is provided with particular services. The person is a protected adult by virtue of a service they receive, not because of a particular condition or disability, and are a protected adult only while receiving that service.

If the person will be in regulated work with both children **and** protected adults they should be a member of both PVG Schemes. This is likely to apply to medical staff (including first aiders) if their normal duties includes providing medical assistance or treatment to both children and adults at the club. For example, the club may only have a youth team but the first aider would be expected to treat any adult who became unwell including a club official, match official, a spectator etc. or vice versa.

What is regulated work?

To be eligible for PVG membership the member of staff/volunteer needs to be in ‘regulated work’ on behalf of the club/Association. There is not a definitive list of what roles will or will not be covered under ‘regulated work’. Instead it will require consideration of the role that person will undertake.

For a list of roles which would generally be regulated work and require membership to one or both of the PVG schemes see **Appendix A**.

It is the responsibility of the club/Association to decide whether or not the person will be in ‘regulated work’ and ensure that the person is either already a member of the PVG Scheme, through a request for a PVG Scheme Record Update (see below), or becomes a member before they start their role. Support in making this decision can be obtained by contacting Disclosure Scotland, your Affiliated National Association or the Scottish FA, if required. Volunteer Scotland Disclosure Services also provide support to not-for-profit organisations.

In order to determine whether someone is in regulated work, ask the following 5 questions:

1. **Is it work for the club?** Will the person be carrying out either paid or unpaid work? As an example, work does not include an agreement made between parents/carers to transport children to and from games or training.
2. **Who are they working with?** Will the person be working with children aged under 18 years or protected adults?
3. **Is one of the following activities part of the individual's normal duties?**
 - caring for children and/or protected adults
 - teaching, instructing, training or supervising children and/or protected adults
 - being in sole charge of children and/or protected adults
 - unsupervised contact with children under arrangements made by a “responsible person” through the club
 - providing assistance, advice or guidance to a child and/or protected adult which relates to physical or emotional wellbeing, education or training
 - being a host parent for a child
4. **Is it their normal duties?** It has be part of their normal duties e.g. the activity is reasonably anticipated and would appear in the role description.
5. **Are there any exceptions?** There may be occasions where someone is working with children and/or protected adults but this is ‘incidental’ to their normal duties e.g. U18 player playing for an adult team. An exception would also include working with children who are in work or employment e.g. an assistant coach who is 17 years old.

For examples on how to consider whether the role is ‘regulated work’ see Appendix B

PVG membership will also be required for anyone whose normal duties include the day to day supervision or management of a person who is in regulated work with children and/or protected adults.

Application Process

The application process will depend on whether the person is already a member of the PVG Scheme or not.

<p>If the person is a member of the PVG Scheme for the work required e.g. will be in regulated work with children at your club and is already a PVG member for that type of work</p>	<p>The person should apply for a PVG Scheme Record Update (£18) on an Existing PVG Scheme Member application. By countersigning this application, the club becomes an 'interested party' and will be notified if the person is or becomes unsuitable for regulated work with children.</p>
<p>If the person is a member of the PVG Scheme but not for the work required e.g. will be carrying out regulated work with children and protected adults at your club but is currently only a member of the PVG Scheme for regulated work with children</p>	<p>The person should apply for a PVG Scheme Record (£59) on an Existing PVG Scheme Member application form. By countersigning this application, the club becomes an 'interested party' and will be notified if the person is or becomes unsuitable for regulated work with children and/or protected adults.</p>
<p>If the person is not a member of the PVG Scheme</p>	<p>The person should apply for a PVG Scheme Record (£59) on an Application to Join PVG Scheme form.</p>

For further information on the application process for new members see Appendix C.

Qualifying Voluntary Organisation (QVO)

If the person who is applying to become a member of the PVG Scheme or for a Scheme Update is a volunteer and your organisation qualifies as a QVO the PVG certificate will be free.

For further information on QVOs see Appendix D – Frequently Asked Questions and Appendix E – Registering with Disclosure Scotland.

Barred from regulated work

If Scottish Ministers decide that someone is unsuitable to carry out regulated work with protected groups they will bar them from working with children and/or protected adults, and inform interested parties. The individual will be removed from the PVG Scheme and any other employers/interested parties listed on their record will be notified that the individual has been barred. Before a person is barred from regulated work Scottish Ministers will go through a process known as 'Consideration for Listing', unless the person has been convicted of an Automatic Barring Offence.

For further information on ‘Consideration for Listing’ see Appendix F.

Disclosure Scotland retain the information of individuals who are barred from working with children and/or protected adults. There are two separate barred lists, one for people barred from undertaking regulated work with children and another for people barred from undertaking regulated work with protected adults. These lists are known as the “Children’s List” and “Adults List” and are administered by Disclosure Scotland on behalf of Scottish Ministers. A person can appear on one or both lists and does not have to be convicted of an offence in order to be barred from working for either group.

It is a criminal offence for a club/association to have someone in regulated work with children and/or protected adults who is barred from working with that group(s)

Requirements on clubs

- The club must ensure that anyone who is in regulated work with children and/or protected adults at the club is a member of the PVG Scheme for the appropriate workforces **before** they start working for the club.
- The club must request a **Scheme Record Update** for anyone who is in regulated work with children and/or protected adults **every three years**. This is because the club will not automatically be notified of convictions or relevant information unless it leads to consideration for listing or the person becoming barred from regulated work with children and/or protected adults.
- If the member of staff/volunteer leaves your club, you must notify Disclosure Scotland that the person is no longer in regulated work with your club and you will be removed as an ‘interested party’.
- If the club employs staff or volunteers in regulated work and they are involved in conduct that harms children or protected adults or places them at risk of harm, the club may be required by law to make a referral to Disclosure Scotland. Full details as to when to make a referral and what harmful behaviour should be referred can be found at <https://www.mygov.scot/pvg-referrals/>

Failure by an organisation to make a referral within 3 months, if they are legally required to do so, is a criminal offence

- Clubs must remember that PVG checks is only one part of the Appointment and Selection Procedure and the full procedure must be followed when appointing staff and/or volunteers who will be working with children and young people.

Basic Disclosure

If the role does not involve regulated work with children and/or protected adults, the club can consider asking the person for a basic disclosure. A basic disclosure is a criminal record check and shows any unspent convictions and whether the individual is included on the Sex Offenders Register. Anyone can apply for a basic disclosure about themselves and this will be issued to that person. The certificate is normally sent to the applicant's home address. The applicant can request that the basic disclosure certificate is to be sent directly to the club by giving their written consent. The cost for this certificate is £25.

APPENDIX A – Regulated and non-regulated roles

Below are some examples of roles within Scottish football that would generally be expected to be regulated or non-regulated roles.

The list below is not exhaustive and whether an individual is in regulated work will depend on what is in the role description and the nature of the work, either paid or as a volunteer, that they are doing. This guide can be used to determine whether an individual is in regulated work on behalf of your club/Association/League.

Regulated roles	Non-regulated roles
<ul style="list-style-type: none">• Child Wellbeing and Protection Officer• Youth Coach / Assistant Coach• Physiotherapist• Doctor• First Aider• Sports Scientist• Chaplain• Manager of a person(s) who is in regulated work	<ul style="list-style-type: none">• Scout• Senior Team Coach / Assistant Coach• Performance Analyst• Kit Supervisor• Media role

APPENDIX B – Examples of regulated work

- ❖ The manager of the senior team signs a 17 year old player. The coach has not previously worked with any under 18s and is not a member of the PVG scheme. Does he need to join the PVG Scheme?
 1. Is it work? Yes.
 2. Who are they working with? Adult players and a 17 year old player.
 3. What do they do? The coach would be involved in the training, teaching, instructing or supervision of the adult team which includes a young person under 18 years old.
 4. Is it their normal duties? Yes, while the 17 year old player is on the team the roles mentioned above would be part of their normal duties.
 5. Are there any exceptions? Yes, the activity is targeted at adults and the presence of young people in the activity is 'incidental'.

Not eligible for PVG membership. As the coach is coaching a 17 year old who is part of the senior team this would not be an activity aimed at U18s.

Although a PVG is not required, the club may want to consider getting a Basic Disclosure for the coach. This example also highlights the importance of the other checks which can be completed as part of the Appointment and Selection procedures.

- ❖ A club employs a kit person. The job description is responsibility for the kit of the first team, reserve team and U17s. In relation to the U17 team, the kit person also has responsibility for supervising the children along with another volunteer while they are in the changing rooms and will look after a child during the game if they are injured. Does the kit person need to join the PVG scheme?
 1. Is it work? Yes
 2. Who are they working with? As part of the responsibilities for the U17 team they will be working with young people.
 3. What do they do? They are involved in supervising children and, as part of their role, may have sole charge of children and/or unsupervised contact.
 4. Is it their normal duties? Yes.
 5. Are there any exceptions? No.

PVG eligible for children. The PVG is only required because of their role in supervising the young players. If the kit person's responsibility only extended as far as the kit and they did not have other involvement with young people as detailed above, then membership to the PVG scheme would not be required.

This is an example where it is important to ensure that the job description is accurate on the application to Disclosure Scotland e.g. Kit person with responsibilities of supervising children within the changing area and off the field if injured.

- ❖ A parent of one of the players drives his 9 year old son and two other players, who are the same age, to and from all games. The agreement to drive the children to and from the game has been made between the parents.

1. Is it work? No, this is not work for the club as this is an agreement between the parents.

Not eligible for PVG membership. This is an agreement between the parents and therefore it is not 'work'. The responsibility falls to the parents to ensure that their child is safe when leaving them in the care of another adult.

If this arrangement had come about because it was organised and managed by the club then they would require to become a member of the PVG Scheme because it would involve being in sole charge of children and having unsupervised contact.

- ❖ The club has an agreement with a young person (17 years old) that he can write all match reports and conduct interviews with the players of an U18s team but always with the coach present. The young person has responsibility for keeping the club website up to date and writing match reports and posting photos. The young person also writes for the local newspaper reporting on matches in the area. Does he require to become a member of the PVG scheme?

1. Is it work? Yes
2. Who are they working with? Various people at the club including U18s who are involved at the club.
3. What do they do? He is involved in interviewing players but he does not have unsupervised contact with under 18s and is not involved in any of the other activities listed above under 'What is regulated work?'.

Not eligible for PVG membership. Although he will have contact with U18s, it is not an activity which would involve him being in regulated work with them. If a coach was not present when interviewing U18s players then the young person may be eligible for PVG membership because he would be having unsupervised contact with U18s as part of his normal duties. The club may consider requesting a Basic Disclosure.

- ❖ The coach of a senior team is now helping with the club's development squad of U18 players. Do they need to join the PVG scheme?

1. Is it work? Yes
2. Who are they working with? They are now working with players U18 and this activity is aimed at U18s.
3. What do they do? The coach will be involved in the teaching, instructing, training or supervising children. At times they may be in sole charge of children and have unsupervised contact with children.
4. Is it their normal duties? Although not previously in their job description this is more than a one off occurrence and is now part of their normal duties
5. Are there any exceptions? No.

PVG eligible for children. It is important to reconsider whether a PVG is required if a member of staff/volunteers who is already at the club moves from one position to another which now involves regulated work with children and/or protected adults.

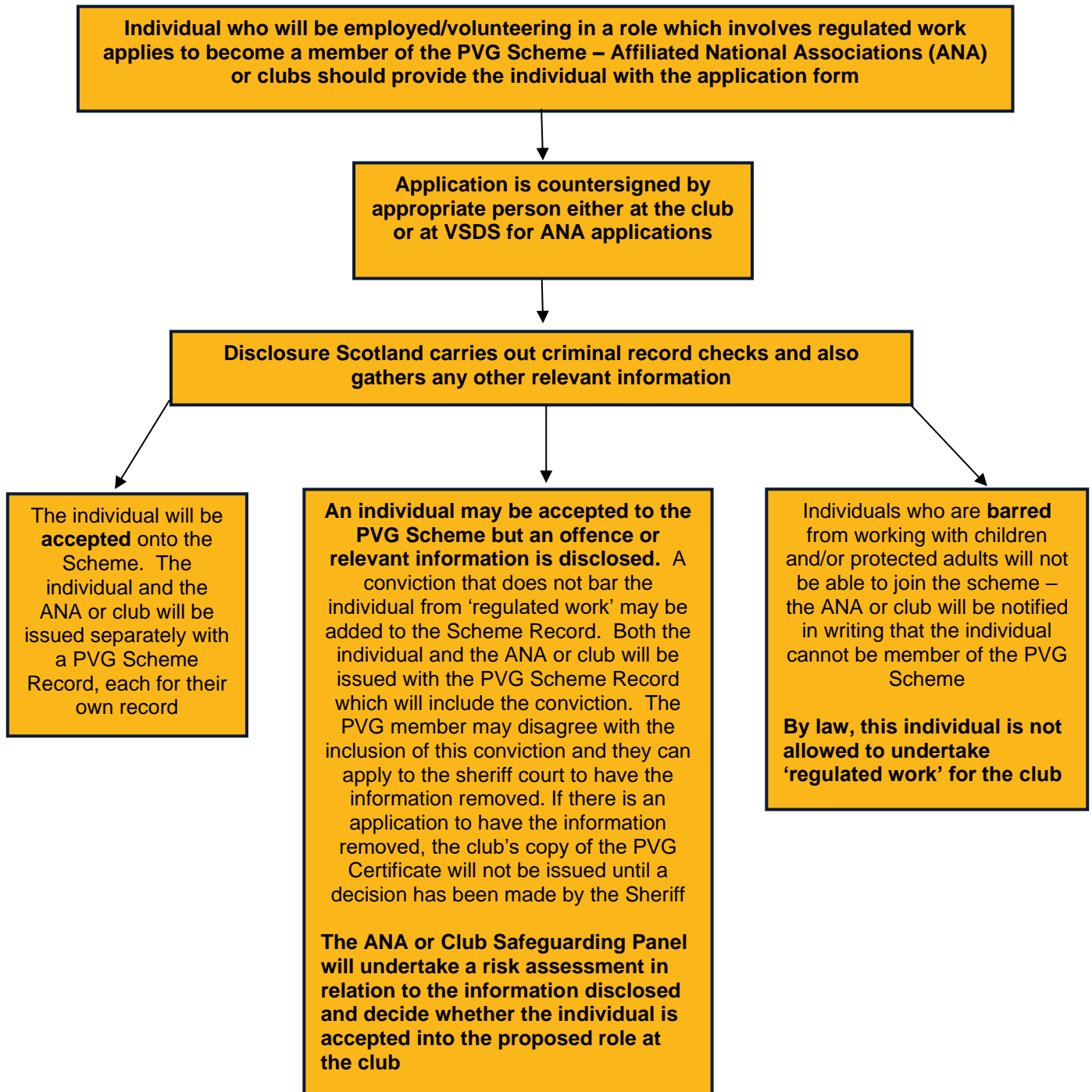
- ❖ The physiotherapist at the club is involved with the first team, U19s, and various youth teams (U16s and U13s).
 1. Is it work? Yes
 2. Who are they working with? The physiotherapist works with adults and children.
 3. What do they do? Provide assistance, advice or guidance to a children and protected adults which relates to physical or emotional wellbeing, education or training.
 4. Is it their normal duties? Yes, the duties above are part of their role description.
 5. Are there any exceptions? No

PVG eligible. The physiotherapist will require to be a member of the PVG scheme for **both children and protected adults**. When a player over the age of 18 years old is injured, they fall within the category of 'protected adult'. If the physiotherapist is already a member of the PVG scheme but only for children, or vice versa, they will need to apply again to be a member of the other scheme.

Anyone treating players for injuries as part of their normal duties will always require to be a member of the PVG Scheme. If the injured players is over 18 they are considered a 'protected adult' due to their injury.

The need to be a member of the PVG Scheme would also apply to first aiders.

APPENDIX C – Application Process for new members



APPENDIX D – Frequently Asked Questions

To be safe can the club simply require all staff/volunteers to be members of the PVG Scheme?

The PVG Act sets out in some detail the purpose for which PVG Scheme disclosures can be used. To use them for other purposes is unlawful. Disclosure Scotland has a compliance team which works with its registered bodies to ensure that they request and handle disclosures appropriately. They monitor disclosure applications and will take action where it becomes clear that organisations are making unlawful requests. Individuals who are concerned that they may be being asked for a disclosure inappropriately should report the matter to Disclosure Scotland for further investigation.

The volunteer is a teacher and is already a member of the PVG scheme, what do I need to do when they are about to start a voluntary role coaching children at the club?

You should ask the volunteer whether they are a member of the scheme for children and young people, protected adults or both. If they are a member of the children's scheme, you should request a PVG Update for their work with your club. If they are a member of the scheme for protection adults then they will need to become a member of the PVG Scheme for children in order to coach children at the club.

How often does the PVG need updated?

As part of our ongoing commitment to safeguard children and protected adults, a PVG Record update is required for those in regulated work every **3 years**. In addition, the PVG member will need to complete a self-declaration form annually.

How long does it take to become a member of the PVG Scheme?

90% of PVG applications are completed by Disclosure Scotland within 14 days provided that the application has been completed correctly.

If the application requires to be completed through the relevant Affiliated National Association the full process may take up to 6 weeks from start to finish.

What happens if the club does not request a PVG membership for someone who should be a member?

It is a requirement of the Appointment and Selection Procedure that anyone in regulated work is a member of the PVG Scheme. If any member of staff and/or volunteer is appointed to regulated work and they are not a member of the PVG Scheme the club *may* be putting the children who attend your club at risk.

If you have not requested a PVG Scheme Report (or Update) for someone who is in regulated work with children and/or protected adults then you should do so immediately. The person should not continue regulated work during the period you are waiting on the PVG application to be processed. If the person has been barred from regulated work with children and/or protected adults then the club may have committed an offence if the person has been allowed to undertake regulated work.

When should I request a PVG membership for someone I wish to employ or someone I already employ?

You should request a PVG before the person starts the 'regulated work'.

What if the person has previous convictions/non-conviction information?

Having a criminal record will not necessarily prevent the person from working with children and/or protected adults at a club. Any relevant vetting information disclosed on the Scheme Record should be considered in relation to the position for which the person has applied by the Club/Association's Safeguarding Panel. If the person has already disclosed this information on the self-declaration form, they will have had the opportunity to make the club/Association aware of this information and provide some details. If required, you can invite the person to a meeting to discuss this further (if this did not happen at interview) to ensure you have as much of an understanding as possible with regards to the situation.

Who pays for a PVG for an employee?

If your club qualifies as a Qualifying Voluntary Organisation (QVO), the PVG certificate will be free for any unpaid volunteers doing regulated work. PVG applications are not free for anyone who is not a volunteer in a QVO. There are 3 different ways to apply become a QVO. Further information on how to apply to be a QVO can be found at <https://www.mygov.scot/apply-qvo/>. If your club has been authorised as a QVO, you must tick the box on the PVG application form which qualifies for a free certificate.

If the organisation does not meet the requirements to be a QVO, PVG checks have to be paid for, even for volunteers. It is a matter for individual clubs as to how this is managed.

What happens if the prospective member of staff/volunteer is not allowed to join the PVG Scheme?

If the prospective member of staff/volunteer cannot become a member of the PVG scheme this means they are barred from regulated work with children and/or protected adults (depending on what scheme they have applied for). If the person is barred from 'regulated work' with children or protected adults then they **cannot** undertake regulated work with this group or groups at your club.

It is illegal for a person to undertake regulated work if they are barred from doing so, and illegal for an organisation to employ a barred person in regulated work.

My club does not have youth team, are there any roles which will require the individual to be a member of the PVG Scheme?

Yes, first aiders, doctors and physiotherapists will always require to be a member of the PVG Scheme even if the club only has adult players. When a player is injured they are considered a 'protected adult'. It may also be necessary for them to have PVG membership for regulated work with children if they would be expected to treat any child who became unwell e.g. if a spectator became unwell during a game.

Who is a 'protected adult'?

A person aged 16 or over who is provided with particular services. An important principle underpinning PVG is that person is a protected adult by virtue of a service they receive, not because of a particular condition or disability, and that they are a protected adult only while receiving that service. A common example of this is when a person is receiving medical treatment.

What is barring?

Barring is the consequence of being listed. Normally an individual will be listed by either Disclosure Scotland or Disclosure and Barring Service (who have a similar function to Disclosure Scotland in England and Wales) and they will then be barred across the UK.

How will organisations be informed if someone becomes barred?

At the start and end of consideration for listing, all interested parties will be notified of the decision in writing. The interested parties are:

- The individual; and
- Any organisation for which Disclosure Scotland knows the individual is doing regulated work; and
- Any relevant professional regulatory body.

I volunteer at a grassroots club. Does the club complete the PVG?

No. A PVG will need to be completed with the appropriate ANA.

Do I have to wait on a 'PVG evening' to complete my PVG?

No. Please contact your ANA for further details.

I volunteer in both the girls section and boys section of our club. Does my PVG cover me for both?

No, you will need to complete a PVG for both Scottish Women's Football (SWF) and Scottish Youth Football Association (SYFA). For example, if you have already completed a PVG with SWF you will then require to complete an update for SYFA.

Where can I find out more information on completing a PVG application?

Guide to checking and completing an application to join PVG scheme

<https://www.mygov.scot/pvg-applicant-guide/applicants-guide-application-to-join-2016.pdf?inline=true>

APPENDIX E – REGISTERING WITH DISCLOSURE SCOTLAND

Clubs who require to countersign PVG applications for club officials in regulated work will require to be registered with either Disclosure Scotland or Volunteer Scotland Disclosure Services (VSDS).

See below for further information on how to do this.

Registering with VSDS

To register with VSDS, the club will require to meet the criteria of a “qualifying voluntary organisation” (QVO).

A QVO is defined in The Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010, (SSI 2010/167) under Regulation 7 as:

an organisation which is not—

- a) a further education institution, a school, a public or local authority, or under the management of a public or local authority; and
- b) conducted primarily for profit, and any profit generated is used to further the objectives of the organisation and not distributed to its members.

The club will need to demonstrate that it meets the criteria of a QVO by providing copies of the following documentation:

- Articles of Association or Constitution of the Organisation
- Management Structure (organisational chart or similar)
- Latest available audited Annual Report & Accounts

If the club meets the criteria for a **Qualifying Voluntary Organisation (QVO), all PVG membership applications will be free.** If you consider that you may meet the criteria for a Qualifying Voluntary Organisation (QVO), you should register with VSDS.

VSDS was established under Volunteer Development Scotland specifically to handle Disclosure Applications from the voluntary sector and are an umbrella body with Disclosure Scotland. VSDS can provide expertise in this area and assist you in the Disclosure Process and there is **no annual registration fee** for their services.

For more information on the VSDS service - [Volunteer Services Disclosure Scotland](#).

Registering with Disclosure Scotland

If the club does not meet the criteria of QVO, it will require to register directly with Disclosure Scotland. **Guidance notes to complete the Initial Registration Form can be found at <https://mygov.scot/registration-application-guidance/>**

Initial Disclosure Scotland Registration applications should be sent directly to Disclosure Scotland along with supporting documents to DSAPRegistration@disclosurescotland.gov.scot for processing. You can also email this address to request paper forms.

An initial registration application is £75. This covers the cost of registering the account and creating a lead signatory (Registered Person) and four additional Countersignatories. Any additional signatories added after initial registration (regardless of whether four signatories were added at initial registration) will attract a fee of £15.

An annual subscription fee of £75 is charged on the yearly anniversary of initial registration. Please be aware that any additional signatories over the first five will attract a charge of £15 each on top of

the £75 subscription fee. A full list of prices for applications can be found on our website - <https://www.mygov.scot/disclosure-types/>.

Once registered, the club will be able to countersign PVG applications.

APPENDIX F – CONSIDERATION FOR LISTING

