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Protecting Vulnerable Groups Scheme

CHECK TO PROTECT

Protecting Vulnerable Groups (PVG) Scheme

Counsellors, psychotherapists and employing agencies will be only too familiar with the need to have robust child and adult protection policies and safe recruitment practices in place.

Of course, the vast majority of people who work with vulnerable groups are responsible and caring, wishing only the best for their clients. But there are some who would use the work environment to do harm.

Ensuring that vulnerable groups are protected from those who could cause them harm is a priority for the Scottish Government, which is why it has introduced the Protecting Vulnerable Groups (PVG) Scheme: <http://www.mygov.scot/pvg-scheme>

The PVG Scheme, which is run by Disclosure Scotland, also strengthens protection for vulnerable groups, reduces bureaucracy and provides a more efficient system. An important principle underpinning PVG is that a 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.

The PVG Scheme commenced on 28 February 2011. Since then there has been a list of those who are barred from working with protected adults to complement the list of those who are barred from working with children

The PVG Scheme is a membership scheme that people who work with vulnerable groups should join. It will help to ensure that those who have regular contact with children and protected adults through paid and unpaid work, do not have a known history of harmful or abusive behaviour.

People who are known to be unsuitable to work with children and/or protected adults will not be able to become members of the PVG Scheme and they will be barred from working with one or both of these groups.

The PVG Scheme introduces a system of continuously updating scheme members' records with any new vetting information – this is conviction information and other information that the police consider relevant. This means that people whose behaviour suggests that they may have become a risk to vulnerable groups will be quickly identified. This will enable action to be taken by Disclosure Scotland and by the individual's employers.

In addition, organisations and groups must make a referral to Disclosure Scotland if they investigate and conclude that an individual doing regulated work for them on a paid or unpaid basis has behaved in a harmful way towards vulnerable groups and they have removed the individuals from their position as a consequence.

If an individual is barred or placed under consideration for listing on one or both of the barred lists, Disclosure Scotland will notify all organisations and groups with an interest in that person.

A robust and structured approach will be applied to every case to ensure that decisions to bar unsuitable people are fair and proportionate. Before any barring decision is made, the individual will have access to all the information that is being considered and the opportunity to make representations to Disclosure Scotland.

Regulated work with Protected Adults

What is a protected adult?

The Protection of Vulnerable Groups (Scotland) Act 2007 creates the category of 'protected adults'. An important principle underpinning the PVG Scheme is that a 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. In that sense, all of us may at one time or another be a protected adult: for example, when receiving medical treatment.

An individual may be doing regulated work with protected adults if their work involves any of the following activities as part of their normal duties:

- Caring responsibilities
- Teaching or supervising children and/or protected adults
- Providing personal services to children and/or protected adults;
- Having unsupervised contact with children and/or protected adults

Disclosure Scotland states that there are many kinds of roles, both paid or unpaid, that the above could apply to. Examples given are: nurse, child-minder, girl guide leader, and dentist.

Types of PVG disclosure record

Individuals who join the PVG Scheme will get a PVG disclosure record. There are 3 different types of PVG disclosure record:

- Scheme Record
- Short Scheme Record
- Scheme Membership Statement

Which type of PVG disclosure record is needed will depend on what it is needed for and whether individuals are already a member of the PVG Scheme.

So what will this mean for counsellors, psychotherapists and their employing organisations?

First of all, counsellors, psychotherapists and their employers will need to determine whether or not they are doing **regulated work**. Regulated work and work are defined by the [PVG Act](#) and described by Disclosure Scotland. For the avoidance of doubt and as stated above, *work* includes paid or unpaid work, and work done under a contract with children or protected adults, but excludes this if done in the course of a family relationship or personal relationship for no commercial consideration.

Each counsellor's and psychotherapist's post should be assessed individually to decide whether or not the person's normal duties mean that they are carrying out regulated work.

Counsellors and psychotherapists may find the Disclosure Scotland website helpful in deciding whether a post may or may not be within the scope of PVG Scheme membership <http://www.disclosurescotland.co.uk/>

Employing organisations should be aware that they will be committing an offence if they offer regulated work to an individual barred from that work. (This offence does not apply to personal employers.) Personnel suppliers/agencies will also commit an offence if they offer or supply an individual who is barred from regulated work to an organisation to do regulated work. It is also an offence for an individual to do, seek or agree to do, any regulated work from which the individual is barred.

Organisational employers and personnel suppliers/agencies are under a duty to refer an individual to Disclosure Scotland if they stop using that individual for regulated work because they have caused harm to children or protected adults.

Self-employed counsellors and psychotherapists

The Scottish Government recognises that some counsellors and psychotherapists may not have an employing or contracting organisation that asks them to join the PVG Scheme. For individuals only ever doing self-employed **regulated** work with either children or protected adults, they will be able to apply for PVG Scheme membership unilaterally to work with one or both groups.

This will give reassurance to clients, who can ask to see a counsellor's or psychotherapist's PVG Scheme Membership Statement to confirm that they are not barred from working with children and/or protected adults.

Becoming a PVG Scheme member as a self-employed person also means that any future request for an update can be provided very quickly by Disclosure Scotland.

Useful Information

Detailed advice on the scheme, including steps that should be taken in deciding whether or not someone is doing regulated work can be found online at <http://www.disclosurescotland.co.uk/>

Disclosure Scotland can be contacted by telephone for help with the PVG Scheme:

Tel: 0870 609 6996

Email: email info@disclosurescotland.co.uk

Volunteer Scotland Disclosure Services is funded by the Scottish Government to support the voluntary sector with processing disclosure checks. All of this support is free, but some disclosure checks must be paid for.

<http://www.volunteerscotland.net/disclosure-services/>

Tel: 01786 849 777 (and select option 3).

Brian Magee
Chief Executive
COSCA (Counselling & Psychotherapy in Scotland)
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