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Protecting Vulnerable Groups Scheme

CHECK TO PROTECT

Protecting Vulnerable Groups (PVG) Scheme COSCA Guidelines for Members

Introduction

Members of COSCA will be only too familiar with the need to ensure that vulnerable groups need to be protected from those who could cause them harm. The Protecting Vulnerable Groups (PVG) Scheme was introduced by the Scottish Government to help to protect the above groups when in receipt of services.

From 1 April 2025, it became a legal requirement for individuals to be a member of the PVG scheme when carrying out a regulated role with children, protected adults, or both. In addition, member organisations must ensure that individuals who are to carry out a regulated role (paid or voluntary) have PVG scheme membership.

If counsellors in training/student counsellors are involved in a regulated role and work with children or protected adults, then they must be members of the PVG Scheme.

Regulated Roles

'Regulated work' has been replaced by 'regulated roles'. The introduction of 'regulated roles' now includes explicit reference to counselling in relation to work with children and protected adults – see the information below on the relevant legislation.

In *Schedule 2 of the Disclosure (Scotland) Act 2020* which came into force in 2025, the following activity in relation to children is included as a regulated role:

“Providing counselling, therapy or advice or guidance in relation to health or wellbeing to children, other than where such counselling, therapy, advice or guidance is provided in a prison by a prisoner to another prisoner”.

In *Schedule 3 of the above Act* the following activity in relation to protected adults is included as a regulated role:

“Providing counselling, therapy or advice or guidance in relation to health or wellbeing to protected adults, other than where such counselling, therapy, advice or guidance is provided in a prison by a prisoner to another prisoner”.

According to section 94 of the PVG Act, a protected adult is someone aged 18 or over who:

- is homeless
- is receiving a health or community care service
- needs assistance with the activities of daily living
- has experienced, is experiencing or is at risk of experiencing domestic abuse
- has an impaired ability to protect themselves from physical or psychological harm, because of a physical or mental disability, illness, infirmity or ageing

See <https://www.mygov.scot/pvg-scheme> for more information.

Membership of the PVG Scheme

Advice requested by COSCA from Disclosure Scotland (DS) in 2025 is that not all counsellors will be carrying out a regulated role, as not everyone they provide counselling to will come under the definition of protected adult. DS does not consider that a person would be a protected adult purely by virtue of them receiving counselling but rather it needs to be linked to the definition in section 94 of the PVG Act (see above). DS thinks that this is especially true for areas like lifestyle / life affirming skills counselling.

DS thinks that each counselling role would need to be assessed individually and if the service is intended for protected adults the role is a regulated one. If it is the case that some counsellors carry out a wide range of counselling which may include protected adults then they would need to join the Scheme, according to DS's advice. If this is the case, or you envisage that this may be the case going forward, then COSCA recommends that you apply to become a member of the PVG Scheme.

In the light of the above advice from DS, COSCA recommends that all counsellors have an up to date (within 5 years of issue) Protecting Vulnerable Groups (PVG) scheme membership as it is not always possible to predict if a client may later become or reveal to be a protected adult under the definitions of the PVG scheme. The need for an up-to-date PVG membership should ultimately be determined by the placement provider and will need, by law, to be in place if they are likely to come into contact with a child or a protected adult.

To help you assess the criteria for regulated roles, please review the full Disclosure Act schedules on 'regulated roles' with children and also with protected adults– please see the links below:

- Children: [Disclosure \(Scotland\) Act 2020](#)
- Protected adults: [Disclosure \(Scotland\) Act 2020](#)

Please also see the link below to explanatory notes to the above schedules:

[Disclosure \(Scotland\) Act 2020 - Explanatory Notes](#)

Therefore, if you work in a regulated role and work with children and/or protected adults, you must become a member of the PVG scheme – please see link below:

[Protecting Vulnerable Groups \(PVG\) scheme - mygov.scot](#)

Disclosure Scotland's Customer Engagement Team can help you to establish if your role(s) are regulated. Email DisclosureAct@disclosurescotland.gov.scot for advice.

PVG Levels in Scotland

The new Disclosure (Scotland) Act 2020 which came into force on 1st April 2025 introduced a simplified system of disclosure levels in Scotland. The previous levels have been replaced with:

- *Level 1*: Replaces Basic Disclosure; shows unspent convictions.
- *Level 2*: Replaces Standard Disclosure; includes unspent and certain spent conviction, cautions, and other relevant police information.
- *Level 2 with Barred List Check*: Replaces Enhanced Disclosure; includes all Level 2 information plus details on whether an individual is barred from working with children or protected adults.
- *PVG Scheme Membership*: Mandatory for individuals in regulated roles with children or protected adults.

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. These changes aim to simplify the disclosure process and enhance safeguarding measures in Scotland.

New Offences

From 1 July 2025 onwards, two new offences will come into force. It will become an offence for:

- anyone carrying out a regulated role to do so whilst not a member of the PVG scheme
- organisations to offer any type of regulated role to an individual unless they have received a Level 2 with PVG disclosure.

This adds to the existing offences under the PVG Act. For example, it will continue to be an offence for an individual to seek, agree to do or carry out a regulated role if the individual is barred from working with children, protected adults or both. Similarly, organisations must also not offer a regulated role to someone who is barred from that type of regulated role.

Disclosure Scotland will report individuals and organisations to the police if it believes that any of these offences may have taken place. The penalties for these offences are up to five years imprisonment, a fine up to the statutory maximum, or both.

Action required by counsellors, psychotherapists and member organisations

First of all, counsellors, psychotherapists and their employers will need to determine whether or not they are working with children and/or protected adults as defined by the above 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 working with children and/or protected adults.

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 and volunteer-engaging member organisations should be aware that they will be committing an offence if they offer work with children and/or protected adults 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 the above work to an organisation to work in a regulated role. It is also an offence for an individual to do, seek or agree to do work in a regulated role from which the individual is barred.

Member organisations should have a clear statement of who is responsible for the implementation of the PVG policy and the organisation's employees and/or volunteers should be made aware of their responsibilities. Member organisations should also have a clear policy on the protection of children.

For more information see: <https://www.oscr.org.uk/guidance-and-forms/safeguarding-guidance-keeping-vulnerable-beneficiaries-safe/> .

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

Self-employed/ independent counsellors and psychotherapists

The Scottish Government recognises that some counsellors and psychotherapists may not have an employing or contracting organisation that requires them to join the PVG Scheme. For individuals only ever doing self-employed work in a regulated role with either children or protected adults, they are 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 be able to have confirmation that their counsellor or psychotherapist is 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.

Summary of Changes

In summary, from 1st April 2025:

- Different levels and types of Disclosures became available
- Regulated Work was changed to Regulated Roles and The Protecting Vulnerable Groups (PVG) scheme became mandatory for those carrying out a regulated role with children and/or protected adults.
- Applicants were given more control over their information. The disclosure process now includes a requirement for applicants to share a copy of their disclosure with organisations who requested the check, or to notify Disclosure Scotland that they will seek a review
- An individualised approach to the disclosure of childhood offending and rights of review for convictions disclosed was introduced to enhance fairness and proportionality.
- Applicants are now able to indicate their intent to review a Level 2 disclosure digitally.

Background Information to the PVG Scheme

The PVG Scheme, which is run by Disclosure Scotland, strengthens protection for children and protected adults, reduces bureaucracy and provides a more efficient system.

Since the start of the PVG Scheme in February 2011, 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 designed to help to ensure that those who have regular contact with children and protected adults through paid and unpaid work and who are listed as having a regulated role, 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 introduced 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 working in a regulated role with 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.

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: 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
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COSCA (Counselling & Psychotherapy in Scotland)
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