



Name	Protection of Vulnerable Groups (PVG): Vetting and Barring Scheme – Disclosure Scotland How to deal with positive disclosures for Existing Employees
Summary	This policy outlines the process to be used when dealing with positive disclosures as part of the process for retrospective checking of existing staff.
Associated documents	The Protection of Vulnerable Groups (Scotland) Act 2007 The GJF Disciplinary Policy and Procedure The GJF Disclosure Policy
Target audience	All staff or individual groups
Version number	1
PIN policy	
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Name of Board	National Waiting Times Centre
Approving committee/group	Senior Management Team Partnership Forum
Document author	Elaine Barr, HR Manager

Golden Jubilee Foundation Values Statement

What we do or deliver in our roles within the Golden Jubilee Foundation is important, but the way we behave is equally important to our patients, customers, visitors and colleagues. We know this from feedback we get from patients and customers, for example in "thank you" letters and the complaints we receive.

Recognising this, the Golden Jubilee Foundation have worked with a range of staff, patient representatives and managers to discuss and promote our shared values which help us all to deliver the highest quality of care and service across the organisation. These values are closely linked to our responsibilities around Equality.



Our values are that we will:

- Take responsibility for doing our own job well
- Treat everyone we meet in the course of our work with dignity and respect
- Demonstrate through our actions our commitment to quality
- Communicate effectively, working with others as part of a team
- Display a "can do" attitude at every opportunity.

Our policies are intended to support the delivery of these values which support employee experience.

1. Introduction

The Protection of Vulnerable Groups (Scotland) Act 2007: Scottish Vetting and Barring Scheme creates the legislative framework for a strengthened, robust and streamlined vetting and barring scheme for those working with children and protected adults in Scotland. The PVG Scheme replaces enhanced disclosures for individuals working with vulnerable groups and went live on 28th February 2011.

Providing that organisations undertake the necessary pre-employment check the PVG Scheme will prevent individuals who are in paid or unpaid work that are deemed unsuitable from working with children and/or protected adults and highlight to organisations those who become unsuitable during employment. It will also deliver a fair and consistent system that will be quick and easy for employers and potential employees to use.

It is the Scottish Government's expectation that all individuals doing regulated work in Scotland should eventually become PVG Scheme members. Individuals recruited to do regulated work since the PVG Act came into force have been asked to join the PVG Scheme. The process of checking existing workers is known as retrospective checking.

Any individual undertaking regulated work with children and/or protected adults must be a member of the PVG Scheme. It is an offence for an organisation to offer regulated work to someone who is barred or to fail to remove a person from regulated work if they have been notified that they are barred.

The PVG Act defines regulated work by reference to:

- the activities that a person does,
- the establishments in which a person works,
- the position that they hold
- the people for whom they have day to day supervision or management responsibility

There are two types of regulated work:

- regulated work with children
- regulated work with adults

The process of phasing in scheme membership will be managed by Disclosure Scotland in partnership with its registered persons and bodies. When retrospective checking commences it will be completed within a three year period from commencement date.

The staff groups that are not eligible for PVG scheme membership will need to be considered for completion of a standard disclosure check. A standard Disclosure Check is required if a person is involved in the provision of care.

It is a legal requirement for the National Waiting Times Centre Board to ensure that those staff working with children and/or protected adults are not barred from doing so.

2. Aim, Purpose and Outcomes

The policy aims to ensure a fair and consistent approach is taken, when a member of staff is barred from the PVG Scheme, or when details of convictions are disclosed.

The policy will detail the process, which is to be followed in such cases, ensuring compliance with legislation, good employment practice and existing GJF Policies and Procedures.

3. Who Is the Policy Intended to Benefit or Affect?

The policy applies to all existing employees of the GJF including those with Bank contracts.

4. Principle Content

4.1 What groups of staff will be required to become PVG Scheme Members*?

PVG	PVG
All Medical and Dental Staff All Nursing Staff All Pharmacy Staff All AHP Staff Volunteers – Dependant on area	Psychologists Portering Staff Chaplains Transport Staff

4.2 What groups of staff will be required to complete a Standard or Basic Disclosure*?

Standard Level	Basic
All relevant Administration staff e.g. those who have non clinical contact with patients Booking Office/Medical Records staff Waiting List Co-ordinator Interpreter/Translator Housekeeper Health Club Assistant MLA Maintenance Technician – Electrician Finance Human Resources	All administration staff apart from those mentioned under standard level Commis Chef Fire Safety Advisor Food Service Assistant Maintenance Technician – Plumber/Joiner Sous Chef Volunteer Chairperson Volunteer Meeter and Greeter CSPD Technician Food Service Assistant Health Club Attendant Kitchen Porter Beardmore Hotel staff

* Please note these are not exhaustive lists

4.3 What process will be followed upon receipt of a PVG Scheme Record/Disclosure check?

Upon receipt of information from Disclosure Scotland, this will be reviewed by a member of the Human Resources Department to determine whether the individual is barred from working with vulnerable groups or holds a criminal record.

Barred

If the individual is barred from working with protected groups then the relevant Senior HR Advisor and Line Manager must be notified accordingly. Suspension arrangements should be applied and an investigation carried out in accordance with the GJF's Disciplinary Policy and Procedure. For any individual that holds a staff bank contract then notification must also be made to the relevant line manager for that area. HR will record and maintain necessary details on databases in accordance with the Data protection Act.

If an employee is found to have barred status from working with a protected group then it is likely that their employment will be terminated subject to the conclusion of the Disciplinary Process.

No Criminal Convictions

If there are no criminal convictions, no further action is required. HR will record and maintain necessary details on databases, and destroy the PVG documentation in accordance with the Data Protection Act.

Criminal Convictions

If the individual has criminal convictions a risk assessment will be carried out to ensure that these do not legally prevent them from working with vulnerable groups. The following actions should then be taken:

1. HR will inform the individual's Line Manager
2. A letter will be sent to the individual, requesting a written statement and inviting them to meet with HR and their Line manager to discuss the conviction further. (See Appendix 1) Staff will have the right to be accompanied at the meeting.
3. At the meeting the circumstances leading up to and resulting in the convictions should be discussed. It should be determined whether the individual has previously declared these convictions, and if so, the action taken at that time. Do they have a contractual or professional responsibility to inform the organisation? Consideration should be given to the nature of the offence and the risk associated to the position the individual occupies.
4. Following the meeting, the Line Manager supported by HR, should determine what, if any action is required.
5. The proposed action should then be discussed with the HR Manager/Head of HR to ensure a consistent approach is being taken across the GJF. This process will be anonymous.

6. Following this the individual will be informed in writing by the HR department of outcome and if any further action is required.
7. If a formal investigation is required, then this should be conducted in accordance with the GJF's Disciplinary policy and procedure
8. HR will record and maintain necessary details on databases, and destroy in accordance with the Data Protection Act.

Attached as appendix 2 is a flowchart detailing this process.

5. Resource Implications

Retrospective vetting and scheme membership will incur a cost of £59 per application. The GJF will pay the full cost of this check.

6. Communication Plan

This policy will be launched in October following approval by the relevant committees.

7. Quality Improvement – Monitoring and Review

This policy will be reviewed in line with any changes to legislation which change the scope or the process for dealing with positive disclosures within the GJF.

8. Equality and Diversity Impact Assessment

This policy meets the GJF's EDIA

9. References

The Protection of Vulnerable Groups (Scotland) Act 2007
The National Waiting Times Centre Board's Disciplinary Policy and Procedure
The National Waiting Times Centre Board's Disclosure Scotland Policy

APPENDIX 1

Dear

Protecting Vulnerable Groups (PVG) Scheme Membership/ Disclosure Scotland

As you will be aware, it is a requirement of the Golden Jubilee Foundation to ensure that all individuals employed to undertake regulated work are appropriately registered to do so. This includes existing staff who have previously been covered under Disclosure Checks. As such you were recently asked to complete the required forms to become a Disclosure Scotland PVG Scheme Member. Or, Following your application for a post which requires PVG Scheme Membership/a Disclosure Check to be undertaken. Information has now been received from Disclosure Scotland which highlights the following vetting information; (delete as appropriate)

Convictions (add detail)

Cautions (add detail)

Prescribed Court Order and Sex Offenders Notification Requirements (add detail)

Other Relevant Information (add detail)

A meeting has been arranged to discuss this information further. This will take place on:

Date
Time
Venue

This meeting and any further related discussions will be conducted by INSERT NAME AND TITLE and INSERT HR NAME AND TITLE. You have the right to be accompanied at this meeting by a colleague from the Golden Jubilee Foundation or a representative of a recognised trade union.

Prior to the meeting, please provide me with a written statement that details the background information surrounding the vetting information detailed above. This statement should be submitted no later than INSERT DATE.

If you anticipate any problems in being in a position to attend this meeting, please advise me as soon as possible after receipt of this letter which is being **hand delivered** to ensure receipt. Please also confirm the name of your colleague or representative.

Yours sincerely

APPENDIX 2

