

Protecting Vulnerable Groups (PVG) Scheme and Disclosure Information

What this policy covers

The Company uses the Protecting Vulnerable Groups (PVG) Scheme to assess the suitability of individuals for employment in positions of trust. As recipients of this information, the Company must comply fully with the relevant PVG Code of Practice under the Protection of Vulnerable Groups (Scotland) Act 2011.

This policy outlines the Company's legal basis for processing and also obligations in respect of the handling, use, storage, retention and disposal of PVG and Disclosure Information. It also sets out your obligations regarding disclosing information and the implications of an unsatisfactory disclosure being received.

The Company's responsibilities

General principles

The Company will only process PVG and Disclosure Information to perform obligations or to exercise rights in employment law as provided under data protection legislation.

The Company will tell you the reasons for processing PVG and Disclosure Information, how it uses such data and the legal basis for this processing in its Privacy Notices.

The Company will make it clear when advertising jobs whether the work will involve 'regulated work' as defined by the Protection of Vulnerable Groups (Scotland) Act 2007. All application forms, job advertisements and recruitment briefs will contain a statement that a PVG application will be undertaken in the event of the candidate being offered the position.

The Protecting Vulnerable Groups (PVG) Scheme legally obliges the Company to check an applicants PVG Scheme membership before an applicant can be employed by the Company in regulated work. This may involve the applicant becoming a PVG Scheme member for the first time. You must share your disclosure with the Company prior to commencement of employment.

If you refuse to become a PVG Scheme member, or if Disclosure Scotland is unable to register you, the Company will investigate whether you can continue to be employed with the Company in activities that are not regulated work, but the Company reserves the right to dismiss you.

Use of PVG and disclosure information

PVG and Disclosure Information is only used for the specific purpose for which it was requested, as detailed in the Company's Privacy Notice and for which the Company has the legal right to use it and for which your full consent has been given.

In the event of an unsatisfactory PVG Record the Company will arrange to meet with you to discuss this issue and reserves the right to withdraw any employment offer or terminate your employment.

If your PVG scheme membership status changes

The PVG Scheme requires that if your PVG scheme Membership status changes during your employment, the Company may be legally obliged not to allow you to continue to engage in regulated work. This may mean that the Company cannot continue to employ you.

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If the Company receive notification of a change in your PVG Scheme membership status, the Company will investigate whether you can continue to be employed in activities that are not regulated work, but the Company reserves the right to dismiss you without notice.

How the Company will handle PVG Scheme data

The Company also complies fully with its obligations under data protection legislation and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of PVG and Disclosure Information

Retention

The Company will not retain your PVG or Disclosure Information for any longer than is absolutely necessary. This retention will allow for the consideration and resolution of any dispute or complaint or for the purpose of completing safeguarding audits. Throughout this time the usual conditions regarding safe storage and strictly controlled access will prevail.

For employment administration and evidential purposes, the Company will record your PVG membership number and Disclosure number. After this has been recorded, the digital certificate will be securely disposed of. In accordance with relevant legislation, PVG and Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The Company maintains a record of all those to whom PVG or Disclosure Information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Disposal

Once the retention period has elapsed, the Company will ensure your PVG or disclosure information is immediately destroyed.

The Company will not keep any photocopy or other image of the information or any copy or representation of the contents of a PVG Scheme Record or Disclosure. However, the Company may keep a record of the date of issue of a record, the name of the subject, the type of PVG/Disclosure requested, the position in relation to which the application was requested, the unique reference number of the PVG/Disclosure application and the details of the recruitment decision taken.

Rehabilitation of Offenders

The Company recognises its responsibility under the Rehabilitation of Offenders Act 1974 and is committed to the fair treatment of all applicants and staff, including those with previous convictions. We acknowledge that having a criminal record will not necessarily prevent an individual from working with the organisation. Discussions relating to recruitment and continued engagement will be made on a case by case basis. All information regarding criminal convictions will be treated confidentially and handled in accordance with data protection legislation. Individuals will be given the opportunity to discuss any disclosures and provide context.

The company's duty to refer information

By law, the Company has a duty to refer certain information to Disclosure Scotland. Legislation places a duty on the Company to make a referral in circumstances when an individual doing regulated work has done something to harm a child or protected adult and the impact is so serious that the Company has (or would) permanently remove the individual from regulated work. The harmful or inappropriate behaviour must correspond with the type of regulated work the individual does, e.g. a schoolteacher (doing regulated work with children) who harms a protected adult does not meet the referral grounds. It should be

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noted the harmful or inappropriate behaviour does not have to have taken place in the workplace or be connected with that person's work in any way.

Termination of employment

As part of our safeguarding responsibilities, we will inform Disclosure Scotland if you leave the Company and cease to carry out regulated work on our behalf. This ensures that PVG Scheme records remain accurate and up to date.