

BEFRIENDERS HIGHLAND LIMITED

Protection of Vulnerable Groups and Referrals Policy

Last Review Date	November 2021
Current Version	5
Approved by Board	November 2021
Next Review due	November 2023

1. Policy Statement

1.1 BHL is committed to complying fully with the Protection of Vulnerable Groups Scheme (the PVG Scheme) as introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 and to its later amendments.

1.2 BHL will conduct Enhanced PVG checks on everyone it is required to. This currently includes coordinators and other staff, volunteers and Board members who are directly involved in working/supporting 'vulnerable adults'. This is to ensure that they are not barred from working with children or 'vulnerable adults'.

1.3 BHL will adhere to all relevant Codes of Practice in this regard.

2. Principles

2.1 BHL will carry out PVG checks only where they are necessary and required by law.

2.2 Information will be handled sensitively and confidentially and in full compliance with General Data Protection Regulation legislation.

2.3 Having a criminal record will not necessarily prevent someone from being employed by or used as a volunteer with BHL (See 'Recruitment of Ex-Offenders Policy'). This will depend upon the nature of the position and the circumstances, nature and age of the offences. Coordinators must get approval for such decisions from the Executive Director who, in turn, will bring these to the attention of the BHL Board where appropriate.

3. Requests for PVG Disclosure

3.1 BHL will obtain an enhanced PVG disclosure for all new staff, volunteers and Board members, who are directly involved in working/supporting 'vulnerable adults'.

3.2 These PVG checks will be updated every 3 years with this recorded on the BHL database, in line with current legislation and Grant Funding/Service Level Agreement requirements.

3.3 BHL will use disclosure information only for the purpose for which it was requested and provided.

3.4 BHL will not share disclosure information with a third party without the written consent of the subject, who must be informed of the reason for the sharing. This will only be in exceptional circumstances.

4. Circumstances in which BHL is required to notify the Protection Unit at Disclosure Scotland

4.1 The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances.

Broadly speaking, this occurs when someone involved with BHL behaves in such a way that it brings their suitability to work with vulnerable people into question. In circumstances where BHL has decided not to allow someone to continue to work with its service users because of concerns about their behaviour, this information must be passed to Disclosure Scotland (this applies even if a member of staff or volunteer leaves their regulated work position prior to any action being taken, irrespective of the reason that they leave). Disclosure Scotland will use this information to decide whether someone remains suitable to be approved as suitable to work with children, vulnerable adults or both.

4.2 Circumstances when the Protection Unit must be informed.

A referral **must** be made when **two conditions** have been met:-

Condition 1 - A person has been permanently removed/removed themselves from regulated work

Condition 2 - At least one of the following grounds apply to their permanent removal:

- Caused harm
- Placed someone at risk of harm
- Engaged in inappropriate conduct involving pornography
- Engaged in inappropriate sexual conduct
- Gave inappropriate medical treatment

When both of these conditions have been met, BHL **must** let Disclosure Scotland know by making a referral.

4.3 The Executive Director is BHL's designated person for making such a referral. In the event of a BHL staff member becoming aware of these conditions being met they must advise the Executive Director within two working days. The Executive Director should obtain Board Convenor or a nominated Director's approval for such action.

4.4 The form for making such a referral can be found on Disclosure Scotland's website, along with instructions for completing it. The Protection Unit can be contacted on 03000 200040 for advice/help about doing so.

Making such a referral is not optional. It is a legal requirement to report circumstances where both conditions have been met. This must be done within 3 months of these conditions being met.

4.5 If a member of staff or volunteer leaves BHL, or no longer requires PVG Scheme Membership to perform their role, the Lead Signatory will notify Disclosure

Scotland using the form attached in Appendix 1, within 3 months of the individual leaving BHL. The Database controller for BHL will notify the Lead Signatory of any removals required, at the time they are asked to delete staff or volunteer members of the PVG scheme from the database.

5. Access and Retention

5.1 In compliance with General Data Protection requirements, disclosure information will be kept only as long as necessary. Disclosure information is kept securely on the password-protected BHL database.

5.2 When a PVG Certificate is returned the following information is recorded securely on the BHL database:

- Full Name of Applicant (including middle name/s where appropriate)
- Date sent to Disclosure Scotland
- Date returned from Disclosure Scotland
- Whether it is an 'Application to Join' or 'Existing Member Application'
- Application Form Number
- Disclosure Certificate Number
- PVG Scheme Membership Number
- Decision to proceed
- Witness initials (two staff members)
- Destroyed date
- Notes relating to application and/or certificate

5.3 When PVG certificates indicate a historic or current offence for a volunteer, BHL will store the original certificate in a locked and secure filing cabinet. Information will be shared with the Executive Director and Lead Signatory only, and access will be restricted to the relevant coordinator.

5.4 When the PVG Certificate is for a staff member, and a historic conviction or current offence is indicated, only the Executive Director and nominated Board Member should have access to the certificate.

6. Disposal

6.1 Disclosure information must be destroyed in a secure manner by shredding. Such information must be kept securely in a locked place whilst awaiting destruction.

6.2 BHL will retain the necessary PVG information on individuals whilst volunteering or employed by BHL, but will destroy this information upon the individual leaving BHL. Information will be retained for a period of 3 months in the

event of an investigation or referral to Disclosure Scotland in order to allow the investigation process to be completed.

Appendix 1 – Removal of Interest Template For Enrolled Organisations

Please complete and submit this template if your organisation has volunteers/paid staff who no longer carry out regulated work. This is to be emailed to DSupdate@disclosurescotland.gsi.gov.uk. This email address is Disclosure Scotland as they actively maintain the list of PVG members.

Organisation name	Enrolment code	Individual's name	Individual's DOB	PVG number (if known)

Please ensure you return this to Disclosure Scotland to ensure all records are updated appropriately. If you have any questions regarding this template or the process, please contact our helpline on 01786 849777 or email info@disclosurescotland.gsi.gov.uk.