

DS42 – Criminal Record Checks - Scotland

DS42



Protecting Vulnerable Groups Scheme -
British Riding Clubs

May 2016 –Version 1



What is the PVG Scheme?

The aim of the scheme is to ensure those who have regular contact with children and protected adults, through paid or unpaid work, do not have a known history of harmful behaviour.

The BHS in conjunction with Horse Scotland provides a complete checking service for BEF member bodies, BHS Approved Centres, BHS Affiliated Riding Clubs (BRC) and other Equine organisations.

When do I need to join?

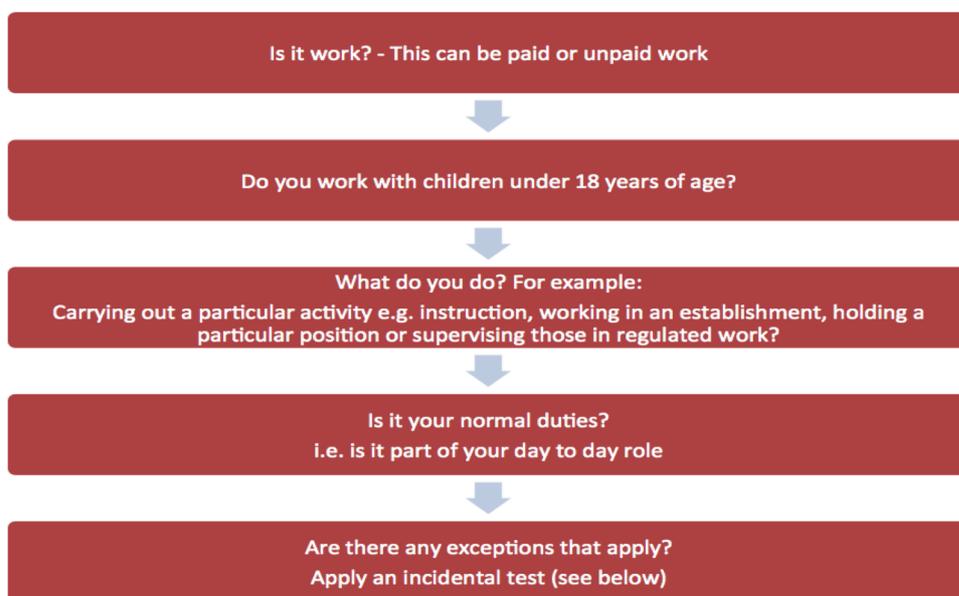
When Riding Club is asking an individual to do regulated work with children and/or regulated work with adults for them for the first time (whether an existing or new member of staff), the Riding Club should ask the individual to join the PVG Scheme.

Individuals who are self-employed, or expect to become self-employed, in a capacity which involves regulated work, may wish to join the PVG Scheme for, or in anticipation of, such work for example a freelance instructor or coach.

What is regulated work?

Regulated work with children

There are 5 steps to assessing whether an individual is doing regulated work: If you answer yes to every section you are in regulated work. If you answer no to any section you are not in regulated work.



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Regulated work with adults

A protected adult is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, health, community care or welfare service.

If you offer an activity that is aimed at protected adults then a PVG check may be required but will have to also satisfy the 5 criteria above but in relation to protected adults.

Further explanation on what they do in relation to the equine industry:

An individual maybe doing regulated work with children if their work involves any of the following activities (as part of their normal duties):

- Caring for Children
- Teaching, instructing, training or supervising children
- Being in sole charge of children, unsupervised contact with children under arrangements made by the responsible person
- Providing advice or guidance to a child or to particular children which relates to physical or emotional well-being
- Education or training
- Moderating a public electronic interactive communication service which is intended for use wholly or mainly by children (for example a social media site aimed at children).

Likely roles that will need to be checked:

- Instructor
- Welfare Officer /Child Protection Officer
- First Aider
- Team Trainer/Coach
- Camp/Team Supervisor

Further explanation on normal duties:

Normal duties can be considered as something the individual might be expected to do as part of their post on an on-going basis, for example appearing in a job description. Normal duties exclude one-off occurrences and unforeseeable events.

Exceptions:

Incidental test:

An activity is likely to be incidental when: open to all, attractive to a wide cross-section of society or attendance is discretionary. If an activity is aimed at children or is likely to be more appealing to children it is not likely to be incidental.

Work with children who are in work:

If a 16 or 17 year old is in work themselves the individual who is supervising them is not within the scope of regulated work.

Care should be taken around children in employment and children on work experience. For further information please contact the BHS Lead Safeguarding Officer.

Types of registration/certificate

There are three types of disclosure records available

Scheme Record

This provides any information which is held on the individual's criminal record including any previous convictions or other information which is held by Disclosure Scotland. It may also include a statement to say that they are not barred from carrying out regulated work with children or protected adults. The Scheme Record is sent to both the Riding Club and employee.

Scheme Record or Scheme Record Update

This allows a Riding Club to register an interest in an individual and provides the assurance that the company or organisation will always find out if the individual subsequently becomes barred or placed under consideration. This provides updated information regarding whether any new information or convictions have been added to an individual's record (but not what that information or conviction is).

Note: Self-employed individuals cannot apply for Scheme Records on their own. The Scheme Record is only available where the applicant is being offered work by an organisation. Where the applicant is self-employed or working for a personal employer (not an organisation) they can only apply for a Scheme Membership Statement.

Scheme Membership Statement

A Scheme Membership Statement is more appropriate for those individuals who are self-employed or employed by a personal employer asking an individual to do regulated work for them. While a company or employer is free to accept a scheme membership statement as assurance an individual is not barred, it is the case that the statement is only a 'snapshot' of the day it was printed. This is more suitable for freelance instructors and Approved Centre Proprietors.

Types of Form

Application to Join the PVG Scheme

This form is to be used if you are not already a member of the PVG scheme.

Existing Scheme member application

This is for applicants who are already a member of the PVG scheme and require a scheme record and scheme record update or a scheme membership statement for another private client (freelance only).

How can I apply?

Contact horsescotland using the details below for application forms for your club.

Cost

Horse Scotland admin charges are £3 for new applications and £2 for existing PVG members. Disclosure Scotland charges are £59 for new PVG applications and £18 for existing PVG members. As BRC are voluntary bodies only those in paid positions – e.g. Instructors need to pay for their disclosures.

Frequently Asked Questions

I am a volunteer at my riding club and I work in regulated activity, what do I need to do?

When an individual is working or volunteering for a Riding Club where a PVG check is necessary, it is the responsibility of that Riding Club to ensure they access either a Scheme Record or a Scheme Record Update through Disclosure Scotland. If the person is already an existing member of the PVG Scheme, the individual should apply for a Scheme Record Update via the Club that is employing/deploying them.

I work or volunteer for more than one Riding Club - what do I need to do?

For instructors/volunteers who work for more than one Riding Club you must initially obtain a Scheme Record through one of your clubs, and then you only need apply for a Scheme Record Update for subsequent Riding Clubs.

I am a Freelance Instructor - what do I need to do?

As a Freelance Instructor you need to decide whether the work you are doing is considered to be 'regulated work' and requires a PVG Check. It is likely that you will need one if you are working with private clients under the age of 18 in their own homes on a freelance basis. Freelance Instructors who have not yet joined the PVG Scheme but need to can obtain a Scheme Membership Statement directly from Disclosure Scotland at a cost of £59. Alternatively parents might choose to check whether you are barred from working with children. This is through their rights to be able to access a disclosure as personal employers - they can check the suitability of the person they are seeking to employ, e.g. a parent employing a sports coach for their child or someone buying a care service directly. If you require a PVG check please obtain a form and complete and return it to Disclosure Scotland.

Working in both Scotland and England, Wales or Northern Ireland

The PVG Scheme can only be used in respect of Regulated work in Scotland; it is an offence to use disclosure records for other purposes. The Disclosure & Barring Service should be used for regulated activity (the DBS is the equivalent of a PVG Check for regulated work in England & Wales. An access NI Check is the equivalent for Northern Ireland). Normally the most appropriate check for any particular post will be determined by the employing organisation. This will mean that, in some cases, an individual will require to be a member of both the PVG Scheme and also hold an up to date Disclosure and Barring Certificate.

Recruiting individuals from overseas

Individuals recruited from overseas to do regulated work in Scotland should ask to join the PVG Scheme in the same way as individuals recruited from Scotland. The same checks will be performed by Disclosure Scotland to discover whether they are known to UK information sources and membership of the scheme will ensure that any new vetting information about them is picked up and dealt with quickly.

Looking after Disclosure Records

All disclosure records contain the individual's PVG Scheme membership number, which will not change. PVG Scheme members should keep a careful note of this number as it will speed up any applications made to Disclosure Scotland at a later date.

Any Scheme Record issued to a PVG Scheme member should be retained in case any organisation wants to see it when the individual seeks to do regulated work elsewhere. The most recent Scheme Membership Statement should also be retained in case any personal employer wants to see it.

Conviction information

If there is content (convictions etc) on the certificate the club will need to make a risk assessment on whether the instructor/volunteer is suitable to carry out their duties at your Riding Club. The BHS has a template content policy; please contact us for further information.

Updating a PVG Scheme Record

The British Equestrian Federation guidance states that criminal record checks are to be updated every 3 years.

Removing an organisation from the update

When an employee or volunteer leaves your Club you must advise them to contact Disclosure Scotland to break the link between yourselves and them, as the Club is no longer eligible to receive an update on their status via Disclosure Scotland. Please contact Disclosure Scotland via <https://www.disclosurescotland.co.uk/contact/index.htm>

Referral

The Riding Club, as the employer, has a duty to notify the PVG Scheme at Disclosure Scotland about an employee if the Club has had to take disciplinary action to remove this person from regulated work as a result of their harmful behaviour towards a child or vulnerable person. In the cases where this person leaves before the Club has had the chance to carry out the disciplinary action to remove them the Club is still required to refer the individual to the PVG Scheme via Disclosure Scotland.

For further information please contact the BHS Lead Safeguarding Officer or visit <http://www.disclosurescotland.co.uk/protectionservices/referralprocess.htm>

Checking your identity

Who can check my documents?

The Riding Club must verify the instructor/volunteers' identity documents. Horsescotland ask that the Club Safeguarding Officer (CSO) is the identity verifier. If the CSO needs to be checked the horsescotland will arrange an identity check for them.

Filling in the form

Please complete in conjunction with the PVG guidance notes

1. Always use black or blue ink when completing forms.
2. The fields highlighted in yellow are mandatory.

Completing the 'Application to Join PVG Scheme' Form – if you are not already a member

Part A

A1 - Cross the box marked "Scheme Record"

Note - Scheme Membership Statement – only use this if you do not have an employer

A Scheme Membership Statement is more appropriate for those individuals who are self-employed or employed by a personal employer asking an individual to do regulated work for them. While a company or employer is free to accept a scheme membership statement as assurance an individual is not barred, it is the case that the statement is only a 'snapshot' of the day it was printed.

A2 - If you are only working with Children only select the 'Children' option, if only working with Protected Adults select the 'Protected Adults' option and if you work with both select both 'Children' and 'Protected Adults'.

A3 - This is not available through Disclosure Services so mark the box marked "No".

Part B

B1, B2 and B3 - Are all self-explanatory, however, middle names should always be provided, even if not commonly used.

B5 - If you have used any other names mark "Yes", if you have marked B1 as "Mrs" Disclosure Scotland will expect to see your maiden name at B6, if you have continued to use your maiden name after marriage enter it at B6 (this will avoid them sending a letter for clarification). If your maiden name and married names are the same, you must still declare a name change and complete the appropriate sections between B6 – B11.

B13 - Please enter your mother's maiden name; your own maiden name should be entered at B6 where applicable.

B14 to B18 - Self-explanatory.

B19 to B22 - These are necessary in case clarification is sought.

B23 to B35 - Are self-explanatory, however, when "Yes" has been indicated the relevant numbers must be provided. Please note that for UK Driving Licences the number referred to is the long number starting with the first five letters of the holder's surname.

B36 - If you are now or have ever been a member of the PVG Scheme select 'Yes', if you are new to the PVG Scheme select 'No'.

Please note if you are a current member of the PVG Scheme you should complete the 'Existing PVG Scheme Member Application', however if you have been but are not currently a member you should continue to complete the 'Application to Join PVG Scheme' form.

B38 - The ISA is an English and Welsh system so it is most likely the answer will be 'No'.

B40 to B45 - This is self-explanatory. However, you must ensure that you provide the “Resident from” date (so that a five year address history can be established).

B46 - Only to be used if the address is outside the United Kingdom.

B47 to B82 - Only to be used if you have not lived at your current home address for the past five years.

B83 - This will probably be “No” however double check the guidance notes at <http://www.volunteerscotland.net/disclosure-services/resources/> for a full list of these bodies e.g. Nursing & Midwifery Council.

Part C

C1/C2 - Please ensure that you sign and date declaration.

Part D

If you are a volunteer mark “Yes” at D1, mark the cross at D2 and ‘Registered Body Invoice’ in D3.

Ignore D2 to D10

Please leave parts E, F, G & H blank

Completing the ‘Existing PVG Scheme Member Application’ Form – if you are already a PVG member and have a PVG number

Part A

A1 - Cross the box marked ‘Scheme record ‘ if you are an existing PVG member and need your record updating, for example within the 3 year period.

Cross the box marked ‘Scheme record update’ if you are an existing PVG member and need your record to be linked to a new employer or organisation.

A2 - If you are only working with Children only select the ‘Children’ option, if only working with Protected Adults select the ‘Protected Adults’ option and if you work with both select both ‘Children’ and ‘Protected Adults’.

A3 – Self-explanatory

A4 - This is not available through Disclosure Services so mark the box marked “No”.

A5 and A6 – self-explanatory

Part B

B1 – Your 16 digit PVG Scheme ID can be found on your PVG Scheme Record or PVG Scheme Record Update

B2 to B4 - Are all self-explanatory, however, middle names should always be provided, even if not commonly used.

B6 and B7 - self-explanatory

B8 - This will probably be "No" however double check the guidance notes at <http://www.volunteerscotland.net/disclosure-services/resources/> for a full list of these bodies e.g. Nursing & Midwifery Council.

Part C

C1/C2 - Please ensure that you sign and date declaration.

Part D

If you are a volunteer mark "Yes" at D1, mark the cross at D2 and 'Registered Body Invoice' in D3.

Ignore D2 to D10

Please leave parts E, F, G & H blank

Sending off your application and paying the fee

Please send all applications to Tracey Parker, Newlands, Kirkbuddo, Forfar, Angus, DD8 2WA. All admin fee charges to be made to Horse Scotland. PVG fees to Disclosure Scotland.

What the applicant will receive and who to tell about PVG membership

The applicant will receive a scheme record certificate and with their permission the Club may keep the details of the date and number.

For applications or further information please contact

Tracey Parker, Newlands, Kirkbuddo, Forfar, Angus, DD8 2WA
PVG@horsescotland.org

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