



Royal Conservatoire
of Scotland

**PVG Scheme and
Disclosure Policy**

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General Principles

The Royal Conservatoire of Scotland complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. It also complies fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

PVG Scheme Overview

In February 2011, the Scottish Government introduced a new membership scheme to replace and improve upon the current disclosure arrangements for people who work with vulnerable groups (i.e. children and vulnerable adults). This is known as the PVG (Protection of Vulnerable Groups) Scheme. Individuals who work or volunteer with children and/or vulnerable adults will be required to join the PVG Scheme. Anyone with a known history of harmful behaviour will be excluded from the PVG Scheme and from working with children and/or protected adults.

Under the new scheme, people who work on a regular basis, with vulnerable groups will join the PVG Scheme and, thereafter, their membership records will be automatically updated if any new vetting information arises. Vetting information is conviction information retrieved from criminal justice systems and non-conviction information held by the police that is considered relevant. This means that any new information indicating that a person may pose a risk to vulnerable groups can be acted upon promptly by Disclosure Scotland and employers.

Regulated Work

One of the main changes that the PVG Scheme brings is the categorisation of work. The PVG Scheme specifically deals with people who undertake Regulated Work.

Definition of Regulated Work

Regulated Work is defined by three basic principles;

1. *It has to be work (i.e. not a personal relationship)*
2. *It has to be with either children or protected adults*
3. *The work has to include;*
 - A particular type of activity such as caring for or teaching a child or protected adult
 - Work in a particular establishment, such as a school or a care home, which involves contact with children or protected adults

- Holding one of the specified positions, such as member of a children's panel or chief social work officer

If a person undertakes any of the following activities as part of their normal duties then they may be doing regulated work;

- Caring for children
- Teaching, instructing, training or supervising children
- Being in sole charge of children
- Unsupervised contact with children under arrangements made by a 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
- Providing, or working for an organisation which provides, a care home service which is provided exclusively or mainly for children
- Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children

The Conservatoire is not listed as a regulated establishment therefore it is not automatically required to ensure everyone who works within the building is PVG scheme registered. Higher Education Institutions are not listed as they don't provide a service solely for children; children may attend however their contact with other adults would be broadly speaking, incidental.

Organisations are only able to submit an application for a PVG record if the applicant intends to undertake regulated work with children or protected adults. To submit an application for a post that doesn't involve regulated work would be inappropriate and unlawful and may result in the Conservatoire being suspended from the Scheme.

An assessment of every role within the Conservatoire requires to be done to ascertain which roles may constitute regulated work. Some roles are obvious for example Junior Conservatoire, Music Centres and Short Courses tutors/lecturers will all involve regulated work.

Incidental Test

Some, but not all, activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally to working with individuals who are not children or protected adults.

An activity is likely to be incidental when;

- It's open to all (characterised by where the event is held, where it is advertised, admission policy etc);
- It's attractive to a wide cross-section of society; or
- Attendance is discretionary

In the context of the Royal Conservatoire of Scotland this would mean that if our lecturers on degree courses taught someone under the age of 18, this would be incidental as the presence of children (and the teaching of children) is incidental to the main activity and purpose of the class which is to teach adults. The Conservatoire advertises its courses to the population in general and if children apply, teaching these children is still an incidental activity.

The most important point to note is that asking all of our staff and students to register with the PVG Scheme as a blanket approach would be a criminal offence. We must ensure we only ask for information for those staff or students who will specifically undertake regulated work.

A broad list of roles has been appended and recommendations have been made beside each role as to their eligibility (appendix 1). Roles will be assessed on an ongoing basis to ascertain if they involve regulated work.

Payment

Existing staff who were in post prior to the PVG Scheme commencing and whose work at the Conservatoire falls under the definition of Regulated Work, will be asked to join the PVG Scheme. The Conservatoire will cover the cost for the individual.

All new staff members, whose work at the Conservatoire will require them to be members of the PVG Scheme will be required to provide proof of registration and will meet the costs of this themselves. This is in effect for the relevant new staff members who joined from 1st April 2011.

A breakdown of costs can be found in appendix 2.

Police Checks

In certain cases, when the work is of a non-regulatory capacity, the Conservatoire reserves the right to request an individual to undertake a Police Act Disclosure Application. For example, due to the sensitive nature of work and potential security risks, future successful applicants for roles within the Finance or Human Resources departments will be required to complete a Police Act Disclosure Application prior to commencing at the Conservatoire. These staff members will be required to complete a Standard Disclosure, the cost of which will be met by the individual.

Usage

The Conservatoire uses PVG and Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within the Conservatoire or for a placement undertaken as part of a programme of study, is not used or disclosed in a manner incompatible with the purpose. The Conservatoire processes personal disclosure data only with the express consent of the individual. The Conservatoire notifies the individual of any non-obvious use of the data, including further disclosure to a

third party, identifying the Data Controller, the purpose for the processing, and any further relevant information.

Handling

The Conservatoire recognises that, under section 124 of the Police Act 1997, it is a criminal offence to disclose PVG and Disclosure information to any unauthorised person. The Conservatoire, therefore, only passes this information to those who are authorised to see it in the course of their duties. The Conservatoire will not disclose information provided under section 113B(5) of the Act, namely information which is not included in the Disclosure, to the applicant.

Access and Storage

The Conservatoire does not keep PVG or Disclosure information on an individual's personnel file or student file.

Disposal

The Conservatoire will not retain any image or photocopy or any other form of information but will, however, keep an electronic record of dates and other relevant information to prove that checks have been completed.

Written/Revised:
Author:
Date of Review:
Approved by Consultative Forum:

Revised April 2015
Linsey Meldrum
4th April 2016
28th April 2011

APPENDIX ONE – LIST OF POSTS

Job Category	PVG Scheme?
Short Courses Tutors	Yes
Music Centres Tutors	Yes
Junior Conservatoire Lecturers	Yes
BA Modern Ballet Lecturers	Yes
Heads of Department in Short Courses/Music Centres/Junior Conservatoire	Yes
Conservatoire Counsellor	Yes
Short Courses/Music Centres/Junior Conservatoire Administration	Yes for administrator level above
Heads of Department in Senior School	No
Directors of Schools	No
Senior Conservatoire Lecturers	No
Tutors/Venue Technicians	No
Directors outwith Schools	No
Administration posts (outwith Short Courses/Music Centres/Junior Conservatoire)	No
Estates staff (i.e. Client Services, Buildings Operations Manager, Maintenance and Operations)	No

APPENDIX TWO – BREAKDOWN OF CHARGES

Charges
£59 – Application to join PVG Scheme
£59 – Scheme record (but free if requested at the time of joining the Scheme)
£19 – Scheme record update
£41 – Scheme Record
£25 – Enhanced Disclosure for prescribed positions not in Regulated work.