



PVG Scheme and ongoing regular disclosure checks

The PVG Scheme reduces the need for organisations to carry out regular disclosure checks on people who are working / volunteering. However, this option is still open and this short paper is designed to help you to decide whether to carry out such checks or not.

Once someone becomes a PVG Scheme member, a number of things happen:

- Disclosure Scotland monitors any criminal convictions through regular and frequent checks against court records across the UK.
- If an organisation removes the person from regulated work because of their suitability, it is under a legal obligation to report this to Disclosure Scotland.
- Other intelligence is gathered regarding the person's suitability to remain a Scheme member.
- All of this information is passed to the Protection Unit at Disclosure Scotland for assessment. Where it is warranted, the Protection Unit will "place the person under consideration for listing". This means that there will be a formal consideration of whether to list the person and remove them from the regulated workforce.
- While the person is under consideration for listing, there is no legal impediment to continuing to do regulated work.
- If the person is placed "under consideration for listing" then all organisations which have carried out a PVG Disclosure check on the person will be notified of this change of status. This allows them to take appropriate action, which may include interviewing, suspension, increased supervision or no action until the case is decided.

In practice, this means that organisations will be notified if any PVG Scheme member doing regulated work commits a serious offence or is removed from regulated work by another organisation.

For some, this process of proactive notification will mean that there is no requirement for ongoing regular checks. Others may want to confirm that people who are doing regulated work in their organisation have not committed ANY offences and others again may be interested in specific types of minor offence which would not be of interest to Disclosure Scotland.

Example: an alcohol project which wanting to know about any minor alcohol-related offences committed – e.g. an alcohol counsellor being convicted of being drunk and incapable.

One means of achieving this is to carry out regular update checks under the PVG Scheme. Other measures may include requiring people to declare any convictions while they are in post. You should also bear in mind:

- Regulatory or funding bodies may REQUIRE regular checks.
- It is not a legal requirement to carry out regular checks.
- Carrying out regular checks can be time-consuming and difficult.

Need further help? –

- See our website for details of on-line training on "retrospective checking".
- Call our Compliance & Training team on 01786 849777 (option 3).