

Regulated Roles Checklist Children

Organisation Name and AA Code	
Position Applied for	

Children are defined as anyone under the age of 18 for the purpose of the Disclosure (Scotland) Act. It is a legal requirement for anyone in a regulated role with children or protected adults to be a PVG scheme member for the type of work they are carrying out. It is also a legal requirement for organisations to receive their own copy of the PVG scheme disclosure before offering a regulated role.

To qualify for a PVG Scheme Disclosure for a regulated role with children, 4 criteria must be met.

1. You must be **working with children** (section 1)
2. There must be **contact with children** (section 2)
3. There must be a **regulated activity with children** (section 3)
4. Work with children in the areas selected in sections 2 and 3 must be a **necessary part of the role** and **contact must be more than incidental** (section 4)

Please tick all that apply in each of the 4 sections below. If you cannot tick at least 1 box in each of the 4 sections, the role does not qualify for a PVG Scheme Disclosure.

Section 1 – Work with Children

Does your organisation provide services to children under the age of 18?	
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Section 2 – Contact

Now that you have confirmed your organisation is working with children, at least one contact type must apply before moving on to section 3. Please tick all that apply.

Physical Contact	
Written Communication	
Verbal Communication	
Visual Communication	
Exercising Power or Influence	
What is exercising power or influence? 1. assisting, facilitating, permitting or impeding progress towards a desirable objective or outcome for a particular child or children, 2. making decisions of an operational or strategic nature that could have an impact on a number of children, or 3. persuading or putting pressure on a particular child to behave or act in a certain manner for the financial gain or personal gratification of a person other than the child.	

Section 3 – Activity

Now that you have confirmed your organisation is working with children and contact has been determined, at least one activity must apply before moving on to section 4. Please tick all that apply.

1) Holding a position of responsibility in an organisation which has as one of its main purposes the provision of benefits for or to children (regardless of whether the organisation has an additional purpose of providing benefits for or to another group of persons) If this activity applies to your organisation, it will mean that all roles who have a “position of responsibility” will require PVG scheme membership. That may include your management committee, board members, Trustees or directors Being in a power or influence position means that those in that role will qualify for a PVG check even though there is no direct contact with children.		
2) Providing cultural, leisure, social or recreational activities for children The definition of providing these services should be taken to mean those who, as a necessary part of their role, are undertaking tasks that are involved in the actual provision of service delivery to children.		
3) Coaching children in relation to sports or physical activity		

4) Providing religious activities or services for children		
The definition of providing these services should be taken to mean those who, as a necessary part of their role, are undertaking tasks that are involved in the actual provision of service delivery to children.		
5) Driving or escorting children in connection with transport services provided exclusively or mainly for children		
6) Teaching, instructing or delivering training to children		
7) Holding power or influence over a child for the purposes of (a) an activity in which the child is taking part or seeking to take part in OR (b) arranging the future recruitment, training or employment of the child		
8) Providing advice or guidance to children in relation to career development or education		
9) Being in charge of or caring for children, other than acting as a foster carer		
10) Practising as a registered medical practitioner		
11) Practising as a nurse, midwife or health visitor		
12) Providing counselling, therapy or advice or guidance in relation to health or wellbeing to children, other than where such counselling, therapy, advice or guidance is provided in a prison by a prisoner to another prisoner.		
13) Being engaged by or on behalf of a child with an illness or disability to provide personal care services		
14) Having the ability to directly influence the operational delivery of medical or care services for children		
15) Acting as a foster carer		
16) Making decisions in relation to a child's care arrangements where a council has facilitated the child's care arrangements		
17) Having responsibility for the safety and welfare of a child		
18) Having the ability to directly influence decisions about the safety or welfare of a child		
19) Carrying out an activity in an educational institution, hospital, nursery, day care premises, hospice, hostel, residential care setting or secure accommodation for children. This specific activity must include an opportunity for the individual to have unsupervised contact with children as part of their role.		
20) Being engaged in the provision of a domestic service (including cleaning, preparing food, acting as a caretaker of premises or carrying out maintenance of premises) that is provided for children in an educational establishment, hospital, nursery, day care premises, hospice, hostel, residential care setting or secure accommodation for children.		
21) Providing a care home service or an independent healthcare service which is provided exclusively or mainly for children.		
22) A role where a necessary part of this includes the day-to-day supervision or management of an individual carrying out a regulated role.		

23)A role which involves training or studying in Scotland to carry out one or more regulated role activities and which gives the individual undertaking the training or study, when doing anything permitted or required in connection with undertaking the training or study, the opportunity to have contact with children.		
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Section 4 - Necessary Part of Role & Incidental Test

Necessary Part of Role – For the role to be considered a regulated one, the activity/activities, and contact with children and/or protected adults, must be a necessary part of the individual’s role (this was previously known as someone’s normal duties). Being a “necessary part of the role” means that the activity and contact is something that the individual expects to do as part of their role.

Generally, an activity, or contact, is likely to be a “necessary part of the role” if:

- it is something the individual will be asked or reasonably expected to do as part of their role. For example, it’s part of their role description or, in the absence of a role description, that they anticipate it as being part of their role.
- their role includes being a designated stand-in or substitute for someone carrying out a regulated role. For example, if an organisation has a pool of individuals who could be asked at any time to stand in or cover for a position that includes carrying out a regulated role, then all individuals in the pool should be assessed and have the activity and contact as a necessary part of their role.

An activity, or contact, is not likely to be a “necessary part of the role” if:

- it is carried out by an individual who is, for example, carrying this out due to an **emergency or very short notice situation** due to unexpected absence or a need from the recruiting organisation to obtain additional cover)
- the activity is not an expected part of the role that the individual would usually carry out

There’s no rule about how often or how long a role requires an activity carried out for it to be a necessary part of the role. An activity done every day can be necessary to an individual’s role, but so can an activity only done once or twice a year or even for one day.

Incidental to purpose/target group – An activity is likely to involve incidental contact when it is:

- part of a service that is intended to be open to all, which could be indicated by the location of an event, where it's advertised and what the admission policy is
- attractive to a wide cross section of society
- not an activity involving contact with children or protected adults as a usual part of the individual's role but either group are in the general vicinity when the individual is carrying out their role

Now that you have confirmed your organisation is working with children, one contact type has been selected and at least one activity has been identified, you now need to determine if these are a necessary part of the role or incidental contact.

If the contact and activity are a necessary part of the role, the role requires a PVG scheme disclosure. If the contact and activity are incidental, a PVG scheme disclosure cannot be accessed.

a. Is the contact with children and activity part a necessary part of the role?	
b. Is the contact with children incidental to the purpose of the role or purpose/target group?	

If you answer yes to (a), your organisation will need to access a PVG scheme disclosure.

If you answer yes to (b), the role does not qualify for a PVG scheme disclosure.