

Regulated Roles Checklist Protected Adults

Organisation Name and AA Code	
Position Applied for	

Protected Adults are defined as anyone aged 18 or above who meets the criteria of being protected 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 adults, 4 criteria must be met.

1. You must be **working with protected adults** (section 1)
2. There must be in **contact with protected adults** (section 2)
3. There must be a **regulated activity with protected adults** (section 3)
4. Work with protected adults in the areas selected in sections 1, 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 Protected Adults

Do any of the definitions below describe the adults you provide a service to? Please tick all that apply.

Definition 1 Any person aged 18 or over who, by reason of • Physical disability • Mental disability • Illness • Infirmity • Ageing and either i. has an impaired ability to protect themselves from physical or psychological harm or ii. requires assistance with the activities of daily living	
Definition 2 Any person aged 18 or over who is homeless (within the meaning of section 24 of the Housing (Scotland) Act 1987) and who is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing. Section 24 of the Housing (Scotland) Act says a person is homeless if they have no accommodation in the UK or elsewhere. A person is also homeless if they have accommodation but cannot reasonably occupy it, for example because of a threat of violence. A person is potentially homeless (threatened with homelessness) if it is likely that they will become homeless within two months.	
Definition 3 Any person aged 18 or over who has experienced, is experiencing or is at risk of experiencing domestic abuse and who is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing.	

Domestic abuse means behaviour (whether or not amounting to a criminal offence) that:- a) is perpetrated between partners or ex-partners, whether in the home or elsewhere or by means of electronic or other forms of communications, and b) involves any form of physical, verbal, sexual, psychological, emotional or financial abuse of one of the partners or ex-partners by the other. A person is a partner of another person if they are married to each other, civil partners, living with each other as if married or otherwise in an intimate relationship with each other.	
Definition 4 Health The service must be provided or secured by a public health body concerning the treatment, care and support of and the provision of advice and assistance to individuals in relation to health and well-being or a similar service provided by an independent health care service provider. Organisations may be fully funded by the NHS or replacing a core NHS service or receiving a high volume of referrals from the NHS.	
Definition 5 Community Care Services provided or secured by the council or health board by a person who is carrying out a regulated role that involves any of the activities mentioned in paragraphs 15 or 17 of Part 2 of schedule 3 of the PVG Act: i. under specific sections of the Social Work (Scotland) Act 1968. ii. under specific sections of the Mental Health (Care and Treatment) (Scotland) Act 2003. The activities that must be carried out for this aspect of the protected adult definition to apply are: • being engaged by or on behalf of a protected adult to support the protected adult to live independently, including providing personal care services, food preparation or recreational services. • providing counselling, therapy or advice or guidance in relation to health or wellbeing to protected adults, other than where such counselling, therapy, advice or guidance is provided in a prison by a prisoner to another prisoner.	

Section 2 – Contact

Now that you've confirmed your organisation is working with protected adults, at least one contact type must apply before moving on to section 3.

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 adult or adults, 2. making decisions of an operational or strategic nature that could have an impact on a number of adults, or 3. persuading or putting pressure on a particular adult to behave or act in a certain manner for the financial gain or personal gratification of a person other than the adults.	

Section 3 – Activity

Now that at least one description of protected adults has been selected and contact has been determined, at least one activity must apply before moving on to section 4. Please tick all that appl.

1) Holding a position of responsibility in an organisation which has as one of its main purposes, the provision of benefits for or to adults (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 physical contact, or visual, written or verbal communication, with protected adults as a necessary part of their role.	
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2) Providing cultural, leisure, social or recreational activities for protected adults.	
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 protected adults.	
3) Coaching protected adults in relation to sports or physical activity	
4) Providing religious activities or services for protected adults.	
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 protected adults.	
5) Driving or escorting protected adults in connection with transport services provided exclusively or mainly for use by protected adults.	
6) Teaching, instructing, training or supervising protected adults.	
7) Providing advice or guidance to a protected adult in relation to education, training or employability.	
8) Being in charge of protected adults.	
9) Practising as a registered medical practitioner.	
10) Practising as a registered nurse, midwife or health visitor.	
11) Providing counselling, therapy or advice or guidance in relation to health or wellbeing to protected adults, other than where such counselling, therapy, advice or guidance is provided in a prison by a prisoner to another prisoner.	
12) Having the ability to directly influence the operational delivery of medical or care services for protected adults.	
13) Providing support to a protected adult under a shared lives scheme.	
14) Being engaged by or on behalf of a protected adult to support the protected adult to live independently, including providing personal care services, food preparation or recreational services.	
15) Having responsibility for the safety and welfare of protected adults.	

16) Carrying out an activity in a hospital, hospice, care home, day care centre or adult placement setting. This specific activity must include an opportunity for the individual to have unsupervised contact with protected adults as a necessary part of their role. “Adult placement setting” means a residential establishment or accommodation occupied exclusively or mainly by individuals aged 18 or over which is— a) provided by a council in exercise of its functions under section 59 (provision by councils of residential and other establishments) of the Social Work (Scotland) Act 1968 or section 25 (provision of care and support services by councils) of the Mental Health (Care and Treatment) (Scotland) Act 2003, or b) provided or secured by a person to whom such a function is delegated by a council in pursuance of an integration scheme under section 1 or 2 (integration schemes) of the Public Bodies (Joint Working) (Scotland) Act 2014.	
17) 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 protected adults in a hospital, hospice, care home, day care centre or adult placement setting.	
18) A role where a necessary part of this includes the day-to-day supervision or management of an individual carrying out a regulated role.	
19) 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 protected adults.	

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 protected adults, 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 contact is incidental, carrying out the activity towards protected adults will not amount to a regulated role, and a PVG scheme disclosure cannot be accessed.

a. Is the contact and activity a necessary part of the role?	
b. Is the contact with protected adult's 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