



Risk Management and Policies

PVG Scheme: Guidance for Applicants

This forms part of the Fèisean nan Gàidheal policy portfolio

Date Approved	04/03/2022
Purpose	To provide guidance around the PVG application process
Summary	Guidance regarding the process and information around the storing, collating, and safe disposal of data

1. Background

Fèisean nan Gàidheal (FnG) is committed to ensuring that all participants, employees, contractors, and volunteers can enjoy our classes and events in a safe environment. To help us ensure this, we require that all tutors and volunteers become members of the Protection of Voluntary Groups (PVG) Scheme. Our PVG policy is available [here](#) on our website.

To become a member, a Level 2 disclosure check is required from Disclosure Scotland. The check will allow FnG to receive any relevant information from a criminal record which will assist in ensuring you are a suitable person to work with children, young people, or vulnerable adults.

As a tutor or volunteer undergoing this check, you can be assured that sensitive information will be dealt with in a confidential manner only for the purpose described and will be stored securely thereafter for a limited period. Further details on how we handle data are available in Fèisean nan Gàidheal's [Data Protection Policy](#) and our [Privacy Notice](#), both available on our website. Specific steps we take in handling PVG information are outlined in Appendix 3. Information on engaging ex-offenders can be found in our [Access Policy](#) available on our website.

Once the check has been carried out, a copy will be sent to you and to the FnG head office in Portree. Only FnG's Collator assesses Disclosure information and decides on a person's suitability or otherwise to engage in work with the organisation.

2. The Process

You will have received this guidance as you have been identified by FnG, or one of its member Fèisean, as a potential tutor or volunteer they wish to engage. The quickest way is to apply online. FnG needs to start the first part of the application online. You'll be sent the second part by email to complete. Once you complete this part, you submit the application to Disclosure Scotland. Once the check has been carried out, the only details recorded are as outlined in Annex 2.

FnG has instructed member Fèisean that all tutors and volunteers will have to go through this process and without this check being in place, they should not be engaged. The Fèis may jeopardise its grant funding, and ultimately its membership of FnG, if this instruction is not adhered to. If you do not return the forms, you may lose out on a paid engagement.

3. ID CHecking

At least one form of identity documentation must be photographic. Any ID, e.g., Passport number, you provide on the online application form will have to be verified. Once you've submitted the form, please arrange a meeting with a "trusted person" who will verify your ID.

Once the FnG "trusted person" has verified your ID, your application form will be forwarded to FnG's office where it will be dealt with by our Collator. The Collator will check the form has been completed correctly and forward it to Disclosure Scotland for processing. Only the Collator will have access to the information then received.

A "trusted person" can be any registered Fèis committee member. They don't have to be from the Fèis at which you are going to be working if you are unable to meet one of them. FnG staff can also be contacted to verify ID and give you help. Contact details are on the cover.

4. Further Information

If you have any queries when filling out a PVG Application Form or general enquiry about a PVG check please feel free to contact FnG's Collator, Sandy Gray on 07881 028583 or sandy@feisean.scot Alternatively, you can contact Fèisean nan Gàidheal's office if the Collator is unavailable.

ANNEX 1

Fèisean nan Gàidheal Policy on Referrals to Disclosure Scotland

1. Introduction

As a provider of “regulated work”, as defined 34 of the Disclosure Scotland (Scotland) Act 2020, Fèisean nan Gàidheal (FnG) is legally obliged in certain circumstances (known as referral grounds) to submit referrals on individuals to Disclosure Scotland. The legal requirement to refer is contained with section 9 of the Protection of Vulnerable Groups (Scotland) Act 2007.

The obligation to refer to Disclosure Scotland exists irrespective of provisions in FnG’s PVG policy or the involvement of other agencies – e.g., police, regulatory bodies, local authorities etc.

2. Types of conduct

The obligation to refer arises when an individual in a “regulated work” role (i.e., the position is eligible for a PVG check) is responsible for one of the following:

- harming a child or protected adult
- placing a child or protected adult at risk of harm
- inappropriate behaviour involving pornography
- inappropriate behaviour of a sexual nature involving a child or protected adult
- giving inappropriate medical treatment to a child or protected adult.

Harm

“Harm” can include:

- physical harm (including assault or inappropriate restraints)
- psychological/emotional harm (for example, placing a child/protected adult in a state of fear, alarm, or distress)
- “damage to property, rights or interests”, such as theft, fraud, embezzlement, or extortion
- attempts to harm
- trying to make others cause harm
- encouraging someone to self-harm.

Placing at “risk of harm” is a wide-ranging category but may include behaviour or incompetence that may cause someone to be harmed even if unintentional and/or where harm does not actually occur.

The foregoing list of types of conduct is not exhaustive. The conduct need not have occurred in the workplace but must be something the organisation becomes aware of that subsequently leads to the action outlined below, or equivalent.

3. When Fèisean nan Gàidheal will refer to Disclosure Scotland

A referral to Disclosure Scotland outlining the conduct need only be submitted if the behaviour meant that the staff member, contractor, or volunteer involved:

- Was dismissed as a result or, in the case of a contractor, had their engagement terminated
- Would have been dismissed but left before they could be – for example, resigning or making no further contact with the organisation immediately after the incident(s) or after starting but not concluding a disciplinary process or when an individual’s probation or fixed term contract is not extended because of a type of conduct outlined above.
- Was transferred permanently (not temporarily while under investigation) from regulated work with children/protected adults to a role within the organisation that does not involve regulated work with those groups or, in the case of a contractor, was not permitted to proceed with their engagement.

The referral will be made within 3 months of the date of decision of Fèisean nan Gàidheal to either dismiss/permanently remove the individual from "regulated work" or the date that the individual would have been permanently removed had they not otherwise or already left. The 3-month period to submit referrals to Disclosure Scotland is a statutory requirement, irrespective of any associated dismissal appeals or appeal periods etc. Even where an individual appeals against a decision to permanently remove from regulated work, the 3-month period begins on the date of the decision to either dismiss or permanently remove from regulated work.

The type of conduct committed by the individual must be in relation to the group that the individual is in regulated work with, whether that regulated work is for FnG or another organisation. For example, if an individual is permanently removed from post due to assaulting a child, but they are only in regulated work with protected adults, it is not possible under current legislation for the organisation to refer that individual to Disclosure Scotland.

4. How Fèisean nan Gàidheal will refer an individual to Disclosure Scotland

If a referral is required, a Disclosure Scotland employer referral form shall be completed. This requires us to provide the individual's identity, type of "regulated work" in which they are involved for Fèisean nan Gàidheal, PVG Scheme number, information on the harmful behaviour and details (with documentation) relevant to the investigation carried out by FnG as well as the outcome.

The referral will not identify any children or protected adults by name (for example, victims and witnesses) and will use a coded reference (e.g., child A, age 12).

The completed referral form and documentation will be submitted via e-mail or post to Disclosure Scotland.

Only FnG's Collator handles physical Disclosure Scotland information received and/or held by the organisation. Digitally held data is also available to the Chief Executive.

ANNEX 2

Fèisean nan Gàidheal Policy on the Secure Handling, Use, Storage and Retention of PVG Information

In accordance with the Code of Practice published by the Scottish Ministers under section 122 of the Police Act 1997, for registered persons and other recipients of PVG Information, Fèisean nan Gàidheal (FnG) will ensure the following practice relating to the handling, use, storage, and retention of PVG Information.

1. FnG will ensure that an individual's consent is sought before seeking a PVG check. Consent is confirmed if an individual, having agreed to a Disclosure check being carried out on them, submits a completed PVG Application Form online for processing.
2. PVG Certificates will only be requested when necessary and relevant to a particular post or engagement.
3. Only FnG's Collator is party to the full information made available by Disclosure Scotland relating to the PVG scheme. FnG's Chief Executive has access to the information held on the organisation's database in line with Fèisean nan Gàidheal's [Data Protection Policy](#) and our [Privacy Notice](#).
4. Only relevant information will be shared and only with those authorised to see it in the course of their duties.
5. Where additional PVG information is provided to FnG and not to the PVG check applicant, FnG will not disclose this information to the applicant, but will inform them of the fact that additional information has been provided in the event that it affects the recruitment process.
6. Physical PVG information will be stored in a locked non-portable container, for a maximum of 6 months. Only FnG's Collator will have access to this container.
7. PVG information will be destroyed by shredding after the period outlined in (6).
8. No image or photocopy of the PVG information will be made, however the following details will be retained electronically for the period permitted under our Data Protection Policy:
 - Date of issue of the certificate
 - Name of applicant
 - PVG certificate type
 - Position for which check was requested
 - Unique reference number of the certificate
 - Recruitment decision taken
9. FnG will ensure that any staff with access to PVG information are aware of this policy and have received relevant training and support.
10. FnG undertakes to make available a copy of this policy and the Code of Practice published by the Scottish Ministers under section 122 of the Police Act 1997, to any applicant for a post within Fèisean nan Gàidheal that requires a PVG certificate.
11. FnG aims, through its [Access Policy](#), of which this is a part, to ensure that all applicants for positions within the organisation are treated fairly.