



PVG Disclosure Procedure

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Statement

Due to the nature of the work carried out by Fair Deal, a PVG Scheme Membership, Level 2 is undertaken for all staff and volunteers in a regulated role and will relate to working with protected adults. The information contained within the PVG Scheme Membership, will state:

1. **Position applied for**
2. **Membership status:** PVG scheme member for regulated roles with adults. Not barred from this type of role
3. **Consideration status:** Not under consideration for listing by Scottish Ministers for regulated roles with adults
4. **Prescribed court orders**
5. **Other relevant information**
6. **About this disclosure:** This Level 2 PVG was issued on date XXX, under sections 11 and 17 of the Disclosure (Scotland) Act 2020

PVG Scheme Membership changes in line with Disclosure (Scotland) Act 2020

What are the changes?

- Level 1 and Level 2 disclosures replaced the basic, standard, enhanced and PVG disclosure levels
- you'll be able to ask for an independent review of some disclosure content
- you'll be able to explain the context for certain spent or childhood convictions before they're disclosed

From 1 April 2025, PVG membership became a legal requirement for all regulated roles with children and protected adults.

From 1 April 2026, lifetime PVG scheme membership will end. This is being replaced with a time limited membership. PVG scheme membership will last 5 years before it needs reviewed.

Disclosure Scotland are making the time limited membership change in April 2026 to help smoothly and fairly move existing PVG members to the new arrangements and are working with stakeholders to further understand the transitional arrangements required. All staff and volunteers in a regulated role, require

New powers for Disclosure Scotland

Disclosure Scotland can bar people from working with children and protected adults after an investigation.

The Act gave Disclosure Scotland new powers to impose conditions on people while they investigate.

The conditions end when they reach a decision to bar individuals or not.

New powers for councils and integration boards

The Act gave local councils and integration boards new powers to make referrals to Disclosure Scotland. This is to better safeguard people who have set up their own care and support arrangements, such as:

- self-directed support
- employing people directly

Procedure

This procedure outlines how the organisation will deal with a scheme record barring a person from working or volunteering with protected adults and/or which shows a conviction or other information.

Fair Deal will be advised by Disclosure Scotland if a person is barred from working or volunteering with protected adults. If we are advised by Disclosure Scotland that the person is barred from working or volunteering with protected adults, their application will not be taken further, and any offer of employment or volunteering opportunity will be withdrawn.

PVG scheme membership information is stored on the Disclosure Scotland online portal for a maximum of 14 days. Authorised access to the portal and the information contained within the PVG Scheme Membership is strictly accessible to the lead signatory (CEO) and the 2 counter signatories (Operations Manager and Registered Manager). The Help Yourself Grow volunteers are managed by the project Team Leader.

Fair Deal is required to assess the PVG Scheme Record information, together with any other pertinent information the individual would like to highlight regarding the membership record and make decisions on the suitability of the individual to take on a particular role.

Where a PVG Scheme membership record shows a conviction or additional information, the organisation will:

1. Contact the individual to arrange a meeting to discuss the matter. This contact should be made as soon as possible, given that the individual will have received his/her PVG Scheme Membership Record up to a week prior to it reaching the organisation
2. Hold the meeting and gather any additional information from the individual concerned. The organisation will be represented by two of the three authorised PVG signatories. The individual is entitled to be accompanied by a friend, colleague or trade union representative at this meeting
3. All Information will be gathered, and a decision made by the two authorised signatories or if a volunteer, the HYG signatory. The following factors will be taken into consideration:
 - Whether the conviction is relevant to the position being offered
 - The seriousness of the offence revealed
 - The length of time since the offence took place
 - Whether the applicant has a pattern of offending behaviour
 - Whether the applicant's circumstances have changed since the offence took place

In addition, consideration will be given to whether any convictions were voluntarily disclosed, and Fair Deal may seek advice from **Scotland Works for You** who aim to improve the job opportunities for people with convictions. Disclosure Scotland leads the Scotland Works for You group. The group includes organisations from the public, private and third sector.

Scotland Works for You offers:

- advice for people with convictions
 - help with applications for employment, education or volunteering
 - training for employers to help them assess people's convictions
4. The PVG Scheme Record Sub-Group of the Board of Trustees will be advised of the outcome. All information will be anonymous
 5. The individual will be notified of the outcome
 6. There will be the right of appeal to the PVG Scheme Record Sub-Group. The individual has the right of representation at the appeal

The organisation aims to make the process as quick and non-threatening as possible and will advise all potential staff and volunteers of this policy.

Handling

When handling your PVG Membership information, Fair Deal will do this responsibly and lawfully. Fair Deal will not keep information for longer than we need to. It will only be used for the purpose we got it. For example, if a disclosure was used for recruitment for a particular job, then it will only be used for the recruitment decision. It will not be used or kept for another purpose.

Access and Storage

We will not keep PVG Scheme Membership Records/Updates in an individual's personnel file. If we require to keep it for a disclosure of previous convictions meeting, it will be kept securely, in lockable, non-portable storage container. Access is strictly controlled to the signatories who are entitled to see such information in the course of their duties. Fair Deal has three authorised individuals who countersign PVG Applications and updates for employment purposes and one signatory for volunteers.

Retention

We will not retain PVG Scheme membership information for any longer than is required after a recruitment decision has been taken and the PVG scheme membership record has been viewed in the Disclosure Scotland portal by the signatory. Fair Deal will only keep a copy of the individual's PVG Scheme Membership number, type of disclosure and date of issue, or, to allow for the resolution of any disputes or complaints. PVG information will only be retained for longer than this period in exceptional circumstances and in consultation with Disclosure Scotland. The same conditions relating to secure storage and access will apply during any such period.

Disposal

Once the signatory has viewed the PVG Record on the Disclosure Scotland Portal and passed on the relevant information i.e. date of issue, type of disclosure and membership number, the record will be deleted from the portal after 14 days. If a PVG disclosure or previous convictions meeting is required, Fair Deal will safely dispose of the record once a decision has been made, normally by shredding the documentation.

Renewal

From 1st April 2026 PVG scheme membership will expire after 5 years and will require a renewal. Up until this time, Fair Deal will aim to continue with 3-yearly updates.

Responsibility of all Fair Deal staff and volunteers

For the duration of their employment or volunteering with Fair Deal, it is the responsibility of staff and volunteers to notify their line manager or the Team Leader responsible for volunteers, if they are convicted of any crime whilst employed or volunteering with Fair Deal. Failure to disclose a conviction could lead to the end of volunteering role, disciplinary action for employees including dismissal and SSSC Fitness to Practice investigation, which could result in professional registration being withdrawn.

Document Information

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| Document Ref: | PVG Disclosure Procedure |
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| Date of Version: | 29/05/2025 |
| Created By: | Anne Marie Borthwick |
| Approved By: | Fiona Dunwoodie |
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Amendment History

| Date | Version | Created By | Description of Change |
|-------------|----------------|----------------------|--|
| 17/08/2016 | 1 | Margaret Fenton | Initial Release |
| 09/07/2018 | 2 | Anne Marie Borthwick | Change to retention period from 6 months to 3 months. Updated information re conviction. |
| 16/05/2019 | 3 | Elaine Davidson | Added Front Cover and amended Footer details |
| 14/10/2022 | 4 | Anne Marie Borthwick | Page 4 additional information added to include 3 yearly updates |
| 06/09/2023 | 5 | Lesley-Anne Paterson | Checked against current legislation. Converted to new format |
| 20/03/2024 | 6 | Anne Marie Borthwick | Added definitive data handling, retention, and storage information |
| 29/05/2025 | 7 | Anne Marie Borthwick | Implementation of Disclosure (Scotland) Act 2020. Removal of children from organisational PVG requirements for new and existing updates. Changes to handling, retention, disposal of Disclosure Records. |