

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny
DATE	26 th November 2015
DIRECTOR	Richard Ellis
TITLE OF REPORT	Protecting Vulnerable Groups (PVG) Scheme
REPORT NUMBER:	CG/15/142
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to provide the Committee with information which it requested on the Council's current policy and procedures for the Protecting Vulnerable Groups (PVG) Scheme.

2. RECOMMENDATION(S)

that the Committee note the detail of the reports.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

The PVG Scheme- A Summary

- 5.1 The Protecting Vulnerable Groups (PVG) membership scheme replaced the previous disclosure arrangements for people who work with vulnerable groups in 2010. It is Scotland's response to the principal recommendation of the Bichard Enquiry Report, which called for a registration system for all those who work with children and vulnerable adults in the UK that would confirm that there is no known reason why an individual should not work with these client groups. England, Wales and Northern Ireland currently use the ISA Vetting and Barring Scheme.
- 5.2 The Act introduces a membership scheme for people undertaking regulated work with children and/or protected adults. The scheme has a memory and individual records held by the scheme are updated automatically when a person's circumstances change. When a disclosure is required because the scheme member is changing posts, or taking on an additional role, prospective employers can check whether he/she is a member of the scheme and whether there is any information held about them through the scheme update option.
- 5.3 Only those posts carrying out work (whether this is paid or unpaid) which is deemed to be regulated work, will qualify for membership of the PVG scheme. The Scottish Government cannot provide an absolute and definitive list of positions that constitute regulated work, as the roles and duties that people undertake vary widely between organisations and change over time.

Regulated work with Children

- 5.4 It is more straightforward to define regulated work with children than with adults as this is generally any work which involves responsibility for the welfare of a child. This can be through providing a service directly to children, through the type of establishment where regulated work takes place - such as a school.

Regulated work with Adults

- 5.5 The situation with adults is broadly similar to that with children. However, the main difference is that a 'protected adult' is a service based definition and avoids labelling adults solely on the basis of having a specific condition or disability.

Guidelines for PVG Eligibility for Elected Members

- 5.6 The PVG Act states that for an Elected Member to be eligible for PVG, he/she would require to meet criteria contained in Schedule 2 and Schedule 3 of the PVG Act, as follows:

Schedule 2, regulated work with children includes certain positions of trust:

"Member of-

(a) a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to children,

(b) a sub-committee which discharges any functions of any such committee".

Schedule 3, regulated work with protected adults, includes certain positions of trust:

"Member of a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to protected adults.

Any reference to a committee includes a reference to any sub-committee which discharges any functions of that committee."

It is important to be clear that these committees (including joint committees) must be dealing with the provision of the above mentioned services to protected adults, and **not the provision of these services to all adults**. A protected adult is an individual aged 16 or over who is provided with and receives certain care or support services, or prescribed health or welfare services.

1. It is clear that the intention is not for all councillors to be in PVG, but simply those who are members of these committees. The fact that they may occasionally refer decisions to the full Council is irrelevant, that is not regulated work.
2. Councils cannot ask all elected members (councillors) to become PVG scheme members unless they are all doing regulated work.
3. Under the PVG Act, any Elected Member in a political group being asked to substitute at any time on any Committee would be viewed as "ad hoc" and would not make them eligible for PVG as it would not meet the "Normal Duties" test.
4. It remains the responsibility of organisations to ensure that the legislative criteria for PVG is met. It is a criminal offence to ask someone to join the PVG scheme for a position which is not regulated work. It is also an offence to make a false declaration for the purposes of obtaining a PVG disclosure.

6. IMPACT

Improving Customer Experience –

The PVG Scheme is to enhance the safety of the Council's vulnerable customers.

Improving Staff Experience –

The PVG Scheme also provides protection for our staff.

Improving our use of Resources –

There are no direct resources implications arising from this report.

Corporate -

There are no direct implications arising from this report.

Public –

There are no direct implications arising from this report.

7. MANAGEMENT OF RISK

There are no identified material risks which would result from the approval of the recommendations in this report. The actions and recommendations contained in the report are a response to identified risks and are designed to mitigate these.

8. BACKGROUND PAPERS

9. REPORT AUTHOR DETAILS

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