

## PVG SCHEME, RECRUITMENT AND REFERRAL FOR LISTING

### Protection of Vulnerable Groups (Scotland) Act 2007

All organisations have a legal responsibility to ensure that any individual who will be in *Regulated Work* with children or protected adults is not listed on the Children's List and/or Adult's List, which bars them from working with children and/or protected adults.

**Regulated Work** with children in the PVG scheme is defined by the 5 following points:

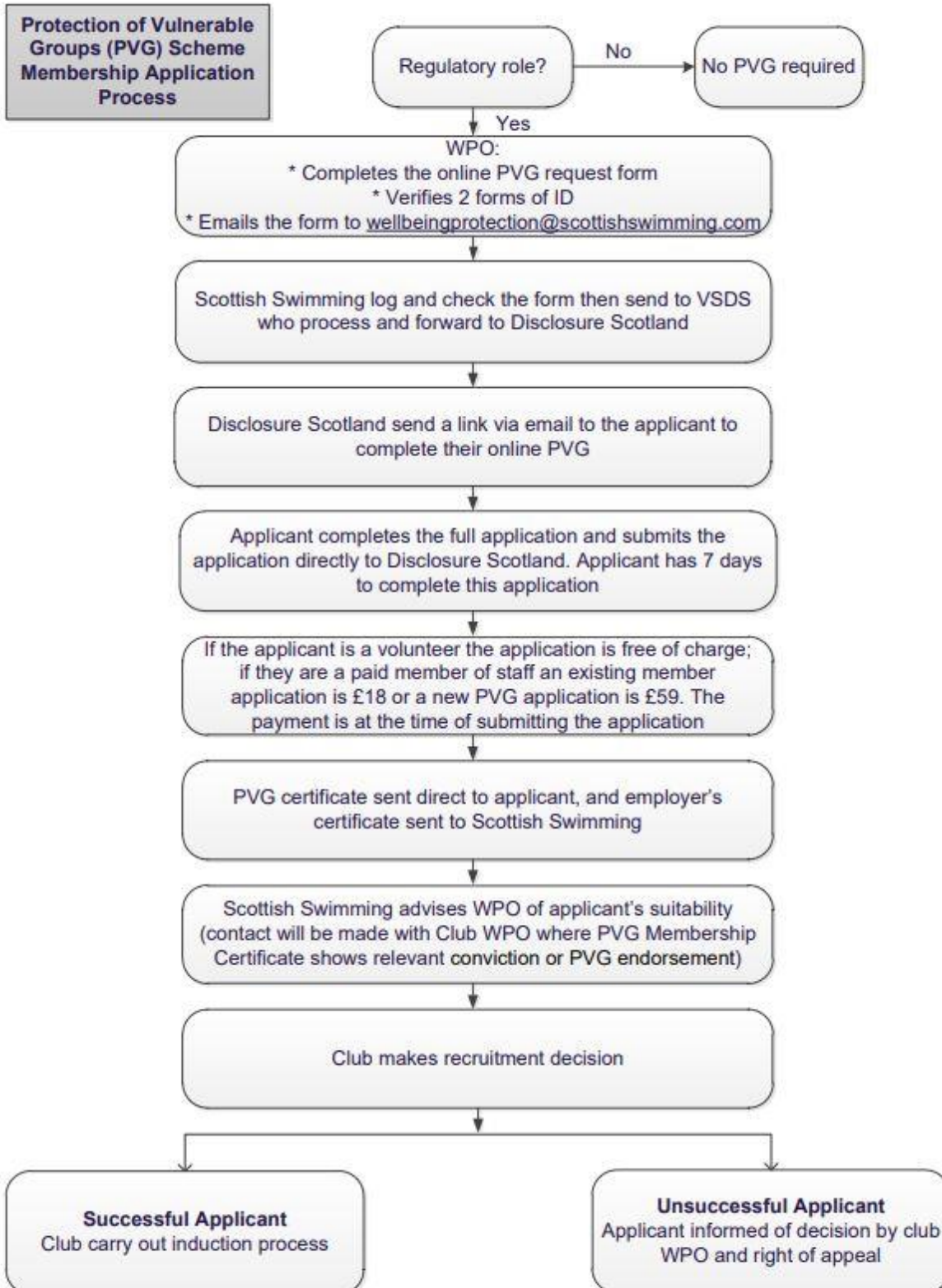
- It has to be work (paid or unpaid)
- It has to be with either children/young people (those U18) OR protected adults
- It has to be part of normal duties i.e. the activity is reasonably anticipated and could appear on the persons job description
- The work has to include:
  - caring for children/young people/protected adults
  - teaching, instructing, training or supervising children/young people/protected adults - being in sole charge of children/young people/protected adults
  - having unsupervised access to children/young people/protected adults
  - being a host parent
- The activity has to be targeted at children (or protected adults); e.g. where an adult section/team has one or two under 18s in attendance; this is termed 'incidental' and does not constitute regulated work.

For the purposes of a Club please note the following positions have been agreed with Volunteer Scotland Disclosure Services (VSDS) as regulatory positions:

- Chaperone
- Charity Trustee
- Coach
- COVID Officer
- Driver
- Land Trainer
- Lifeguard
- Meet Manager
- Mentor
- Poolside Helper/Assistant
- President/Chair
- Swimming Teacher
- Team Manager
- Wellbeing and Protection Officer

**NB: On PVG Application, forms please utilise the role names above along with the additional description.**

If you have a role within your club that you are unsure as to whether it is or not a regulatory position or is not listed above, please get in touch with [wellbeingprotection@scottishswimming.com](mailto:wellbeingprotection@scottishswimming.com)



**NB: All Individuals completing a PVG application form must also complete a self-declaration form**

### **Fair Processing Notice – Child protection, safeguarding and wellbeing**

The following information applies to Scottish Swimming Professionals, volunteer coaches and other volunteers conducting *Regulated Work* in Scotland, and whom are members of (or applying for membership of) the Protecting Vulnerable Groups (PVG) Scheme.

The Data Protection Act 2018 requires that you are informed about how your personal information will be used. For the purposes of child protection, safeguarding and well being matters in Scotland, if Scottish Swimming or your club receives information of concern; the club may share information about you with the sport's Governing Bodies in Scotland (Scottish Swimming & on occasion British Swimming) and the appointed Scottish Swimming Wellbeing & Protection Officer and where necessary, Wellbeing & Protection Officers for other member clubs.

This may be related to, but not exclusively restricted to, where it has been alerted to circumstances that might affect your status as a member of the PVG scheme for regulated work with children or protected adults or your suitability to carry out the regulated work role for which you have applied/been appointed or already doing.

In the event such sharing is deemed necessary, it will normally only be carried out between the registered Wellbeing & Protection Officers in the Club, Governing Body, and those appointed representatives within the a relevant partner organisation.

### **Protection of Vulnerable Groups (Scotland) Act 2007: Referrals**

The Act creates the framework to ensure that people who are known to be unsuitable on the basis of past behaviour do not gain access to children or protected adults through paid or voluntary work and that those who do become unsuitable are detected early and removed from these workforces.

### **Disclosure and Barring Service or Voluntary Scotland Disclosure Service**

[Voluntary Scotland Disclosure Service \(VSDS\)](#) maintains the lists of people barred from working with children or with vulnerable adults in Scotland. The Disclosure and Barring Service (DBS) fulfils this function in England and Wales and in Northern Ireland.

**Scottish Swimming and Member Clubs have a legal responsibility to make a referral in the below outlined circumstances; it is a criminal offence not to make such a referral.** For guidance on the grounds and process for making a referral, contact the Scottish Swimming Safeguarding Officer.

### **Circumstance to make a referral**

Scottish Swimming or The Member Club (depending on who deploys the person) will refer to Disclosure Scotland the case of any member of staff/volunteer who (whether or not in the course of their role within the organisation) has:

- harmed a child/protected adult or placed a child/protected at risk of harm
- engaged in inappropriate conduct involving pornography
- engaged in inappropriate conduct of a sexual nature involving a child/protected adult
- given inappropriate medical treatment to a child/protected adult

### **AND as a result:**

- Scottish Swimming /The Club has dismissed the member of staff or volunteer
- The member of staff or volunteer would have been dismissed as a result of the incident had they not resigned, retired or been made redundant
- Scottish Swimming /The Club has transferred the member of staff/volunteer to a position in the Club which is not regulated work with children/protected adults
- The member of staff or volunteer would have been dismissed or considered for dismissal where employment or volunteer role was not due to end at the expiry of a fixed term contract or had the contract not expired

Scottish Swimming / The Club will also refer the case of a staff member/ volunteer where information becomes available after the member of staff/volunteer has been through any of the process/circumstances noted above.

**Consideration for Listing & Barring Notice – Action to be taken**

If [Disclosure Scotland](#) notifies Scottish Swimming /the Club that a member of staff/volunteer is considered for listing that individual will be suspended as a precaution until the outcome of the case is determined. Remember that suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension, the welfare of children/protected adults will be the paramount concern.

If Disclosure Scotland informs Scottish Swimming / the Club that an individual is barred, that member of staff/volunteer will be removed from regulated work with children/protected adults immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007.