

PVG and Suitability Decision Making Procedures

as part of a Safer Recruitment process

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Introduction

As a part of Safe Recruitment within our organisation, Club, Groups, and Associations, all those working in regulated roles (paid or voluntary) are required to become members of the Protection of Vulnerable Groups (PVG) Scheme.

Scottish Cycling is a registered body with Disclosure Scotland (DS). This allows the organisation to apply for PVG membership for individuals who require to undertake a regulated role directly with the organisation, or with one of our Club, Groups, and Associations.

During the PVG application process, Scottish Cycling is required to assess any information returned on an individual's PVG disclosure and, where necessary, involve the Club/Group/Association in making a suitability decision for that individual to be employed in the role for which they have applied. This document will outline the process to follow and the roles and responsibilities of all those involved in the Suitability Decision Making.

Guidance and Legislation

Scottish Cycling Safer Recruitment Policy and supporting procedures are based on the following legislation and guidance:

Legal Framework

Children (Scotland) Act 1995

Criminal Procedure (Scotland) Act 1995

Police Act 1997

Sex Offenders Act 1997

Human Rights Act 1998

Data Protection Act 1998

Sexual Offences (amendments) Act 2000

Disclosure Scotland Code of Conduct "Making Scotland Safer" 2002

Disclosure Scotland Code of Conduct "Protecting the Vulnerable by Safer Recruitment"

Rehabilitation of Offenders Act 1974, the Exclusions and Exceptions (Scotland) order 2003

Protection of Children (Scotland) Act 2003

Protection of Vulnerable Groups (Scotland) Act 2007

Disclosure (Scotland) Act 2020

SC Wellbeing and Protection Policy

Roles & Responsibilities

As a registered body with Disclosure Scotland, Scottish Cycling will provide the process, policy and oversight of PVG administration within the organisation and to affiliated Club, Groups, and Associations.

Scottish Cycling will:

- Ensure all those carrying out regulated roles in the organisation, or Club/Groups/Associations are PVG members.
- Access PVG disclosure records on behalf of affiliated Club, Groups, and Associations
- Submit PVG applications to Disclosure Scotland.
- Manage and store PVG disclosure records in line with the Code of Practice.

- Act as the suitability decision maker for all regulated roles within our organisation or in our affiliated Club, Groups, and Associations.
- Make informed Suitability Decisions in relation to disclosure records for individuals applying to do Regulated Roles.
- Communicate to Club/Groups/Associations the outcome of PVG disclosure records and Suitability Decision made.
- Ensure any individual barred from Regulated Roles is not appointed to a regulated role with children or vulnerable adults within the organisation, member Club, Group, and Association.
- Receive barring information from Disclosure Scotland relevant to an individual carrying out Regulated Roles within the organisation, member Club, Group, or Association, take appropriate action to remove them and begin requisite disciplinary proceedings.
- Provide Clubs, Groups, and Associations with guidance and support to manage an individual who is 'being considered for listing' under the PVG Act.
- Ensure decisions relating to PVG disclosure records are carried out in accordance with Scottish Cycling Safer Recruitment Policy including Recruitment of Ex Offenders guidance.
- Strive to ensure everyone understands their roles and responsibilities in respect of safe recruitment, including the PVG scheme.
- Provide information, support and guidance to Wellbeing and Protection Officers (WPO's) on any aspect of the PVG scheme and Safe Recruitment.
- Make Referrals to disclosure Scotland when required and support our member Club, Groups, and Associations with their obligations to refer.
- Monitor the operation of this policy.

The Club/Groups/Associations will:

The role of the Club/Group/Association is to ensure that they use the *Safe Recruitment* process for individuals who are offered a regulated role with children or vulnerable adults. Through this process they are also responsible for administering the PVG scheme for their members. This includes:

To make PVG application requests the Club/Group/Association must:

- Act as the employer for all paid staff and volunteers in their Club/Group/Association.
- Appoint a Wellbeing and Protection Officer (WPO).
- Complete and return the Scottish Cycling PVG Processing Contract.
- Adopt the Scottish Cycling Wellbeing & Protection Policy ([Wellbeing and Protection Policy](#))
- Adhere to the Safer Recruitment Policy (Appendix 3 of the [Wellbeing and Protection Policy](#)) for all regulated roles within the Club/Group/Association, this includes:
 - ID Check (for all roles)
 - References (for all roles)
 - PVG (for regulated roles only)
 - Interview (as considered appropriate)
- Adopt the Secure Data Handling policy (Appendix A)
- Apply for PVG Scheme membership for those undertaking regulated roles at their Club/Group/Association.

- Ensure anyone in a Regulated Role undertakes Child Wellbeing and Protection in Sport (CWPS) training and renews every three years.
- Support the Wellbeing and Protection Officer to carry out their duties in this area.
- Adhere to the suitability decision made by Scottish Cycling.
- Implement any recommendations of Scottish Cycling relating to Safer Recruitment.
- Adhere to the PVG Referrals Policy and make any referrals in line with PVG legislation.

The Club/Group/Association Wellbeing and Protection Officer (PVG lead) and any other PVG processors

The WPO may not be responsible for carrying out all elements of the *Safe Recruitment* process, however they are responsible for ensuring the Club/Group/Association undertakes the process and for confirming this process has been undertaken to Scottish Cycling when making a PVG application request.

The role of the WPO/ additional club PVG processors is:

- Complete and return ID Checker Agreement.
- Carries out or oversees that Safe Recruitment has occurred.
- Carry out the administration of PVG applications on behalf of their Club/Group/Association.
- Correctly identify regulated roles with children or vulnerable adults within the Club/Group/Association in collaboration with Scottish Cycling.
- Check suitable identification documents for individuals applying for PVG membership.
- Complete the Scottish Cycling PVG request form.
- Ensure applicants complete the online application sent via link to their email, within 14 days.
- Inform Scottish Cycling of those whose initial request has expired, so that a new link can be sent.
- Receive the Suitability Decision from Scottish Cycling and carry out relevant actions.
- Store information confidentially in line with the Secure Handling Policy.
- Provide the names of those who have stopped working in Regulated Roles to Scottish Cycling for de-linking of their PVG from the Club/Group/Association (originally removal of interest).
- Where a person is removed from a Regulated Role and the standard for referral has been met inform Scottish Cycling and either assist with the referral or make the referral directly as required.

The individual applicant will:

- Complete the PVG information sharing consent form.
 - NB permission can be withdrawn. If permission is withdrawn that will end the recruitment process and the individual will not be appointed. The sharing of relevant PVG information is an essential part of the safer recruitment process to enable appropriate appointment, decision-making and risk management.
- Complete their PVG application.
 - The link from Disclosure Scotland is valid for 14 days, if it expires the individual is responsible for contacting their WPO and requesting a resubmission for another link.

- Returning 2 suitable references to the WPO.
- Once the PVG process is complete the individual continues to have responsibilities as a PVG scheme member, these are:
 - Keeping your personal details and contact details up to date with both Disclosure Scotland, your Club/Group/Association and Scottish Cycling and informing them if these change.
 - You are required to promptly disclose any legal or disciplinary matters outside of the Club/Group/Association from either your professional or personal life that may impact your suitability to remain in a *regulated role*. Particularly those involving children, or vulnerable adults to ensure the safety and well-being of those under our care.
 - If you leave your role and stop doing regulated work and no longer need a PVG, you are free to leave the scheme. You should contact Disclosure Scotland if you want to leave the scheme. You can find out more about this on the Disclosure Scotland website at: [Manage your PVG membership - mygov.scot](https://www.mygov.scot/manage-your-pvg-membership)

Regulated Roles

Regulated Roles is the new term for what was previously called regulated work. Regulated roles can be:

1. Either paid or unpaid
2. With either children or protected adults, where an individual has an agreed normal duty to care for, train, supervise or be in sole charge that group.
3. Individuals who have a responsibility to manage or supervise those who are carrying out regulated work with children are also doing regulated work.

The main positions agreed for Scottish Cycling as being regulated roles (therefore require a PVG membership) are as follows:

- Wellbeing and Protection Officer
- Event Welfare Officer
- Coach
- Mountain Bike Leader
- Activity Helper
- Team Manager
- Those with managerial responsibility for individuals in regulated roles such as the above positions should also complete a PVG application.

NB: Any role not on the above list that directly supervises children, or you believe might need a PVG, contact Scottish Cycling to have the role assessed.

The PVG Process

Prior to applying for a PVG, the member Club/Group/Association should adopt all necessary policies and procedures:

- a. Minimum Operating Standards, incl. Safer Recruitment Policy
- b. Wellbeing and Protection Policy
- c. Secure Data Handling Policy
- d. Referrals Policy
- e. PVG and Suitability Decision Maker Procedure
- f. ID Checker Agreement

The first step of appointing somebody to a regulated role is for the member Club/Group/Association to carry out all steps of the Safer Recruitment Process. Once satisfied with this process, the Club/Group/Association would obtain PVG Membership for the applicant, linking them to the club.

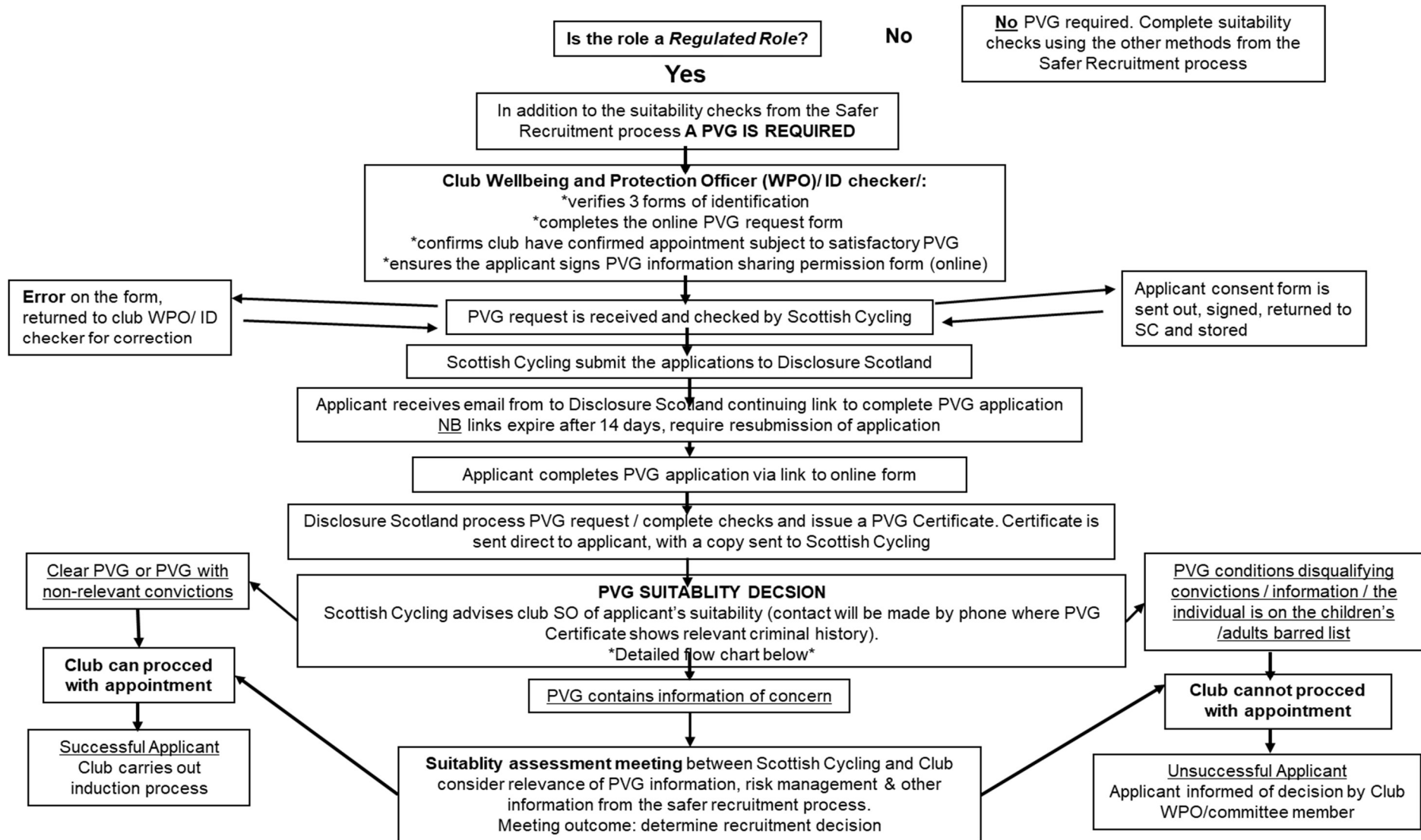
The PVG Application Process:

1. The Club/Group/Association send the applicant the PVG Application form link. PVG membership is a legal requirement for regulated roles; no appointment can be made, or work started, for a Regulated Role without this.
2. Applicant completes and the PVG Information Consent Sharing Agreement.
3. Scottish Cycling receive the application and notify the Club/Group/Association WPO to verify the applicants ID.
4. The Wellbeing and Protection Officer meets with the individual and verifies their ID.
5. The WPO completes the ID verification form and submits to Scottish Cycling.
6. Scottish Cycling submit the application to Disclosure Scotland (DS).
7. DS send a link to the applicant to complete the application (links expire within 14 days and require a resubmission after this time).
8. DS complete background checks and send PVG certificate to applicant.
9. The individual receives the PVG certificate up to two weeks before it is received by Scottish Cycling. This is to allow the applicant time to review the information returned and to contact DS directly if there are any errors on the certificate.
10. Scottish Cycling assess any information returned on the PVG and make a suitability decision.
11. Scottish Cycling inform the Club/Group/Association of Suitability Decision and any further actions.

NB: The individual will receive a copy of their PVG disclosure certificate. Club/Group/Association would not normally get to see the PVG disclosure certificate unless the individual wishes to show them their copy. **Clubs/Groups/Associations can take a note of the following information only:** date of issue, PVG disclosure certificate number (on the top right hand corner of the certificate) and PVG scheme member number (on left hand side under the applicant's date of birth). Scottish Cycling will inform the Wellbeing and Protection Officer when we have received an individual's PVG certificate.

No PVG, No Start, No exceptions

PVG Process & overview of the suitability decision



On receipt of the PVG disclosure, Scottish Cycling will assess the information it contains and identify if a suitability decision can be made, or further information is required.

Information Gathering Process

If there is insufficient information to make a suitability decision, then Scottish Cycling will follow the process below to gather any necessary information.

A member of the Scottish Cycling Safeguarding Team will:

1. Speak to the applicant about the information to establish, where applicable, the following:
 - a. What were the circumstances that led to the offence being committed? (e.g. care experienced/domestic difficulties)
 - b. How have circumstances changed since the offence being committed?
 - c. How much damage/harm was inflicted onto the victim?
 - d. How responsible was the offender in the offence? Did they act alone?
 - e. Was the offence premeditated or motivated by race/disability/sexuality?
 - f. Was a weapon used in the offence?
 - g. Was alcohol or drugs a factor in committing the offence? If yes, does the offender still use substances or how have they address the substance abuse?
 - h. Did the offender abuse their position of power/trust when committing the offence?
 - i. Have they shown genuine remorse and a good character?
 - j. Are there any other factors involved such as medical conditions, learning disability or lacking maturity?
 - k. Why they want to take on the role?

If necessary, they will then:

2. Contact the Club/Group/Association WPO, at this point the information contained on the PVG may be shared with them. The club WPO will be asked to share information from the Safer Recruitment process:
 - a. 2x References
 - b. Relevant information from interview
 - c. Other checks eg social media or qualifications etc.

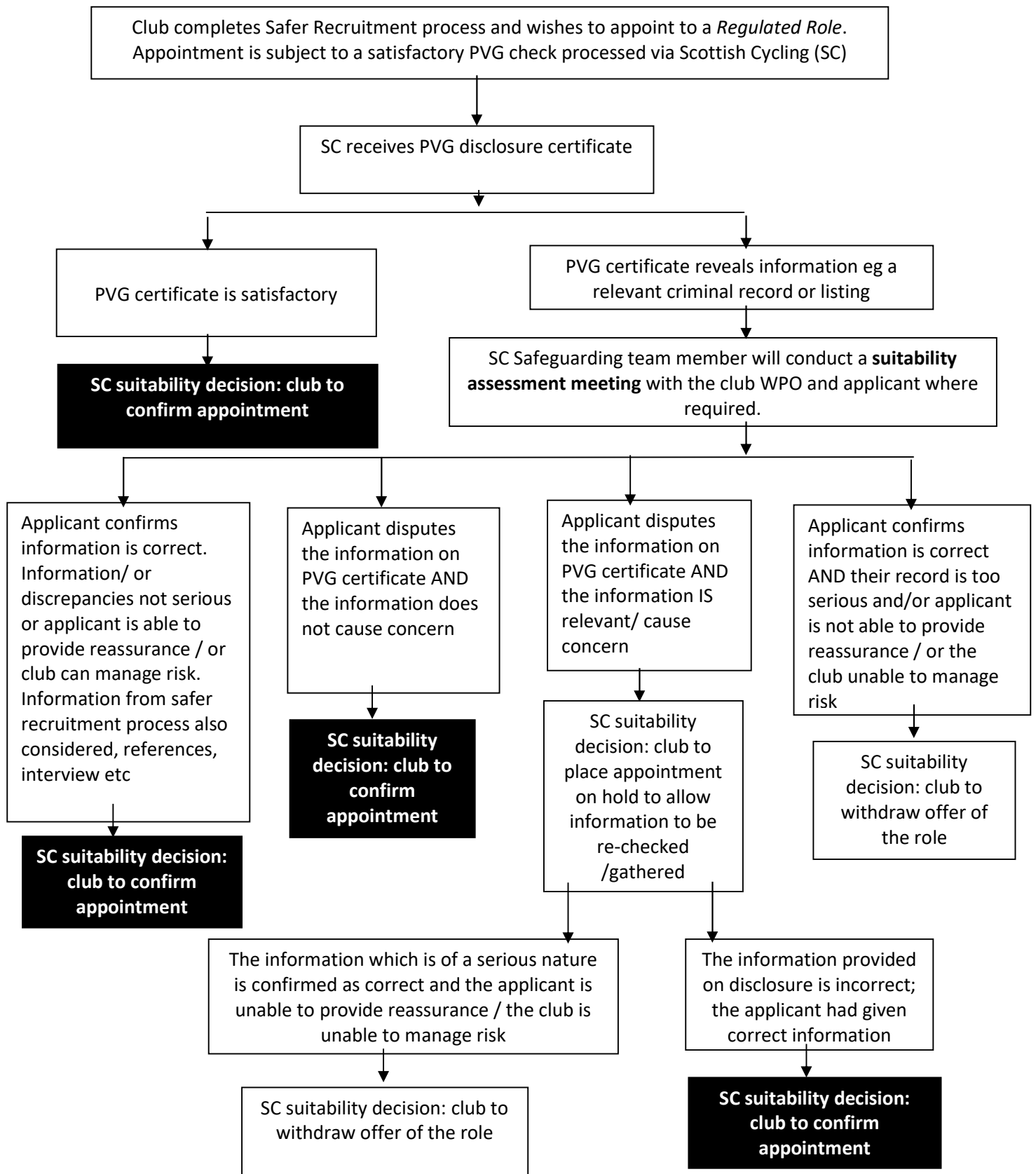
Additional information about the Club/Group/Associations risk assessment and personal management process may also be gathered; to help consider if risk identified can be safely managed.

The Safeguarding Team will then call a Suitability Assessment Meeting.

Suitability Assessment Meeting

If required a Suitability Assessment Meeting is carried out by a member of the Scottish Cycling Safeguarding team. This may involve members of the club who would manage the applicant in their regulated role. The assessment will follow the steps outlined below:

The Suitability decision making process



The Suitability Decision will be made with the use of a Risk Assessment form and information obtained through the Information Gathering Process noted above. The suitability outcome given by Scottish Cycling will fall into 1 of 4 outcomes:

1. Deploy without restriction.
 - a. This applies to PVG certificates that have no criminal record or contain information that is not relevant to the role applied for.
2. Deploy with restrictions but no need to reassess.
 - a. This applies to PVG certificates that have come back with information that required further investigation by SC.
 - b. The information required a management plan to be agreed with the Club/Group/Association that would allow the applicant to undertake the regulated role.
 - c. The management plan is of a minor nature and does not need other Clubs, Groups or Associations to reassess the information.
3. Deploy with restriction and would need reassessed if applying to another club.
 - a. This applies to PVG certificates that have come back with information that required further investigation by SC.
 - b. The information required a management plan to be agreed with the Club/Group/Association that would allow the applicant to undertake the regulated role.
 - c. The management plan is of a significant nature and the information should be reassessed to suit another Club, Group or Association, their resources and environment.
4. Do not deploy
 - a. The PVG certificates contains relevant convictions or information that would prevent them carrying out regulated roles in Scottish Cycling or an affiliated Club, Group or Association.