



University of
St Andrews

Protection of vulnerable groups and criminal records check policy

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1. Statement

- 1.1 The University is committed to providing a safe and protected environment for its staff, students and stakeholders at all times. We will therefore fully comply with the relevant legislation and statutory guidance to ensure that, where appropriate, applicants for vacancies and employees are members of the Protection of Vulnerable Groups Scheme (PVG Scheme) (which was introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (the 2007 Act)).
- 1.2 The University is committed to equality of opportunity for all and to providing an environment that is free from unfair and unlawful discrimination.

2. Scope

- 2.1 Staff who carry out regulated work with children and/or regulated work with a protected adult (under the 2007 Act) are required to be members of the PVG Scheme. This is to ensure that they are not currently barred from carrying out work with children or protected adults, or become barred in the future whilst employed by the University.
- 2.2 This relates to both new staff to the University and staff transferring internally into regulated work.
- 2.3 This policy provides a list of positions that the University already deems to meet the definition of Regulated Work (see [Appendix A](#)). Guidance provided here will enable staff to assess whether any other emerging positions/research projects etc. require membership of the PVG Scheme. If in doubt, please contact your Human Resources Business Partner for advice.
- 2.4 For non-regulated work, three types of disclosure checks are available: basic, standard and enhanced. The University disclosure checks certain roles (see Appendix A for further details of these) and reserves the right to use disclosure checks for other roles if required.
- 2.5 This policy is separate from, but complimentary to, the University's policy on the [Safeguarding of Children, Vulnerable Adults and Prevention of Radicalisation](#), details of which are noted below:

Policy	Purpose
Protection of Vulnerable Groups and Criminal Records Check Policy	Staff who carry out regulated work with children and/or regulated work with a protected adult under the 2007 Act are required to be members of the PVG Scheme. This policy provides a list of positions that the University already deems to meet the definition of regulated work. Guidance is also provided to enable staff to assess whether any other emerging positions/research projects etc. require membership of the PVG Scheme.
Safeguarding of Children, Vulnerable Adults and Prevention of Radicalisation	The policy refers to the University's responsibilities towards safeguarding its community by protecting children and vulnerable adults/Adults at Risk, as well as preventing individuals being radicalised and drawn into terrorism.

3. Introduction to the Protection of Vulnerable Groups (Scotland) Act 2007

- 3.1 The PVG Act introduced the concept of 'regulated work' and replaced enhanced disclosures for individuals working with vulnerable groups. Regulated Work with children supersedes the definition of a 'childcare position' in the Protection of Children (Scotland) Act 2003 and Regulated Work with adults supersedes contact with an 'adult at risk'. Throughout this document, 'children' and 'protected adults' are referred to collectively as 'vulnerable groups'/vulnerable people'.
- 3.2 The PVG Act established the 'PVG children's list' and also created, for the first time in Scotland, a list for those who are unsuitable to do regulated work with adults.
- 3.3 The PVG Scheme is managed and delivered by Disclosure Scotland (as an executive agency of the Scottish Government). The Protection Unit within Disclosure Scotland receives and considers referrals, and takes decisions, on behalf of Scottish Ministers, about those people who may be unsuitable to work with children or protected adults.
- 3.4 The Scheme offers continuous updating. Disclosure Scotland continues to collect vetting information about an individual after an initial disclosure check has been made so that new information indicating that they might be unsuitable for regulated work can be acted upon. As an employer and registered body, the University will be kept informed if any employee, who is a member of the scheme, becomes unsuitable for work with vulnerable groups.
- 3.5 It is an offence for an individual to undertake regulated work when barred under the PVG Scheme. The offence commenced from the date the scheme went live (i.e. 28 February 2011). It is also an offence for an organisation to recruit a barred individual to do regulated work.

4. Definition of children and protected adults (under to 2007 Act)

- 4.1 A **child** is defined as an individual under 18 years of age (recognising that 16 and 17 year-olds may have certain adult rights and responsibilities).
- 4.2 A **protected adult** is defined as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service. 'Protected adult' is a service-based definition which avoids labelling adults based on specific conditions or disabilities.
- 4.3 There are four categories of services. A recipient of one or more of these services is defined by the 2007 Act as a protected adult:
- Registered care services
 - Health services
 - Community care services
 - Welfare services
- 4.4 'Welfare services' is the most relevant category to the University as it can be applied to Student Services. The University also recognises the relevance of 'Health Services', for instance to the School of Medicine and the School of Psychology and Neuroscience.
- 4.5 A welfare service includes any service which provides support, assistance, advice or counselling to vulnerable adults. To be defined as welfare service, this must:
- a. Be provided in the course of work to one or more persons over 16

- b. Be delivered on behalf of an organisation
- c. Require training to be undertaken by the person delivering the service
- d. Have a frequency and formality attached to the service
- e. Either:
 - Require a contract to be agreed between the service provider and the service recipient prior to the service being carried out; or
 - Is personalised to an individual adult's needs.

4.6 The need for a service to require training may be met by basic training which is not specialist or related to a professional qualification.

4.7 An individual is only a protected adult at the time they receive the service.

4.8 It is possible for a 16 or 17 year old to be both a child and a protected adult. Where a young person between the ages of 16 and 18 requires support and protection, services will need to consider which framework best fits each person's needs and circumstances. Guidance on this can be access at the Scottish Government's National Guidance for Child Protection in Scotland (2021).

5. Regulated work

5.1 There are two types of regulated work (paid or unpaid):

- Regulated work with children
- Regulated work with protected adults

5.2 The reason for having two types of work (and two corresponding lists of individuals who are unsuitable to do such work) is to recognise that unsuitability to work with one group does not prejudice unsuitability to work with another.

5.3 The PVG Act defines regulated work by reference to the activities that a person does; the establishments in which a person works; the position that they hold; or the people for whom they have day to day management responsibility. Consequently, it is not possible to provide a definitive list of roles, positions or types of employment that constitute regulated work.

5.4 It is important to focus on how definitions of regulated work apply with the University.

6. How to assess whether the work is regulated

6.1 There are five steps to assessing whether an individual is undertaking regulated work, namely asking ourselves:

- a. Is it work? (paid or unpaid)
- b. Who are they working with? (children or protected adults)
- c. What do they do? (Are any of their duties an 'activity' under the 2007 Act?)
- d. If so, is the activity part of their normal duties?
- e. Do exceptions apply (specifically 'incidental' exceptions)?

6.2 Please note that not all 5 steps must be undertaken in all cases to establish if a role or type of employment is regulated. Disclosure Scotland provide a helpful [assessment tool](#) using these 5 steps (which can help to establish necessary steps in any given instance).

6.3 It is useful to look at each of these 5 steps in turn and how they may apply to the University.

<p>Step 1</p>	<p>Is it work</p>	<p>Most contracted roles in the University, paid or unpaid, constitute 'work'. Some students undertaking research projects are not technically undertaking work within the meaning of the 2007 Act (which is explained further in section 11).</p>
<p>Step 2</p>	<p>Who are they working with?</p>	<p>Many employees will have contact with children and protected adults as part of their roles with the University and therefore can be deemed to be working with them (e.g. Lecturers, School administrative staff). However this does not necessarily mean that they require membership of the scheme. The remaining steps below help to establish if the role requires PVG membership.</p>
<p>Step 3</p>	<p>What do they do?</p>	<p>Regulated work with children According to the 2007 Act, an individual may be doing regulated work with children if their work involves any of following activities (this is not the full list as detailed in the guidance but those activities that may be relevant to the University):</p> <ul style="list-style-type: none"> • Teaching, instructing, training or supervising children • Being in sole charge of children • Unsupervised contact with children under arrangements made by a responsible person • Providing advice or guidance relating to the physical or emotional wellbeing, education or training to a child or children. <p>All academic staff are potentially required to teach children (students who are 16/17-year olds); and many administrative staff have unsupervised contact with children. However, it is unlikely that they will require membership of the PVG Scheme due to the 'incidental' test (see step 5 below).</p> <p>There are exceptions to the 'incidental test' within the University (e.g. Saints Sports, where school-aged children are regularly taught by the instructors; and summer schools where staff also work with school-aged children).</p>
		<p>Regulated Work with Adults According to the 2007 Act, an individual may be doing regulated work with adults if their work involves any of the following activities (again, please note that the full list is provided in the statutory guidance):</p> <ul style="list-style-type: none"> • Teaching, instructing, training or supervising protected adults • Being in sole charge of protected adults

		<ul style="list-style-type: none"> • Providing assistance, advice or guidance relating to the physical or emotional wellbeing, education or training to a protected adult/s. <p>Usually, dealing with protected adults in the University should be confined to more pastoral roles (e.g. Occupational Health staff, Student Support Advisers, Halls Life Co-ordinators etc.). However, managers should be vigilant around new projects which may require existing staff to become Scheme members (e.g. research work in care homes).</p>
Step 4	Is the activity part of their normal duties?	<p>The concept of 'normal duties' is vital in limiting the scope of regulated work. Normal duties can be considered as ongoing duties which the individual might be expected to do as part of their post (e.g. appearing in a job description). The 2007 Act does not specify frequency or duration of work; but to be considered work, it should be reasonably anticipated and occur regularly (depending on the context of the role).</p> <p>Duties are unlikely to constitute normal duties if it is:</p> <ul style="list-style-type: none"> • undertaken in response to an emergency • arranged at the last minute to stand in for sickness or other unexpected absence • undertaken as a one-off activity of short duration which is not part of the individual's normal routine or occupation. If a task is not a 'normal duty', it is unlikely to constitute regulated work.
Step 5	Do exceptions apply (specifically 'incidental' exceptions)?	<p>Some activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally. For example, lecturers teaching classes that are aimed at the adult population but include some children in first year undergraduate classes. Despite the fact that some children attend university, teaching them is incidental to the teaching of adults. The incidental test can narrow the scope of regulated work and is vital for the University to work safely.</p> <p>An activity is likely to be incidental when:</p> <ul style="list-style-type: none"> • it is open to all • it is likely to appeal to a wide cross-section of society • attendance is discretionary <p>It is unlikely to be incidental when:</p> <ul style="list-style-type: none"> • it is targeted at children or protected adults • it is more appealing to children or protected adults than others • attendance is mandatory

6.4 Work with children themselves in work

- 6.4.1 If children under the age of 18 are engaged in work for the University (paid or unpaid), individuals working with those children do not have to become members of the PVG Scheme.
- 6.4.2 However there are some exceptions to 6.4.1 for children under the age of **16** not undertaking **paid** employment/apprenticeship. The guidance gives the example of a Scout leader supervising a group of 14-year-olds calling door-to-door to do odd jobs for money. The Scout leader would have to join the scheme.

6.5 Children on work experience

- 6.5.1 Children aged 16 or 17 who undertake work experience with the University are considered to be working. Consequently, those working with them are exempt from the need to join the scheme.
- 6.5.2 There is no such exemption for those working with younger children on work experience. However, most individuals working with such children would not be undertaking regulated work because their interaction with the children would either:
- not be one of the activities covered by the 2007 Act.
 - not be their normal duties.
 - be incidental (e.g. Disclosure Scotland advise that any care offered to children on work placement would be incidental, unless it is above and beyond what is normally provided to employees. In practice, only individuals allocated special responsibilities for the children for the entire duration of their placement are likely to be undertaking regulated work).

7. Regulated Work and University posts

- 7.1 See [Appendix A](#) for a list of posts which the University currently considers as regulated work. The list is not exhaustive and it is important to continuously revisit the content of posts to assess whether they will evolve into regulated work.

8. Work in Primary and Secondary Schools

- 8.1 Schools are classed as 'establishments' under the Act and are more tightly regulated than Universities. The same applies to organisations such as Care Homes and Further Education colleges (who are more likely to serve vulnerable adults).
- 8.2 Careful consideration must be given to the types of University posts that may be required to attend schools (e.g. in Student Recruitment and Admissions). Disclosure Scotland have advised on that there is a difference between providing advice and guidance to children as opposed to just imparting information (where the former would be classed as regulated work and therefore would require scheme membership, and the latter would not).
- 8.3 If doing anything permitted by the stated aims of their visit allows an employee the opportunity to have unsupervised contact with children, then this may be classed as regulated work. Disclosure Scotland gives the example of being able to wander the school corridors alone, therefore having access to the children. However, having a one-off conversation with a child at an event in a hall with lots of people present, is unlikely to fall into this category.

- 8.4 When going into a school, it is best to limit the opportunity for unsupervised contact with children (e.g. ensure teachers are always present).
- 8.5 If part of the role requires the employee to frequently visit schools (e.g. every week) then it may become part of the employee's normal duties under the scope of regulated work as they would be working in an establishment, in a capacity that can be reasonably anticipated and which occurs regularly (see 6.3, step 4).

9. Research issues

- 9.1 Usually, the following guidance applies when considering undertaking research projects. Examples are not exhaustive and each project will have to be assessed on its own merits.
- Research with children in 'establishments' – if doing anything permitted or required in connection with the research allows a researcher the opportunity to have unsupervised contact with children, then PVG Scheme membership will probably be required.
 - Research with protected adults in 'establishments' – if doing anything permitted or required in connection with the research allows a researcher the opportunity to have unsupervised contact with protected adults (that is more than incidental), then membership will probably be required.
 - If research is being conducted somewhere other than in an 'establishment' – where a researcher has unsupervised contact with children under arrangements made by a responsible person (e.g. a parent or guardian), then it is highly likely that scheme membership will be required. (e.g. a researcher interviewing children on their own in a youth club with the permission of the parents and the youth worker. Definitions and guidance around what constitutes a 'responsible person' can be accessed via [Chapter 2, Regulated Work, Updated September 2015](#))
- 9.2 If individuals are conducting this type of research abroad, this is still considered to be regulated work and they are required to join the PVG Scheme before they begin their research overseas.

10. Summer schools

- 10.1 Due to the nature of duties performed by staff working with summer schools, it is likely that they will fall into the category of regulated work. They could be:
- Teaching, instructing, training or supervising children
 - Being in sole charge of children
 - In unsupervised contact with children under arrangements made by a responsible person.
- 10.2 Staff working with summer schools may occasionally undertake work with protected adults. Consequently, it is advisable that staff who regularly work with summer schools become members of the PVG Scheme (unless their duties are such that they do not fall into regulated work).

11. Students

- 11.1 If students are employed by the University to carry out regulated work as defined in this policy, they should become members of the PVG Scheme.

11.2 Research projects carried out by students may not be classed as work within the meaning of the Act. However, some activities undertaken whilst carrying out the research could be classed as regulated work if undertaken by members of staff. Disclosure Scotland advise that by classing students as being on placements, they will be eligible to join the PVG Scheme. Advice should be sought from Disclosure Scotland or Human Resources in cases where the situation is unclear.

12. Existing Staff

12.1 The PVG Scheme applies to new members of staff and existing members of staff who transfer into roles which involve them undertaking regulated work with children and/or protected adults.

12.2 The University is required to notify Disclosure Scotland when any members of staff who have been employed in regulated work leave the University.

13. PVG Scheme Records

13.1 Individuals who are required by the University to join the PVG Scheme for the first time will complete the relevant form and will be issued with a Scheme Record. This Scheme Record is sent to the University as well as the individual and it contains all the vetting information that Disclosure Scotland has regarding the individual. This vetting information may consist of offences that are not relevant to working with children or protected adults (similar to the old enhanced disclosures).

13.2 Scheme membership is a portable asset, meaning that members carry their membership with them from employer to employer.

13.3 Individuals who join the University and are already members of the scheme can apply for a Scheme Record Update enabling a quicker, cheaper and simpler check that can be completed online. A Scheme Record Update will state any vetting information featured on the original Scheme Record and if any information has been added since. However, it will not provide the details of that information. The University therefore reserves the right to ask for another full Scheme Record to enable a full assessment of the individual's suitability for regulated work.

13.4 If the individual is barred from regulated work, they and the University will be advised in writing by Disclosure Scotland that they are barred from the type of work that they have applied for.

14. Fees

14.1 The University will pay for scheme membership and any updates required for employees. It reserves the right to review its position regarding this at any time. There are two main fee charges, further details of which are available from <https://www.mygov.scot/disclosure-types?via=https://www.disclosurescotland.co.uk/pvg-scheme/>.

15. Sharing Disclosure/Scheme Records

15.1 There are several potential offences that relate to the sharing of records. It is particularly relevant for a University to consider that:

- It is an offence for anybody to share somebody else's records.

- Lawful sharing is only permitted where it is necessary to share the record with other employees within the University for the purposes of enabling determination of an individual's suitability for regulated work. This will normally involve the Head of School/Unit, with possible reference to the relevant member in the Principal's Office.
- A PVG Scheme member may share their own record.

16. Referrals by organisations

- 16.1 The PVG Act places a duty on organisations to make a referral in certain circumstances. Usually, these circumstances arise when an individual undertaking regulated work has done something to harm a child or protected adult **and** the matter is so serious that the organisation has or would have permanently removed the individual from regulated work.
- 16.2 Failure to refer an individual may present safeguarding risks for other vulnerable people by allowing an unsuitable person to continue undertaking regulated work.
- 16.3 The Director of Human Resources will usually be responsible for making the referral. It is an offence for the University not to make a referral within 3 months of the criteria being met.

17. Recruitment of ex-offenders

- 17.1 The University of St Andrews actively promotes equality of opportunity and welcomes applications from a wide range of candidates, including those with criminal convictions.
- 17.2 Having a criminal record will not necessarily prevent an individual from working at the University. The nature of the position and the relevance to the job, together with the circumstances and background of the offences will be considered very carefully by the Head of School/Unit and Human Resources before a decision is made.
- 17.3 When assessing suitability of an applicant with a criminal conviction, the University will consider:
- Whether the conviction or other matter revealed is relevant to the position in question.
 - The seriousness of any offence revealed.
 - The length of time since the offence/other matter occurred.
 - Whether the applicant has a pattern of offending behaviour or other relevant matter.
 - Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters.
 - Whether the applicant's references satisfactory.
- 17.4 Judgement as to whether an individual is suitable to undertake regulated work should never be influenced (directly or indirectly; positively or negatively) by aspects of their identity as defined under the Equality Act 2010, (e.g. sex, religion/ belief, sexual orientation, gender reassignment).
- 17.5 The Rehabilitation of Offenders Act 1974 allows an employer to ask any job applicant whether or not they have any unspent convictions. The employer can only ask about spent as well as unspent convictions if the job applied for is excluded from the 1974 Act by way of the Exclusions and Exemptions (Scotland) Order 2003. Posts identified as working with vulnerable people are excluded under this order. Consequently, the University has the right to consider an applicant's entire criminal record (including spent convictions and other relevant information) obtained through the PVG Scheme Record or a disclosure check when deciding whether or not to confirm their appointment.

17.6 Where an applicant fails to reveal information that is directly relevant to the position sought, this may lead to a withdrawal of an offer of employment. Action may be taken against an existing member of staff, where it is discovered that they have failed to reveal information directly relevant to their role.

18. Procedure for recruitment and selection of University staff

18.1 Applicants to posts at the University must declare any unspent convictions on the e-Recruitment system/application form. A link to this policy is included on the e-Recruitment system in the Frequently Asked Questions (FAQ) section.

18.2 Should the position be classed as regulated work (and working with children, protected adults or both), it will state clearly on the Further Particulars that the successful candidate must obtain PVG Scheme membership before commencing in the post. If certain posts within the University require a clear disclosure check, this will also be stated in the Further Particulars (and at what level of disclosure i.e. basic, standard or enhanced).

18.3 Any criminal record information declared will only be shared by those who need to know as part of the selection process i.e. Head of School/Unit (with possible reference to the relevant member in the Principal's Office) and the chair of the selection panel.

18.4 Failure to reveal information relating to unspent convictions could lead to withdrawal of an offer of employment or termination of employment.

18.5 For regulated posts which require membership of the PVG Scheme, offers of employment will be sent to successful candidates with the wording 'subject to being a member of the Protection of the Vulnerable Groups Scheme and receipt by the University of a satisfactory PVG Scheme Record'. Offers of employment are therefore made subject to a satisfactory response, which is also the case for roles that require a relevant disclosure check.

18.6 All existing employees who transfer to a new role which involves them undertaking duties within the scope of regulated work must become members of the PVG Scheme. Similarly, should existing employees move to roles that the University requires to be disclosure checked, appropriate checks will be conducted prior to the employee starting in post.

18.7 Guidance will be provided by the University to individuals joining the scheme.

18.8 For existing scheme members, the University will request a Scheme Record Update and reserves the right to request a full Scheme Record should the Update indicate that vetting information or new offences exist.

18.9 No individual should commence work with the University until PVG membership or a satisfactory disclosure check has been received/confirmed. If exceptional circumstances require that the individual commences work before the PVG membership/disclosure check has been confirmed, advice should be sought from Human Resources to explore temporary amendments of duties or other solutions as appropriate.

18.10 When assessing suitability of an applicant with a criminal conviction, the University will consider appropriate factors as confirmed in section 17.3.

18.11 Unless the information contained in the PVG record is clearly irrelevant to the decision to appoint, no decision will be taken on whether the applicant should be appointed until a meeting has been held with the applicant, a Human Resources Business Partner and the

manager responsible for the position to discuss the information highlighted following the PVG/disclosure check.

- 18.12 Successful candidates who require PVG membership but have spent the previous 12 months or more outside the UK must also provide an appropriate criminal record check from the countries that they have resided in. The University recognises that this may not always be possible and in such circumstances the individual will be required to sign a declaration form.

19. Handling, holding and destroying Scheme Record/Disclosure Information

- 19.1 Please see [Appendix B](#) for this information.

20. Support

- 20.1 Any queries regarding this policy should be referred to an [Human Resources Business Partner](#). Employees can also access more information at www.disclosurescotland.co.uk.
- 20.2 Any comments or queries on how this Policy affects matters of Equality, Diversity and Inclusion (EDI) should be referred to the University's EDI team.

21. Version control

- 20.1 This policy will be reviewed periodically in conjunction with the University's Trade Unions. Any feedback on the policy content should be directed in the first instance to the [HRBP team](#) or via the [HR Feedback Form](#).

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of policy to the Governance Zone.	Published	Lisa Stewart, Human Resources	25/06/2019
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1.5	Revision and update of policy following consultation with stakeholders.	Published	Laura Henderson HR	20/12/2023

Appendix A: Regulated posts and those posts subject to disclosure checks at the University

Listed below are posts that the University has determined to fall under the scope of regulated work or require to be disclosure checked. As such, employees who take up these posts will be expected to become a member of the Protection of Vulnerable Groups Scheme or undertake a disclosure check as required.

School/Unit	Job Role	Type of Check Required
Admissions	Senior Education Liaison Officer (<i>undertaking certain duties in Schools and FE establishments</i>)	PVG - Children
	Education Liaison Officer (<i>undertaking certain duties in Schools and FE establishments</i>)	PVG - Children
	Admissions Representative (<i>undertaking certain duties in Schools and FE establishments</i>)	PVG - Children
Chaplaincy	Chaplains	PVG – Protected Adults
Earth and Environmental Sciences	GeoBus Education Coordinator (regularly going into Schools)	PVG - Children
Environmental Health and Safety Services (EHSS)	ALL Occupational Health Staff	PVG – Protected Adults
Estates	Security Officers / Security and Response Officers	Basic Disclosure
Finance	Accountancy roles, grade 6 and above	Standard Disclosure
Human Resources	Payroll & Pensions Manager	Basic Disclosure
IT	IT Staff	Basic Disclosure
Medicine	Co-ordinator (Volunteer Patient)	PVG – Protected Adults
	Finance & Act Officer (Grade 6+)	Standard Disclosure
	Health & Welfare Adviser for Med Stud	PVG - Both
Music Centre	Music Teacher (<i>teaching groups of children</i>)	PVG - Children
Nursery	ALL Nursery staff	PVG - Children
Planning	IT related posts only	Basic Disclosure
Principal's Office/ Legal	Senior legal counsel	Standard Disclosure
Saints Sport	All Sports Coaches/Instructors/Assistants (inc. Directors)	PVG - Children
Student Services	Wellbeing Advisers	PVG – Protected Adults
	Critical Responder	PVG – Protected Adults
	Assistant Director (Access & Inclusion)	PVG – Protected Adults
	Assistant Director (Mental Health)	PVG – Protected Adults
	Halls Life Co-ordinators	PVG - Protected Adults

Various	Teaching & Research Staff who are undertaking certain duties in Schools and FE establishments	PVG - Children
Various	Research Staff on projects involving children and/or protected adults	PVG – Protected Adults and/or Children

The above posts are those that are currently eligible to be brought under the scope of regulated work or require to be disclosure checked. Any new roles that are created within the University will be assessed by Human Resources and the Head of School/Unit to ascertain whether they are also eligible to be considered as regulated work, or require to be disclosure checked.

Appendix B: Handling, holding and destroying Scheme Record/Disclosure Information

All information disclosed by Disclosure Scotland is sensitive and highly confidential. Consequently, the University will handle this information responsibly, in line with the Disclosure Scotland Code of Practice and the General Data Protection Regulations and the Data Protection Act 2018.

Storage and Access

Scheme Record/Disclosure information is not kept on an individual's personal file, apart from the unique ID number. Upon receipt of the certificate, the PVG/Disclosure number is logged securely with access strictly controlled and limited to those who are entitled to see it as part of their duties. The original certificate is then destroyed. The only exception to this is in those instances regarding Basic Disclosures where only one copy is provided by Disclosure Scotland. Should the applicant have signed a consent form for that one copy to come to HR in the first instance, the disclosure number is securely logged and the original certificate is then securely forwarded to the applicant for their records.

Handling

In accordance with section 124 of the Police Act 1997, the University will only pass Scheme Record/Disclosure information to those who are entitled to see it in the course of their duties.

The 2007 Act prevents third parties who are not directly employing, or considering employing somebody to do regulated work, from asking a scheme member for sight of their scheme record.

The University is only permitted to share Scheme Record/Disclosure information with third parties if the subject of the Scheme Record/Disclosure's written consent has been obtained. Please note that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Scheme Record/Disclosure information is only used for the specific purpose for which it was provided i.e. the University will not use or disclose this information for any other reason than to establish suitability to undertake regulated work (or where the University deems a disclosure check is required).

Retention

Scheme Record/Disclosure information will be retained for up to 90 days to allow for the consideration and resolution of any disputes or complaints. In very exceptional circumstances, it may be considered necessary to keep the information longer than 90 days. In these circumstances, Human Resources will consult with Disclosure Scotland to establish if further retention is valid.

Disposal

At the end of the retention period, Scheme Record/Disclosure information will be destroyed by shredding. The information will be taken from secure storage and shredded immediately; it must not be placed in transitory storage (e.g. confidential waste bag). No photocopies, digital images or computer-based copies of the Scheme Record/Disclosure will be kept. However, the date the Scheme Record/Disclosure certificate was received and the unique reference number will be kept on the individual's personal record.

The University's Head of Information Assurance and Governance can advise on concerns or questions around use of personal data (email: dataprot@st-andrews.ac.uk).

Appendix C: Guidance notes for the PVG Scheme

This guidance provides a snapshot of the main issues that arise within the University with regards to the PVG scheme. Ideally, it should be read in conjunction with the PVG policy and particularly, with [Appendix A](#) of the policy which provides a list of University positions that require a PVG check or disclosure check.

1. Casual Tutors and Graduate Teaching Assistants (GTAs) no longer require a PVG check unless they have specifically been employed to solely tutor children.
2. In Saints Sport, instructors will only need to be PVG checked if, as part of their duties, they will be teaching/instructing groups of children (under 18s). Other instructors, who teach predominantly adult classes, will not need to be PVG checked even though children may form part of the mixed class.
3. When considering research projects with children and protected adults, the research itself is not considered an 'activity' under the Act. However, it is important to consider whether there will be any unsupervised contact with these vulnerable groups. If a responsible person will always be present while the employee is conducting their research (e.g. teacher/care home attendant/youth worker), the employee will not require a PVG check under the 2007 Act. If the employee will be left unsupervised, then it is likely that they will require a PVG check (particularly if the employee is in a school where Disclosure Scotland advise that the possibility of encountering a child alone in a corridor is enough to warrant a PVG check).

If the research involves a cross section of society (e.g. those residing a particular area) and contact with children is only incidental to the research, Human Resources should be contacted to ascertain if a PVG check is required.

Please refer to section 9 of the PVG policy for more detail.

4. Occasionally, Units/Schools host work experience for school-aged children. If the children are 16 or 17 years old, then those staff interacting with them do not require a PVG check.

If the children are under 16, most staff will not require to be PVG checked unless they are spending more time with that child than they normally would with other employees on day-to-day basis. In this instance, it is likely the employee should be PVG checked as 'above and beyond' contact is likely to fall outside the incidental rule.

Staff working with employees under the age of 18 (e.g. apprentices) do not have to be PVG checked.

5. Primary and secondary schools are classed as 'establishments' under the Act and are more tightly regulated than Universities. The same applies for establishments such as care homes and Further Education Colleges. Some areas of the University regularly visit Schools, however whether an individual requires a PVG check depends on what type of activity they are doing within the School and whether they have any unsupervised contact with the children. For more detailed advice, please read section 8 of the PVG policy.
6. When considering the issue of unsupervised contact with children, a PVG check will probably not be required if this contact is merely ad-hoc and happens as part of general contact with the wider public or student body as this contact would fall under the incidental rule. Please contact Human Resources for further advice regarding this.

7. Part G3 of the PVG form that asks for 'Position Applied For'. When completing this field, it is important to be as descriptive as possible (within limited space available) so that Disclosure Scotland knows why a PVG check is being requested. For example, writing 'Fitness Instructor' is insufficient and the individual should write 'Fitness Instructor – instructing/unsupervised contact - children'.

A Lecturer who is going to be undertaking research that means that they will have unsupervised contact with children should put 'Lecturer- research unsupervised contact with children'. As there is no longer a requirement to check Lecturers, simply putting Lecturer would lead to Disclosure Scotland rejecting the application.

Disclosure Scotland must be convinced that a check is necessary and if they are not, the form will be returned to us. As such, answers to Part G3 of the PVG form ('Position Applied For') are crucial.

Individuals who join the University and are already members of the PVG scheme, can apply for a Scheme Record Update rather than a full PVG check. Please note that this requires a different form to be used. These forms are available from Human Resources.