PVG and the suitability decision making procedures as part of a Safer Recruitment process

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Scottish Volleyball

Introduction
Safer recruitment is a vital part of our wellbeing and safe sport practices, it is our commitment in action, to ensuring that those who are recruited in paid or unpaid roles in the sport of volleyball are suitable to work with children and vulnerable groups.

One part of the Safer Recruitment approach is the undertaking of PVG checks for those who wish to work paid or unpaid with vulnerable groups. Using that information as part of *the Suitability Decision* on their appointment in a *Regulated Role.*

Our Wellbeing & Safe sport approached is informed and based on legislation and policy in particular the following have informed our approach:

The National Guidance for Child Protection in Scotland 2021 states:
Committed, paid and unpaid coaches, officials, volunteers and workers will often become significant role models and trusted people in a child's life.

Those responsible for the organisation of activities should ensure that:

- Safeguarding is integral to practice in recruitment, training and oversight of staff and volunteers
- Children know how and with whom they can voice questions and concerns.

The Standards for Child Wellbeing & Protection in Sport states:
Standard 5: Every child has volunteers and staff working alongside them who have been considered suitable to work with children and young people

Safeguarding is everybody's business as an organisation we are committed to not only developing policies and procedures but to providing information, guidance and training opportunities to ensure those working with vulnerable groups adopt best practice as part of our commitment to creating a safe and inclusive environment that actively looks to reduce risk, prevent harm and keep children and vulnerable groups safe.

Coaches, officials/helpers and other volunteers are committed, dedicated people who are motivated to work within Volleyball for commendable reasons. However we must take all reasonable steps to ensure that unsuitable people or people with an inappropriate motivation are prevented from working with vulnerable groups.

Guidance and Legislation
Scottish Volleyball PVG Procedures, part of the 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
The Disclosure (Scotland) Act 2020

Roles & Responsibilities
Scottish Volleyball strives to ensure the safeguarding of all those participating in Volleyball activities and will endeavor to promote the highest standards of care. For effective implementation of this policy all Volleyball providers must work in partnership, each with a role to ensure the safe recruitment of all individuals coming into clubs registered with Scottish Volleyball to work in a regulated role regardless of whether as a volunteer or paid.

Scottish Volleyball is enrolled directly with Disclosure Scotland for the purpose of accessing PVG disclosure records.

Scottish Volleyball will:

- To access PVG disclosure records on behalf of affiliated clubs
- To submit PVG coversheets and disclosure record applications to VSDS/DS
- To manage and store PVG disclosure records in line with the Code of Practice
- To make informed *Suitablity Decisions* in relation to disclosure records relevant to those applying to do *Regulated Roles* with children/vulnerable adults
- To communicate to clubs the outcome of PVG disclosure records and *Suitablity Decision* made
- To ensure any individual who is barred from *Regulated Roles* is not appointed to a regulated work with children or vulnerable adults position within a member club
- To receive barring information from Disclosure Scotland relevant to an individual carrying out *Regulated Roles* within a member club
- To ensure any individual who becomes barred from doing *Regulated Roles* is removed from their position immediately and indicate relevant conduct in sport proceeding if relevant

- To provide clubs with guidance and support if required to manage an individual who is 'being considered for listing' under the PVG Act
- To ensure decisions relating to PVG disclosure records are carried out in accordance with Scottish Volleyball Safer Recruitment Policy including Recruitment of Ex Offenders guidance
- To managed and stored disclosure records as per the Code of Practice.
- Provide and implement robust procedures, support and guidance to help safeguard all participants
- Strive to ensure everyone understands their roles and responsibilities in respect of safe recruitment, including the PVG scheme

- Provide training, support and guidance to the Safeguarding Officers (SO) and to Clubs
- Ensure all member clubs require those who work in a *regulated role* with children and young people or vulnerable adults; are members of the PVG scheme and obtain a PVG Disclosure through Scottish Volleyball
- Act as the suitability decision maker in relation to any and all *regulated roles* in member clubs
- Make Referrals to disclosure Scotland when required and support our member clubs with their obligations to refer
- Monitor the operation of this policy

The club will:
The role of the club is to ensure that they use the *Safe Recruitment* process for individuals who are offered a regulated role with children or vulnerable adults by completing a suitability assessment; application form, interview, references, self declaration form and PVG application.

To make PVG application requests the club must:
- Complete and return the Scottish Volleyball PVG processing agreement
- Ensure a minimum of 1 club committee member, in addition to the Child Wellbeing and Protection Officer has undertaken the Scottish Volleyball Safer Recruitment Workshop
- Have the following items in place at club level:
    - Safer Recruitment Policy in place that includes:
        - Self Declaration Form (for all roles)
        - ID Check (for all roles)
        - References (for all roles)
        - PVG (for regulated roles only)
        - Interview (as considered appropriate)
        - Statement on Recruiting persons with convictions
        - Requirement to make Referrals under PVG legislation
    - Secure Handling policy
    - Club Wellbeing and Safe Sport Policy statement adopting Scottish Volleyball Child Wellbeing & Protection Policy

- Ensure all those coming into the club to work in a *regulated role* will be recruited safely and in accordance with the Safer Recruitment Policy including obtaining a PVG Disclosure through Scottish Volleyball
- Ensuring anyone in a *regulated role* undertakes the relevant Wellbeing & Protection training through Scottish Volleyball
- Support the club Child Wellbeing and Protection Officer to carry out their duties in this area
- Only procced with the appointment of those in *regulated roles* inline with the suitability decision from Scottish Volleyball
- Implement any recommendations of Scottish Volleyball relating to Safer Recruitment

The club Child Wellbeing and Protection Officer (PVG lead) and any other club PVG processors

The CWPO may not be responsible for carrying out all elements of the *Safe Recruitment* process, however they are responsible for ensuring the club under takes the process and for confirming this process has been undertaken to Scottish Volleyball when making a PVG application request.

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

- Complete and return their individual PVG processor agreement
- Undertakes both Wellbeing & Protection in Sport and Officer training
- Carry out the administration of PVG applications on behalf of their club and inline with the responsibilities
- Correctly identify regulated roles with children or vulnerable adults within the club using the positions listed by Scottish Volleyball
- Assess the application form, self declaration form and verify references
- Correctly check individuals ID for the purpose of the disclosure record application
- Complete the Scottish Volleyball PVG request form
- Ensure those being asked to do a *Regulated Role* complete the PVG application form and do not let it time out
- Resubmit PVG application requests for those who's initial request has expired
- Receive the *Suitablity Decision* from Scottish Volleyball detailing the individuals suitability/unsuitability to carry out a *Regulated Role* for which they have applied
- Store relevant information confidentially
- Provide the names of those who have stopped working in *Regulated Roles* to Scottish Volleyball for de-linking of their PVG
- Report any person removed from a *Regulated Role* due to their inappropriate conduct inline with the Scottish Volleyball responding to concerns process
- Where a person is removed from a *Regulated Role* and the standard for referral has been met, inform Scottish Volleyball and either assist with the referral or make the referral directly as required

The individual applicant will:

- Complete the PVG Self Declaration 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 appoint meant 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 club CWPO and requesting a resubmission for another link
- Completing and returning both the self declaration form and 2 suitable references to the club CWPO
- 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 and Scottish Volleyball and informing them if these change
  - You are required to promptly disclose any legal or disciplinary matters outside of the club from either your professional or personal life that may impact your suitability to remain in a *regulated role*. Particularly those involving children, 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

Regulated Roles

Regulated Roles is the new term for what was previously called regulated work which was roles, both paid or unpaid with children is where an individual has an agreed normal duty to care for, train, supervise or be in sole charge of children. 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 with VSDS for Scottish Volleyball as being regulated work (therefore require a PVG disclosure) are as follows:

- Head Coach / Coach / Assistant Coach
- Child Wellbeing and Protection officer
- Team Manager (national team programmes)

The PVG Process

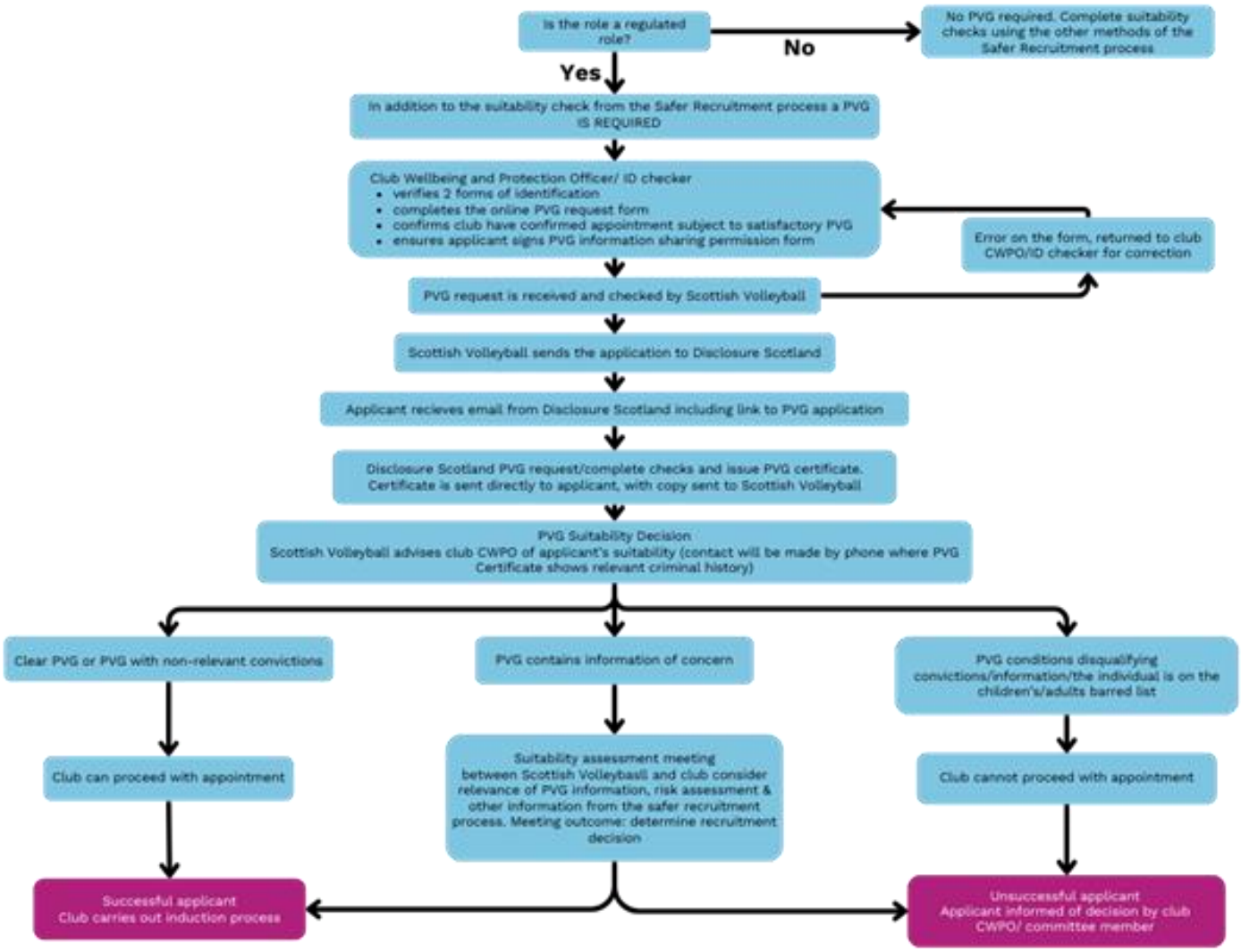
1. Member clubs carry out all steps of the Safer Recruitment Process
2. Once completed club must apply for a PVG check – no appointment can be made for a *Regulated Role* without this check, which is a legal requirement
3. The club Child Wellbeing and Protection officer meets with the individual PVG application and checks their ID
4. They receive the applicants completed Self Declaration form and 2 references
5. The CWPO provides the applicant with the Scottish Volleyball PVG process data sharing permission consent link
6. The CWPO submits the PVG request to Scottish Volleyball
7. Scottish Volleyball review the PVG request, if there are any errors it is sent back to the club CWPO for correction and re-submission to Scottish Volleyball. If it is correct the PVG request is sent to DS for processing
8. DS send a PVG completion link to the individual (links expire within 14 days and require a resubmission after this time). The applicant completes the link
9. DS complete background checks and sends to the applicant
10. The individual receives the PVG certificate up to two weeks before it is received by Scottish Volleyball. This is to allow the applicant time to review the information returned and to contact DS directly if there is any error son the certificate

NB: The individual will receive a copy of their PVG disclosure certificate as will Scottish Volleyball. Clubs would not normally get to see the PVG disclosure certificate unless the individual wishes to show them their copy. However it would be good practice for the SO to view a candidate's PVG prior to confirming appointment. **Clubs 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 Volleyball will inform the club's CWPO when we have received an individual's PVG certificate.

11. Scottish Volleyball receives a copy of the PVG certificate and uses the information contained to make the *suitability decision* (more information below) and informs the club if they can appoint or decline the individual.

No PVG, No Start, No Exceptions

PVG process & overview of the suitability decision



The Suitability Decision making process

On receipt of the PVG disclosure, Scottish Volleyball will assess the information it contains and make the *suitability decision* in accordance with these procedures.

The *suitability decision* is based on the club's confirmation that it has undertaken all other parts of the safer recruitment process to check their suitability and wish to appoint them to a role, pending the outcome of the PVG check. The suitability outcome given by Scottish Volleyball will fall into 1 of 3 outcomes:

- **The PVG check is satisfactory, and the club proceed with the appointment**
  a. This applies to PVG certificates that are clear
  b. Or continue non-relevant conviction information

c. Or non-relevant non-conviction information

- **The PVG check returned information that is relevant and significantly serious that no appointment can be made, the club can not proceed with the appointment.**
  This person will be disqualified from working in a *regulated role* within a Scottish Volleyball registered club (whether paid or voluntary).
  a. The PVG certificates contains relevant convictions
  b. Or relevant non-conviction information
  c. The PVG certificates indicate a member is listed as barred from working with children or vulnerable adults, or both.

- **The PVG check returned information that is relevant and further information is required to determine if appointment can procced - a Suitablity Assessment Meeting is required.**
  a. This applies to PVG certificates that indicate a member is under consideration for listing this person will be disqualified from working in a regulated role with children within a Scottish Volleyball registered club (whether paid or voluntary) until such times as the nature of disclosed information and its relevance to the post applied for is discussed and assessed.
  b. Conviction information – relevance and seriousness require to be determined
  c. non-conviction information – relevance and seriousness require to be determined

NB: Non conviction relevant information is intelligence held by Police Scotland. When an applicant applies for PVG, any intelligence held on the applicant which is deemed to be relevant to the type of regulated work will be documented on the PVG certificate in typed text.

Suitablity Assessment Meeting
If required a Suitablity Assessment Meeting is carried out by a member of the Scottish Volleyball Wellbeing and Safe Sprot team, when the information returned on a PVG is insufficient to make the suitability decision. PVG is only one item of information used to make an informed suitability decision as part of the Safer Recruitment.

The club SO will be contacted, and the information contained on the PVG will be shared with them. The club SO will share the information the club has gathered as part of their Safer Recruitment process – the Self Declaration, the 2x References, any relevant information form interview and other checks eg social media or qualifications etc. Additional information about the clubs risk assessment and personal management process may also be gathered; where to help considered if risk identified can be safely manged.

The applicant is often contacted as part of this process and asked to provide more information and discuss the information returned on the PVG certificate.

Once the additional information has been gathered it will be used to inform the suitability decision and one of 3 outcomes will be returned:

- The club can progress with the appointment
- The club can progress with the appointment with restrictions / risk assessment / supervision in place
- The club can not progress with the appointment and the recruitment is terminated

Fair Processing Notice (FNP): Safeguarding

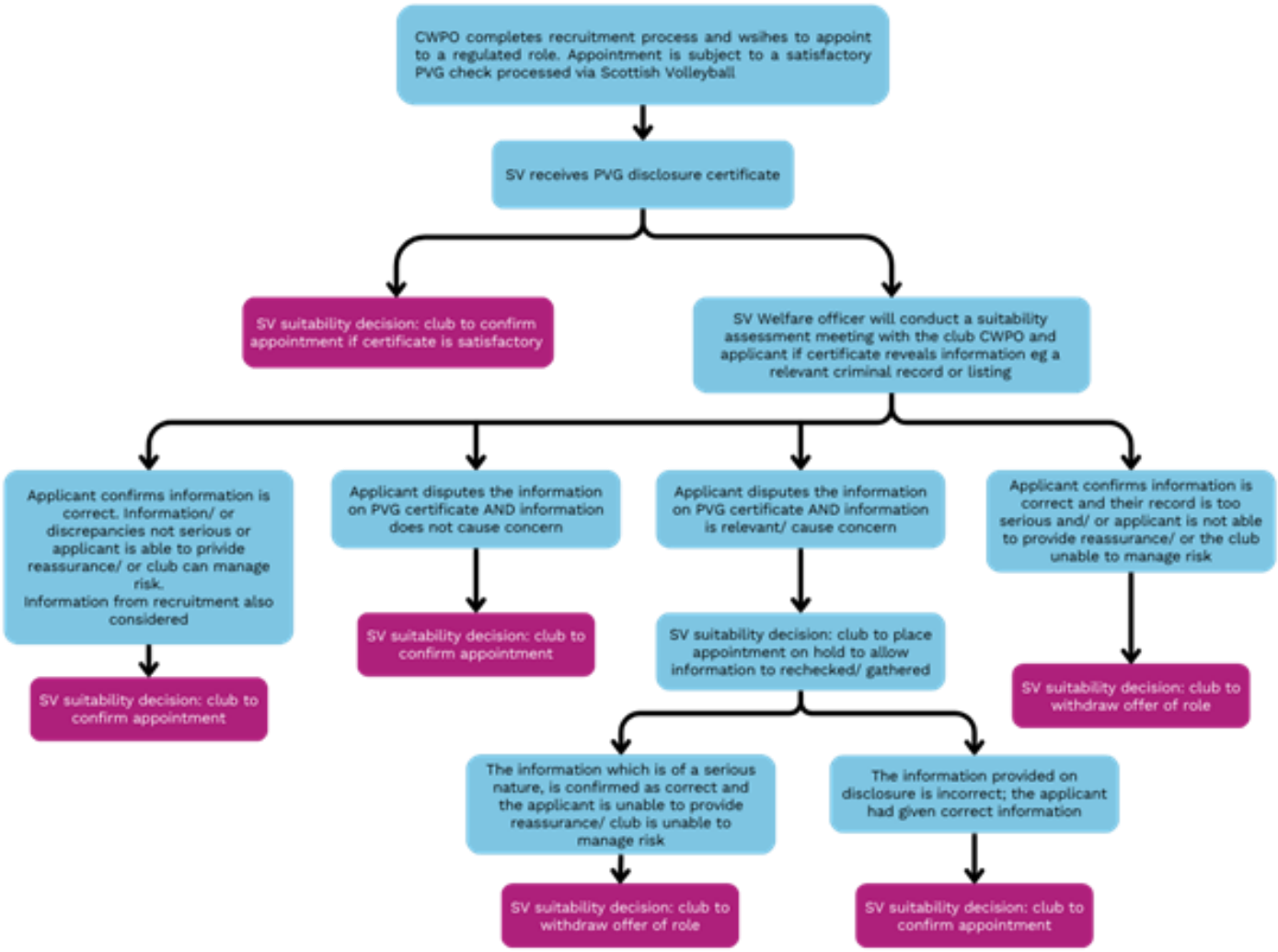
The following information applies to individuals working within Scottish Volleyball regulated environments, including member clubs, who are conducting Regulated Work/in a Regulated Role, and whom are members of (or applying for membership of) the Protecting Vulnerable Groups (PVG) Scheme. The Data Protection Act 2018 requires that you are informed about how your personal information will be used. For the purposes of safeguarding, wellbeing and safe sport matters in Scotland, if Scottish Volleyball or your club receives information of concern; Scottish Volleyball or your club may share information about you with each other, as well as British Volleyball and where relevant other governing bodies in the UK. This may be related to, but not exclusively restricted to, where the organisation sharing the information has been alerted to circumstances that might affect your status as a member of the PVG scheme for regulated work/regulated roles with children or vulnerable adults. Or your suitability to carry out the regulated work/regulated 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 Safeguarding Officers in the Club, Governing Body, and those appointed representatives within the relevant partner organisation.

Consent for sharing information is taken at the point the PVG application is made. An individual has the right to withdraw consent at any time.

Should consent be withdrawn then the recruitment process will be terminated at that point as the Safer Recruitment process can not be completed without the consideration of all information including PVG and other relevant safeguarding information. A person can not be appointed to a *Regulated Roel* without the completion of the *Safer Recruitment* process.

If an individual is delivering a *Regulated Role* and withdraws consent to share PVG/Safeguarding information, then they will be immediately removed form that role and if relevant conduct in sport proceedings will be initiated.

The Suitablity decision making process



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. Scottish Volleyball 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 Volleyball Wellbeing and Safe Sport Team.

Circumstance to make a referral

Scottish Volleyball/ 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 Volleyball /Member 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 Volleyball /Member 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 Volleyball /Member 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 Volleyball /Member 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 a precautionary 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 Volleyball /Member Club that an individual is/has become listed and is therefore barred for carrying out regulated work. The member of staff/volunteer will be removed from any and all regulated work with children/protected adults immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007. The case will also be passed to the Scottish Volleyball Wellbeing and Safe Sport team for review, sport level restrictions or management may be applied and where relevant conduct in sport proceedings initiated.