



# Policy on Protecting Vulnerable Groups (PVG) Scheme Membership for Students

POL105

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| Lead Officer (Post):                   | University Secretary                   |
| Responsible Committee:                 | Finance and General Purposes Committee |
| Date policy approved:                  | 04/06/2020                             |
| Date policy last reviewed and updated: | 04/06/2020                             |
| Date policy due for review:            | 04/06/2023                             |
| Date of Equality Impact Assessment:    | 04/06/2020                             |
| Date of Privacy Impact Assessment:     | N/A                                    |

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

## Policy Summary

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|-------------------------------|---|
| Overview                      | This policy is required to set out the position of the University of the Highlands and Islands and all academic partners (“the University partnership”) with regard to administration of the Protecting Vulnerable Groups (PVG) membership scheme for students.   |
| Purpose                       | The policy will support a consistent approach to PVG scheme membership across the partnership and parity of student experience.   |
| Scope                         | The policy applies to all students, applicants and prospective applicants for all University partnership courses regardless of mode or level of study.  |
| Consultation                  | <p>The policy has been developed by a group of practitioners from the University partnership to ensure that best practice is reflected in the policy and accompanying procedures.</p> <p>The policy will be briefed to all relevant members of staff and made available to students and applicants via websites and as part of the application process.</p>   |
| Implementation and Monitoring | The University and academic partners are individually responsible for ensuring that the policy and procedures are followed in their own institution.  |
| Risk Implications             | This policy will reduce risks associated with legislative obligations, reputational damage and relationships with placement providers for the University partnership by ensuring that best practice from across the partnership is being shared and followed. This policy will reduce the risk for applicants and students by guiding them to an appropriate course for their personal circumstances and maximising opportunities.                            |
| Link with Strategy            | This policy supports the University partnership’s commitment to provide a safe and supportive learning environment for all, aligned with the Strategic Theme of “Our Students”, responding to the diversity of our student population by enhancing inclusive practice, and widening access and participation. It also aims to ensure the partnership discharges its duty of care for vulnerable groups we interact with as part of the programmes we deliver. |
| Impact Assessment             | <p>Equality Impact Assessment: Completed March 2020 – no further action.</p> <p>Privacy Impact Assessment: n/a</p>  |

## 1. Policy Statement

- 1.1 This policy supports our commitment to provide information to applicants and students about PVG Scheme membership requirements for specified programmes and to fair, transparent and consistent administration of student applications to the PVG Scheme.
- 1.2 The University of the Highlands and Islands recognises and complies with the legal and statutory obligations that arise from legislation including the Protection of Children (Scotland) Act 2003, Adult Support and Protection (Scotland) Act 2007, Protection of Vulnerable Groups (Scotland) Act 2007, Children and Young People (Scotland) Act 2014 and other relevant guidance and regulations.

## 2. Definitions

- 2.1 **Protecting Vulnerable Groups (PVG) Scheme:** The Protecting Vulnerable Groups (PVG) Scheme helps make sure people whose behaviour makes them unsuitable to work with children and/or protected adults and cannot do '[regulated work](#)' with these vulnerable groups.
- 2.2 **Disclosure Scotland:** An executive agency of the Scottish Government that provides disclosure services and the PVG membership scheme for employers and voluntary organisations.
- 2.3 **Regulated work:** There are two types of regulated work – work with children and work with protected adults. Regulated work is usually jobs including: caring responsibilities, teaching, providing personal services and working directly with children and/or protected adults.
- 2.4 **Listed status:** Disclosure Scotland keeps a list of people unsuitable to do regulated work with children and a list of people unsuitable to work with protected adults. The lists are separate, although people can be on both lists. If Disclosure Scotland adds someone to one or both of these lists, it is known as being 'listed'.
- 2.5 **Children:** Any individual under the age of eighteen years old.
- 2.6 **Protected Adults:** An individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service.
- 2.7 **Criminal convictions:** If you have been found guilty of committing a crime this conviction may be disclosed as part of the PVG Scheme application.

The three categories of convictions that will be disclosed are: All unspent convictions; spent convictions for offences that are disclosed according to rules; and spent convictions for offences that must be disclosed. Further information is available on the [Disclosure Scotland website](#).

## 3. Purpose

- 3.1. This policy sets out how the University partnership complies with our legislative duties related to the Protection of Vulnerable Groups (Scotland) Act 2007 in relation to education provision.
- 3.2. Where our staff and students interact with members of vulnerable groups, we fully comply with the law and uphold the standards expected in the education sector.
- 3.3. This policy is guided by the following principles:
  - 3.3.1 We will require students to apply for PVG Scheme membership only where it is necessary and required by the relevant legislation.
  - 3.3.2 Information will be processed and handled sensitively and confidentially, ensuring full compliance with Data Protection legislation.

- 3.3.3 Having a criminal record will not necessarily prevent participation in a course. Please see 3.5 for further information.
- 3.4 The University partnership has two categories of course subject to PVG Scheme membership:
- 3.4.1 Category 1: Courses where PVG Scheme membership is required to successfully achieve target qualification, where there is guaranteed contact with vulnerable groups in key elements of the course. If the applicant is listed (i.e. not not allowed to work with one or both of the vulnerable groups) the applicant/student will be unable to achieve target qualification and may be unable to enrol or required to leave the course.
- 3.4.2 Category 2: Courses where PVG Scheme membership is required for specific optional modules/units, where there is guaranteed contact with vulnerable groups in optional module/unit(s), but an alternative pathway exists to achieve target qualification. If the applicant/student is listed (i.e. not allowed to work with one or both of the vulnerable groups) applicant/student will not be able to enrol on specific optional modules/units.
- 3.5 Where an applicant is not listed but has criminal convictions that are disclosed as part of the PVG Scheme membership process, a risk assessment will be carried out that will ascertain the applicant's suitability for the course and a future career in the relevant area.

Access to a full range of placement opportunities is subject to the outcome of the PVG Scheme application, which may disclose previous criminal convictions.

## 4 Scope

- 4.1 This policy applies to the University and all academic partners.
- 4.2 This policy applies to all applicants and students regardless of level or mode of study.

## 5 Exceptions

- 5.1 This policy does not apply to staff and recruitment to vacancies. Information on staff PVG processes can be obtained from the relevant Human Resources department.

## 6 Notification

- 6.1 The policy and related information will be published on our website and course pages where Category 1 or Category 2 PVG Scheme membership conditions apply.
- 6.2 Staff will be made aware of this policy and any associated guidance through team meetings and information being cascaded from senior management teams.

## 7 Roles and Responsibilities

- 7.1 Finance and General Purposes Committee is responsible for approving the policy and ensuring its legal compliance.
- 7.2 Principals and Senior Management Teams are responsible for overseeing operational compliance with the policy, and cascading information to appropriate teams.
- 7.3 Line managers are responsible for supporting relevant staff to follow the policy in their day-to-day role.

- 7.4 Relevant staff are responsible for following the policy in their day-to-day role and highlighting any operational challenges that arise.
- 7.5 The Policy Ownership Group are responsible for developing the policy, accommodating any legislative changes and submitting the policy to Partnership Council for endorsement.
- 7.6 Students are required to inform staff if they become subject to any criminal investigation or are subject to consideration for listing. Withholding this information may result in the student being unable to obtain the award for which they enrolled.

## 8 Legislative Framework

- [Adults with Incapacity \(Scotland\) Act 2000](#)
- [Adult Support and Protection \(Scotland\) Act 2007](#)
- [Children and Young People \(Scotland\) Act 2014](#)
- [Data Protection Act 2018](#)
- [Equalities Act 2010](#)
- [General Data Protection Regulation \(GDPR\) 2018](#)
- [Protection of Children \(Scotland\) Act 2003](#)
- [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)
- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)
- [Rehabilitation of Offenders Act 1974](#)
- [Sexual Offences Act 2003](#)
- [Sexual Offences \(Scotland\) Act 2009](#)

## 9 Related Policies, Procedures, Guidelines and Other Resources

The University and academic partners have their own versions of policies. The links below refer to the University of the Highlands and Islands' policies. For other policies please refer to the relevant academic partner websites.

- [Approved Placement Policy](#)
- [Complaints Handling Procedures](#)
- [Criminal Convictions Policy](#)
- [Fitness to Study Guidelines](#)
- [IT Acceptable Use Policy](#)
- [Promoting a Positive Learning Environment Policy](#)
- [Safeguarding Policy](#)
- [Student Code of Conduct](#)

## 10 Version Control and Change History

| Version | Date | Approved by | Amendment(s) | Author |
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