



# Scottish Rowing

## The 2010 PVG Scheme

A Short Guide, October 2010

### Introduction

The Protecting Vulnerable Groups Act (2007) set up the Protecting Vulnerable Groups (PVG) Scheme to replace the current arrangements for checking that those working with children (and vulnerable adults) are suitable people to be doing so. The Scheme comes into effect on **30<sup>th</sup> November 2010**. Disclosure Scotland, and the Central Registered Body in Scotland (CRBS) through whom Scottish Rowing, and some of the clubs directly, obtain Enhanced Disclosures will set dates ahead of that beyond which applications for Disclosures will not be accepted.

Participation in the Scheme is 'voluntary' in so far as absence of compulsion to use it is concerned. However, the Act places criminal responsibility on organisations which employ in 'regulated work' persons who are listed as individuals banned from working with children or protected adults, and the only way for the organisation to know that they are not breaking the law is to work through the Scheme. This represents no substantive change from the current situation.

A lengthy set of National Guidelines (still at the consultation stage) has been produced which defines and describes everything one could possibly want to know about the Act and the Scheme – and a good bit more, hence these notes.

### What is a Child or a Protected Adult?

A child is a young person under the age of 18 years.

The definition of protected adult is complex. With the situation we have in our rowing clubs the concept does not apply. People who might otherwise be so considered are removed from consideration by application of the principle of 'incidentalness'. See **Exceptions** below.

For simplicity, in the following text I will for the most part simply refer to children or Juniors. It can be taken though that the same rules apply to protected adults.

### What is Regulated Work?

Work can be described as 'regulated' either because of the nature of the work or because of the place where the work takes place.

In a rowing context, regulated work is

- coaching
- training
- supervision
- unsupervised contact
- directly managing the above (chief coach, CPO, club captain?)

as a 'normal' activity on behalf of an organisation with children or 'protected adults' who do not have a close familial relationship.

If the work take place in a school or FE college (among other places which need not concern us) and will 'normally' involve contact (of any kind) with children, it is regulated work.

**Anyone carrying out regulated work needs to be a Scheme Member.**

### **Are there any Exemptions or exceptions to this?**

Yes

Coping with an emergency or other unusual situation does not count as 'normal' and so is not regulated work. If your regular Junior coach calls off sick at the last minute, for example, you do not need to seek out a club member who is a Scheme Member to look after them or hurriedly cancel the session.

If your club does not make the arrangements, but they are instead a private matter between parents or carers, then the activity is not regulated work. For example, transporting Juniors to a regatta. If the parents make the arrangements the club does not need to bother about Scheme membership. If, however, the club sets things up, then all club supervisors need to be Scheme Members. Your coach driver doesn't however, as supervising children is not part of his 'normal' duties.

If your club is not specifically directed at recruiting Juniors, and it takes no steps to make membership more appealing to Juniors (eg by a reduced subscription rate) then their presence there is purely 'incidental.' No steps need be taken to ensure Scheme membership. This is of particular importance to **University** clubs which are essentially for adults. Currently the presence of a 17 year old among the membership requires the coach to be Disclosure checked. Under the new arrangements this will not be necessary.

Clubs with a small number of adult members with disabilities which in another context might make them protected adults need not pursue Scheme membership for the coaches working with them as their presence is 'incidental.'

These and other exempted situations are described in the National Guidelines.

### **Do we need to organise Scheme Membership for our existing coaches?**

Eventually. But not now. Disclosure Scotland could not cope. They will tell us when to do it.

### **What do we do with new coaches or supervisors?**

Ask whether they are a Scheme Member.

If they are they will have either a Scheme Membership Statement or a Scheme Record Disclosure. Both will be dated and will state their Disclosure Number. They will tell you whether the person was on either barred list at the time the document was produced. A Statement will not give you information about a possible criminal record, a Disclosure will. With a Membership Statement, you should apply for a Scheme Record Disclosure which will give you criminal record information which, while not placing the person on the barred

list, might well be of interest to you with respect to appointing them. If the applicant has a Disclosure, then apply for a Scheme Record Update. This is simpler and quicker but it only tells you whether there has been a **change** to the person's record without giving detail. In nine cases out of ten, this is enough. In that tenth case you would need to apply for a full Scheme Record Disclosure to get detail. The Record Update shows the date on which the last Disclosure was obtained. Make sure this matches with the date on the Disclosure they give you. If not, they may be trying to pull the wool over your eyes.

If the person is not a Scheme Member or has no paperwork you need to apply for a full Scheme Record Disclosure.

These applications have a secondary benefit to the club. They inform Disclosure Scotland of your interest in the person. **If that person's record changes materially, you and all other organisations (s)he works for will be informed.**

The form filling is similar to that currently required.

### **Do we need to do identity and address checks?**

Oh yes!

### **How much does this cost?**

For volunteers working in the voluntary sector – it's free.

### **Do volunteers need any kind of training?**

It's not compulsory (at the moment) but attending a *Safeguarding and Protecting Children* workshop is an excellent idea for all involved. Child (and Adult) Protection Officers should also attend an *In Safe Hands* workshop.

### **How about Scottish coaches working in England – and vice versa?**

A coach should be a Scheme Member in the jurisdiction where most of his work is carried out. The PVG Scheme Membership of a coach who works predominantly in Scotland should be accepted in England – eg when taking a crew to GB trials or team preparation. Likewise we need to recognise and accept coaches who are members of the Vetting and Barring Scheme and who do occasional work here.

### **How often are Updates required?**

Updates are not required – for the moment.

However, a club following good practice will request updates at reasonable intervals – 2 to 3 years say.

### **What do we do if a person leaves the club?**

Inform Scottish Rowing, CRBS or Disclosure Scotland as appropriate. You will get no more update information on that person.

### **What about the club committing criminal offences?**

There is no essential change to the present set up.

It is a criminal offence to

- do or to seek to do any regulated work for which the individual is barred,
- offer regulated work to an individual barred from that work,
- fail to refer an individual to Disclosure Scotland when (s)he has had to be removed from, or has removed him/herself from working with children or protected adults, or would have been removed had his/her contract not ended, as a result of concerns over his/her behaviour towards his/her charges.

Do remember that almost all of our clubs are 'unincorporated associations' and as such have no legal identity. That means that when proceedings are taken there will be actual people in the dock. It could be you.

### **How do we sign up for this?**

If you are already registered with CRBS you need take no action.

If you rely on Scottish Rowing to act as an intermediary on your behalf, then CRBS requires us to set up a contract with you. This contract will include details of your vetting and appointment procedures, how Disclosure information will be handled and audit requirements on those procedures. More on this later.

If you wish to deal with CRBS directly then visit their web site (address below) or phone them on 01786 849 777.

### **How can I find out more?**

You can either contact me – though writing this has pretty well exhausted my knowledge of the subject - on [governance@scottish-rowing.org.uk](mailto:governance@scottish-rowing.org.uk) or visit the CRBS website [www.crbs.org.uk](http://www.crbs.org.uk) or the Disclosure Scotland website [www.disclosurescotland.org.uk](http://www.disclosurescotland.org.uk) both of which have excellent online training materials available.

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