



Protecting Vulnerable Groups - Criminal Record Check Policy

Purpose

This document is to be used in conjunction with the Recruitment Policy & Procedure and the guidelines issued by Disclosure Scotland to ensure that CSA use the PVG and Criminal Records process appropriately in accordance with all relevant legislation and best practice in recruitment and retention of co-workers.

Scope

This document encompasses all existing and prospective co-workers and employees, whether in, or applying for, fulltime, part-time, employed, self-employed or voluntary work with the school.

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Record of Approval				
Rev	Date	Author	Recommended	Approved
1	March 2016	Lorraine Smith	(For Executive Team)	(for Board of Trustees)

1.0 Definitions and Abbreviations

Appointment The process by which a position is offered by CSA, accepted by the candidate and a legally binding agreement is entered into by the two parties concerned.

CSA - Camphill School Aberdeen (Registered name Camphill Rudolf Steiner Schools Ltd).

The Community For the purpose of this document, The Community is understood to mean CSA and all those involved in its daily operation, encompassing all three Estates.

Child(ren)/Young Person(s)- Any child or young adult who attends CSA as their means of care, learning and education.

Co-Worker-For the purpose of this document, any individual working for CSA whether of voluntary or employed status.

Disclosure Scotland number -The unique number issued on the certificate of an individual who has undergone a Disclosure Scotland check. This number should be quoted on all subsequent correspondence with Disclosure Scotland regarding that individual.

Foundation Year programme -The development programme all voluntary, and relevant employed co-workers enter when they join CSA.

Lead Counter-signatory -Registered with Disclosure Scotland as the person within CSA ultimately responsible for the proper and efficient operation of the PVG and Disclosure scheme at the school.

PVG registration number -The unique number given to an individual who has registered with the PVG scheme. If he/she held a Disclosure number this replaces it. From the registration number, registered employers will automatically be updated with any relevant information on that individual.

PVG Scheme -Protecting Vulnerable Groups Scheme

PVG Act - *The Protection of Vulnerable Groups (Scotland) Act 2007*

Recruitment -The process by which suitable applicants are prompted to apply for positions within an organisation.

Registered Counter Signatory -Registered with Disclosure Scotland, an individual with the responsibility of checking completed PVG applications, signing them on behalf of the organisation and ensuring that CSA observes the Disclosure Code of Practice (CSA Counter signatories listed in appendix 4)

Retrospective Checking - The process of transferring those with existing Disclosure Scotland numbers to the new PVG scheme membership. This involves the completion of a new application form for PVG Scheme Membership.

Selection - The process by which the most suitable candidate for a post is identified.

Vetting- The process of examination and evaluation. Specifically, vetting refers to performing a background check on someone before offering them a position within CSA.

2.0 Introduction to the PVG Scheme

The PVG Scheme was established by the PVG Act. The PVG Scheme replaced enhanced disclosure for individuals working with vulnerable groups, and introduced a new concept of “regulated work”.

The PVG Scheme allows CSA as a registered body to request and obtain information on whether an individual has any criminal convictions and whether or not they are barred from doing regulated work with children or protected adults.

The PVG Scheme is managed and delivered by Disclosure Scotland as an executive agency of the Scottish Government. Disclosure Scotland also continues to process other types of disclosures ie/ basic and standard which are still available under the 1997 Act for checks which are not for purposes of work with children or protected adults and may be appropriate for some positions within CSA.

3.0 CSA Criminal Record / PVG Policy

CSA is committed to providing a safe and protected environment for its children/young adults and co-workers at all times. CSA complies fully with the relevant legislation and statutory guidance, to ensure that, where relevant, applicants and co-workers are members of the PVG Scheme. CSA are committed to equality of opportunity for all and to providing an environment that is free from unfair and unlawful discrimination.

How CSA will determine whether a post requires PVG scheme membership

- To require PVG scheme membership the individual must be doing ‘regulated’ work with Children/and or protected adults. It is against the law to request PVG scheme membership if the role the individual will be employed in does not fall into the definition above.
- There are five steps to assessing whether an individual is doing regulated work. Disclosure Scotland has set up a useful [assessment tool](#) using these five steps which guides you in detail through each step.
- Using the Disclosure Scotland assessment tool, incorporating the fact that CSA operate on a basis of non-restrictive access to residential and educational areas for all co-workers, the following roles within the school are currently assessed as undertaking “regulated work” and are identified as requiring PVG Scheme membership:-
 - Council Members
 - Managers
 - Teachers, Classroom Assistants and Nursery Co-workers
 - House-Co-ordinators, Assistant House Co-ordinators and Care Co-workers
 - Therapists and Craft Instructors
 - House Cooks and Ancillary
 - Garden and Land co-workers
 - Administrative support
 - Foundation Year Volunteers

This list cannot be definitive and will always be ‘live’. Positions will be reviewed on a regular basis and any new positions will be considered using the guidance and assessment tool to assess the “regulated work” criterion.

For Co-worker's engaged by CSA that are not deemed to be undertaking "regulated work" a basic or standard (as appropriate) disclosure check will be undertaken.

Where a co-worker is joining CSA from overseas and has not previously been to the UK for any length of time, a PVG check will be requested as soon as they are resident in the UK. A Police Criminal Record check from the country/ies he/she has resided in will also be requested in advance of the co-worker joining CSA.

Scheme Record Updates

The Scheme Record update is designed for use by organisations when asking an individual who is already a scheme member to do regulated work for them. As a registered body CSA will be able to make use of this scheme.

4.0 CSA Recruitment and Engagement process

4.1 Employment and long term co-worker engagement

Positions will be assessed and a decision taken as to whether the role will involve "regulated work", where this is assessed as being the case, the engagement will be subject to PVG Scheme Membership. All other roles within the school not undertaking "regulated work" will be subject to a basic or standard disclosure. The job description and person specification for the role will clearly indicate that membership of the PVG scheme or disclosure (whichever is appropriate) as a condition of employment.

All applicants invited to attend an interview will be required to complete a Criminal Convictions Self Declaration Form in accordance with the CSA Recruitment and Selection Procedures.

When CSA makes a conditional offer of a position, the applicant will be given a PVG or Disclosure membership application form with a letter guiding him/her through its completion. The applicant will be informed about the requirement for documentary evidence (appendix 2) of his/her identity and address. He/she must bring these documents when returning the membership application to the Recruitment Secretary.

CSA stipulates that all prospective Co-workers must have a Disclosure Scotland Check or PVG Scheme Membership (as appropriate) completed prior to beginning work with us in any capacity. We reserve the right to withdraw a person from the recruitment process or rescind any offer of work/employment should it be identified at any stage in the recruitment process that the individual has a criminal conviction that renders him/her unsuitable for work with children/young adults.

This policy also applies to the vetting of applicants from overseas or with a substantial record of overseas residence. Where this is the case and PVG Scheme Membership needs to be augmented at the time of their commencement with CSA, a Police Criminal Record check will be requested. All overseas Police Criminal Record Checks are retained in the individual's file indefinitely.

All overseas co-workers will be subject to an identity check in accordance with the Home Office instructions to employers on the prevention of illegal working (appendix 1).

When an application is received by Disclosure Scotland they will check that an individual is not already barred from doing regulated work. They will then create a unique record of scheme membership and search for vetting information from a range of sources, if no relevant information is found the individual will become a member of the PVG scheme.

PVG/Disclosure information must be shared only with those entitled to make the recruitment decision i.e. members of the Recruitment group, or, if the decision is referred to them, the Management Team. Information supplied to a registered Counter-signatory and not to the applicant must not be disclosed to the applicant. If this information affects the recruitment decision, the applicant must be informed of the fact that additional information has been provided.

After joining the PVG scheme, Disclosure Scotland will keep the individual's scheme membership and vetting information up to date. This process is called continuous updating and means that any new vetting information that comes to light about a PVG scheme member will be assessed by Disclosure Scotland and if it is considered that this information makes them unsuitable to do regulated work with children or protected adults, then they will be placed under consideration for listing. Disclosure Scotland will keep a record of registered bodies that have an interest in an individual.

CSA will update co-worker's basic and standard disclosures every four years.

4.2 Voluntary Worker

All individuals applying for voluntary work at CSA are expected to familiarise themselves with the information for prospective volunteers on the CSA website prior to submitting their application. The website contains information about the requirement for an applicant to obtain a Criminal Record Check and PVG/Disclosure Scheme membership as part of the application process.

Where a Criminal Record Check from the applicant's country of birth/residence is required, this should be submitted with his/her completed application and Rehabilitation of Offenders Act forms. A PVG scheme membership form will also be sent to the applicant along with a letter containing guidelines on its completion (appendix 3).

CSA will ensure that Voluntary workers will not undertake "regulated work" until PVG membership is confirmed.

4.2.1 Short Term Voluntary Workers

CSA receives a high number of applications from individuals who would like to come and volunteer on a short term or day basis. Whilst this type of application is very welcome, the cost of the new PVG membership check, the fact it is transferrable to other organisations, and the length of time it takes to administer volunteer applications makes it necessary for CSA to ask the volunteer to pay for his/her own PVG check. Should the volunteer provide ongoing and regular time and support, CSA will reimburse him/her for the cost of it after 6 months of voluntary work has been completed at CSA.

4.3 Engagement of Contractors

CSA will require contractors, partner organisation staff, or volunteers who are likely to have unsupervised contact with CSA Children / Young People, as part of their normal duties to be members of the PVG scheme.

Where CSA engage contractors/ trades persons to carry out maintenance on any CSA site, the manager responsible for engaging the contractor should apply the following test:

Is the visit long enough or visits frequent enough from the same individual which could result in the individual becoming "a familiar and trusted face"?

If the answer is YES a risk assessment should be carried. The risk assessment will establish whether the individual requires to be accompanied or whether the individual will be working in an area where there is no contact with children/ protected adults. Contractors who regularly attend CSA and undertake work in areas where there may be contact with children/ young adults will be asked to become a member of the

PVG scheme. Until such time as a PVG scheme record is received the Contractor will be supervised in all circumstances that may involve contact with children / protected adults. To support the Contractor with this requirement, CSA will offer to provide the form and administer the PVG check. The cost of the check is to be borne by the Contractor.

5.0 Storage/ Usage and Disposal of Criminal Check / PVG Records

CSA will only collect the information required to submit an application to Disclosure Scotland for a PVG Scheme Record, PVG Scheme update or disclosure check. This is the information required by the application form.

Explicit consent to collect this information is given by the individual when s/he signs the application form. CSA will retain PVG Scheme Records for as long as necessary.

PVG membership information will be shared only with those authorised to see it in the course of their duties and who are involved in recruitment decisions. They must be familiar with this policy and have received relevant training and support.

In accordance with Section 124 of the Police Act 1997 and Sections 66 and 67 of the PVG Act 2007, criminal conviction and disclosure information is only passed to those who are authorised to receive it in the course of their duties. CSA maintains a record of all those to whom criminal conviction and disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Information provided in PVG documents will only be used for the purpose it was requested.

Disclosure and PVG documents (certificates and additional information) that contain confidential information will be stored in a locked container. Only the Registered Counter-signatories and Recruitment Secretary will have access to this container. The PVG disclosure record will be held securely on file until an individual ceases to carry out regulated work for CSA. When any individual ceases to carry out "regulated work" for CSA their PVG record will be securely destroyed.

6.0 Exceptional Circumstances

The safety and welfare of the children/young adults and co-workers in our care is always of primary importance and every check detailed in our recruitment policy and procedure will be undertaken to ensure that any new co-worker joining the schools will be suitable for work in our environment. That aside, we accept that there may be occasions where, for reasons beyond the control of CSA, we may not be able to secure the receipt of a Scheme Membership Number for the applicant prior to his/her start date with us. Should this happen, and in exceptional circumstances only, the following must be in place before we will allow any co-worker to begin work at the schools:

- It must be demonstrated/explained why this person should be permitted to start without receipt of their scheme membership
- CSA must be in receipt of 2 satisfactory references for the individual
- CSA must be in receipt of a satisfactory medical health check for the individual
- A full risk assessment for the post in question must have been completed
- The work schedule of the individual must ensure that he/she is not working unsupervised with a child/young adult at any time until his/her PVG scheme record is received
- Each/every situation and individual will be dealt with as an exceptional circumstance and no blanket decision will be made regarding any post

All start dates set by the schools should allow for the fact that PVG Scheme Membership applications can take 2 or more weeks to reach us. The exceptional circumstances clause will only be permitted following discussion with, and approval of, the Management Team.

7.0 Further Reading/Associated Documents

7.1 CSA Documents

- Terms and Conditions of Service
- Equal Opportunity and Diversity Policy
- CSA Application Form
- Recruitment Policy and Procedure
- Data Protection Policy
- Contract of Employment
- Substance Abuse Policy
- Recruitment of Ex-Offenders Policy

7.2 Disclosure/PVG Documents

- Code of Practice
- Explanatory Guide on Code of Practice
- An Applicant's Guide to Completing the PVG Scheme Application Form

7.3 Legislation

- Protection of Vulnerable Groups (S) Act 2007
- Police Act 1997 (Part 5, Section 122(1))
- Data Protection Act
- Rehabilitation of Offenders Act 1974
- Regulation of Care (S) Act 2001

8.0 Appendices

8.1 Procedure for Checking the Identity of New Co-workers

8.2 Acceptable Documentary Evidence of Address

8.3 Guidance Notes for PVG Scheme Membership Application Form

8.4 Responsibilities and Signatories

PROCEDURE FOR CHECKING THE IDENTITY OF NEW CO-WORKERS

STEP 1

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VOLUNTARY WORKERS

On arrival at CSA, the voluntary co-worker must present his/her national passport or ID card to a member of the Recruitment group.

EMPLOYEES

As part of the recruitment procedure, prospective employees must present a member of the Recruitment group with **one** of the original documents from List 1 OR an appropriate combination of **two** original documents from List 2 of the Home Office publication *Changes to the law on preventing illegal working: short guidance for UK employers (April 2004)*

If the prospective employee presents two documents from List 2 which show different names, he/she should be asked for a further document to explain this (eg marriage certificate, divorce document, deed poll, adoption certificate, statutory declaration).

List 1	List 2
<ul style="list-style-type: none"> • British Passport. • Passport, national identity card or a UK residence permit issued to a national of the European Economic Area (EEA) country (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, UK) or Switzerland. • Passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the UK as the family member of a national from an EEA country or Switzerland. • Passport or other travel document endorsed to show that the holder can stay indefinitely in the UK, or has no time limit on their stay. • Passport or other travel document endorsed to show that the holder can stay in the UK, and that this endorsement allows the holder to do the type of work we are offering if they do not have a work permit. • Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment. 	<ul style="list-style-type: none"> • A document giving their permanent National Insurance number and name. This could be a P45, P60, National Insurance card or a letter from a Government agency. <p>Together with ONE of the following:</p> <ul style="list-style-type: none"> • A full birth certificate issued in the UK, which includes the names of their parents; OR • A birth certificate issued in the Channel Islands, the Isle of Man or Ireland; OR • A certificate of registration or naturalisation stating that they are a British Citizen; OR • A letter issued by the Home Office to the candidate which indicates that they can stay indefinitely in the UK, or have no time limit on their stay; OR • An Immigration Status document issued by the Home Office to the candidate with an endorsement indicating that they can stay indefinitely in the UK, or have no time limit on their stay; OR • A letter issued by the Home Office to the candidate which indicates that they can stay in the UK AND this allows them to do the type of work being offered; OR • An Immigration Status document issued by the Home Office to the candidate with an endorsement indicating that they can stay in the UK AND this allows them to do the type of work being offered.

	<p style="text-align: right;">List 2 (contd.)</p> <p>COMBINATION TWO</p> <p>Candidates must provide TWO original documents from the combination list below:</p> <ul style="list-style-type: none"> • A work permit or other approval to take employment that has been issued by Work Permits UK. <p>Together with ONE of the following:</p> <ul style="list-style-type: none"> • A passport or other travel document endorsed to show that they are able to stay in the UK and can take the work permit employment being offered; OR • A letter issued by the Home Office to the candidate confirming that they are able to stay in the UK and can take the work permit employment being offered.
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The documentation provided should confirm that the holder is a British Citizen or an EEA/EU national i.e. from one of the following countries (Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain or Sweden) or which shows that they are otherwise entitled to live and work in, or are entitled to re-admission to the UK.

STEP 2

The member of the Recruitment group who conducts the identity check must satisfy him/herself that the prospective employee/voluntary co-worker is the rightful holder of the documents, by checking that

- any photographs are consistent with the person's appearance;
- date of birth is consistent with the person's appearance;
- expiry dates on documents have not passed;
- for visa nationals, UK Government stamps or endorsements (voluntary work visa or work permit) are for the type of work the person is applying for.

STEP 3

The member of the Recruitment group conducting the identity check must photocopy the following parts of all documents presented by the prospective employee/voluntary co-worker:

- the front cover of his/her passport or relevant document and all pages giving personal details of the individual, in particular the page showing a photograph and that showing his or her signature;
- for visa nationals, any page containing a UK Government stamp or endorsement (voluntary work visa or work permit).

ACCEPTABLE DOCUMENTARY EVIDENCE OF ADDRESS

All documents provided as a proof of address/residence must be dated within 3 months of the date they are presented to CSA. Should any document appear to have been tampered with or altered in any way, CSA reserves the right to refuse it as a proof of address/residence.

- utility bill
- bank/building society statement
- credit card statement
- mortgage statement
- mobile phone statement
- National Health Service card
- Council Tax bill

This list is not exhaustive and other documents may, at the discretion of CSA be accepted on a case by case basis.



Camphill School Aberdeen

Guidance Notes for PVG Scheme Membership Application Form

CSA is required to ensure we have a scheme membership record for all employees or volunteers in carrying out “regulated work”. CSA will pay for this Membership or Scheme Record update.

To avoid unnecessary delays when processing this application, please read the following points before filling in the form.

- ❖ **Black or Blue Ink** must be used to complete the form.
- ❖ Please keep your writing within the ‘boxes’ as this form is electronically scanned.
- ❖ Complete all Sections on the form from **B1** to **C2**.

Please return the Disclosure form in person to the **Central Office on Murtle Estate**.

On returning the form you should produce three items of identification:

1. **Full Birth Certificate**
2. **Utility Bill** or **Bank Statement** with your name and current home address
3. **Passport**
(if you don't have a passport then you must produce two items from the following list)
 - i. Photographic I.D. – e.g. new style Driver's Licence
 - ii. National Insurance Card
 - iii. P45 or P60 Issued by previous employer or Government Agency (your National Insurance Number and Name will appear on these documents)

Office calling times: 09:00 until 15:00 (Monday to Friday)
Office Address: The Recruitment Group (Mrs Porter)
Camphill Rudolf Steiner Schools
Murtle House, Bielside, Aberdeen, AB15 9EP
Tel No: 01224 866162

Responsibilities

2.1 The Lead Counter Signatory

- Oversee the vetting process within CSA and ensure its correspondence to the guidelines issued by Disclosure Scotland
- Nominate CSA signatories
- Review the CSA PVG/Disclosure and Criminal Record Check Policy and Procedure document and present it to the Council of Management for approval

2.2 The Recruitment Group

- Support the Recruitment Secretary in monitoring and facilitating the recruitment of voluntary Co-workers
- Attend the group meetings regularly to discuss needs and applications
- Have a person within the group who will act as Lead Counter signatory for Disclosure Scotland applications on behalf of CSA
- Participate in, and support, interviews with applicants seeking voluntary positions

2.3 The Recruitment Secretary

- All administration and communication associated with volunteer and student placements (correspondence, vetting procedures, ID checks, PVG and Disclosure Applications, individual telephone interviews)
- Maintain the CSA database for all Co-workers (voluntary and employed), ensuring that Disclosure Scotland and PVG Scheme membership numbers are entered as soon as they are received by CSA
- Attend and participate in CSA Recruitment Group meetings

2.4 Welfare Manager (HR, Learning and Development)

- Support Line Managers/Supervisors through the recruitment process (identifying the need, advertising the position, responding to applicants, attending/facilitating interviews, offering employment and sending regret/hold on file letters, etc.)
- Ensure that recruitment is done in a consistent manner and within the boundaries of relevant legislation
- Attend and participate in CSA Recruitment Group meetings
- Act as lead counter-signatory for CSA on PVG and Disclosure applications

CSA Current Signatories

Lead counter signatory	Lorraine Smith (Welfare Manager HR, Learning and Development)
Counter signatories	Alex Busch (Deputy Executive Director) Helen Willey (Education and Care Manager) Betty Porter (Recruitment Secretary) Elgin Kellner (Recruitment Group member)