

**Implementing the
Protection of Vulnerable Groups (Scotland)
Act 2007
(PVG)
in the Methodist Church in Scotland**

**Step by Step Guide
and
Detailed Guidance**

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Introduction

This document contains:

- a brief 'step by step' guide to implementing the PVG scheme in Methodist Churches in Scotland and
- a detailed guidance document for reference to the scheme.

The document forms part of the Methodist Connexional Safeguarding Handbook, as a section specifically available for use in Scotland. In particular, it does not replace the requirements for safe working practice as set out in Recruiting Safely.

The PVG scheme was introduced in Scotland on 28th February 2011. There is to be a phased introduction over 4 years, and it is expected that new information will emerge throughout the first year. This guidance will be updated in the light of any such new information and the practical experience which we gain through implementation. Additional guidance will also be issued about when a Basic level criminal record disclosure, or any further safeguarding action, is required for those workers who do not meet the criteria for membership of the PVG scheme.

As with any new legislation, the initial stage of implementation can feel daunting and there will inevitably be some confusion about what needs to be done and in which circumstances. Advice is available from:

- Taking Care Group of the Methodist Church in Scotland – contact via Methodist Church Centre, Scottish Churches House, Dunblane.
Tel: 01786 820295. Email meth@scottishchurcheshouse.org
- Churches Agency for Safeguarding (the registered body for the Methodist Church) – 25 Marylebone Road, London NW1 5JR
Tel: 020 7467 5216 Email: cas@methodistchurch.org.uk
Website: www.churchsafe.org.uk
- Methodist Connexional Safeguarding Adviser, Elizabeth Hall -
25 Marylebone Road, London NW1 5JR
Tel: 020 7486 5502. Email: safeguarding@methodistchurch.org.uk

Step by Step Guide to Implementation

Note:

1. The steps here relate specifically to PVG. You should also follow the safer recruitment requirements as set out in Section 3 Recruiting Safely Policy (and set out at the end of this document as an attachment).

2. In Year 1, PVG applies to new appointments or new duties only – that is, A or B below. Sections C and D will be phased in after Year 1 and Disclosure Scotland will provide further guidance nearer the time.

A. For when you are recruiting someone new to a position which you believe to be within the remit of the PVG scheme.

Step 1. Job description/role outline. For all posts provide a job description or (for voluntary posts) a role outline. This must stipulate all work with children and / or adults who may be vulnerable. Ensure that it also states that the worker doing this role will be expected to be a member of the PVG scheme.

Step 2: Ensure that any job advert stipulates whether a post requires the worker to undertake regulated work within the remit of the PVG scheme. (This applies to adverts whether in the press, with an agency or simply within church bulletins or on the church website). This step provides important protection for the church, as it is a criminal offence for the any individual who is barred to apply for a role where it is stipulated to be regulated work.

Step 3: Before appointment, ask the person who you wish to appoint whether they are a member of the PVG scheme. If so, you must ask to see their identity papers (as for a police criminal record check previously); membership statement; scheme record and any update. You then contact the Disclosure Scotland (state how....) to request an update. If there is any further information noted, you then need to obtain a full, new scheme record. All of this has to be done before making any offer of appointment.

Step 4: Contract. Ensure that the job contract or work agreement (for volunteers) states that the person will be undertaking regulated activity as a normal part of their duties (stipulate whether this is with children, adults or both) and that in order to do this work the person must be a member of the PVG scheme. Also ensure that the contract / work agreement requires the individual to notify you if they are convicted of a criminal offence during the period when they are employed / appointed in this role, or are found to have engaged in any other activity liable to discredit the Methodist Church or put children or adults at risk.

Step 5: Updates. Ensure that you have a system for updating the PVG membership every five years or whenever safeguarding concerns are raised. This is done by requesting an Update – if new information is indicated, then you must obtain a full, new scheme record.

B. For someone whose role changes during the lifetime of their employment / appointment, so that they now undertake work with children and / or adults who may be protected within the PVG definition.

This must be done **before** they start their new duties. Once they tell you that they are now confirmed as a member, you must ask to see their identity papers (as for a police criminal record check previously) ; membership statement; scheme record and any update. You then contact the Disclosure Scotland (via Churches Agency for Safeguarding until we receive any different guidance from Disclosure Scotland) to request an independent update. If there is any further information noted, you then need to obtain a full, new scheme record. All of this has to be done before the individual changes role.

C. For when you are wanting to undertake safeguarding checks for someone who is already in role and registered with the PVG i.e. every five years or whenever safeguarding concerns are raised

Step 1. Review of job description / work outline and contract. Use this timely opportunity of a safeguarding review, to check that all the documentation accurately reflects any regulated activity requirements – as in Step 1 and 2 above.

Step 2. Scheme Record Update. Contact Disclosure Scotland for an Update – if new information is indicated, then you must obtain a full, new Scheme Record.

D. For when someone who is in role at 28.2.11 and now needs to become a member of the PVG and have safeguarding checks.

The PVG scheme has been in force since February 2011 but the process for registering existing workers is not yet finally clarified. This is because in the first year, the only requirement is for new appointments to be registered. This provides opportunity through this year to clarify how membership of existing workers is to be implemented. Meanwhile the following essential preparation must be undertaken for all church roles (both employed and voluntary) where there is a possibility that the work may be regulated activity.

Step 1. Identify anyone who has any contact with children or adults who may be protected within the PVG definition.

Step 2. Ensure that all these roles have a job description / role outline and contract / work agreement, which set out very clearly what the work is that the person may be doing. It does not matter if this is daily, monthly or annually – if it is core part of the role it must be included. These job documents must then be shared with Disclosure Scotland as required – further details later.

Step 3. Identify the date of the worker's last police criminal record check (either with CRB Scotland or CRB in England). If the five year review is due before February 2012, you must consult with Churches Agency for Safeguarding about whether it is still possible to undertake this check this year. CAS will require the job description documentation from Step 2.

Step 4. Require the person to apply for PVG membership in accordance with the process to be issued during 2011.

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**Implementing the
Protection of Vulnerable Groups (Scotland) Act
2007
(PVG)
in the Methodist Church in Scotland**

Detailed Guidance

Introduction to the PVG Guidance

Purpose and content of this guidance

The Protection of Vulnerable Groups (Scotland) Act 2007 (hereafter 'the Act') aims to regulate more closely those positions and circumstances which can leave children and certain adults, vulnerable to harm. This guidance details the Methodist Church's interpretation of the Act and embeds it within relevant Church policy and guidance. It consists of the following sections:

Section 1: Gives a brief overview of the Act and its practical implications for the work of the Methodist Church in Scotland.

Section 2: Aims to clarify the meaning of 'regulated work' from within the specific context of the Methodist Church in Scotland and gives guidance on the vetting and management of roles in the Church.

Section 3: Gives only a brief summary of the PVG Scheme, the timescale for its implementation, the new disclosure checks available and the legal implications of retrospective checking, particularly with regard to individuals who may be 'barred' from regulated work.

Relevant reference material

In preparing this resource, the following resources were consulted:

- *The Protection of Vulnerable Groups (Scotland) Act 2007*
- *The Protection of Vulnerable Groups (Scotland) Act 2007: Explanatory Notes*
- *Protecting Vulnerable Groups Scheme: Guidance for individuals, organisations and personal employers* (Disclosure Scotland, June 2010)
- Training materials on the Act which are available on Disclosure Scotland's website.

This guidance draws on various sections of advice set out in the Connexional Safeguarding policies which were circulated to the Methodist Church in Scotland in November 2010; namely:

- *Recruiting Safely* (interim policy) (2010)
- *Safeguarding Adults* (2010)
- *Safeguarding Children and Young People* (2010)

1. Implications for the Methodist Church in Scotland of the Protection of Vulnerable Groups (Scotland) Act 2007

1.1. Why the Act is needed

Since the 1970's, numerous inquiries into the abuse of individuals and groups, point to the bleak reality that some situations can expose people to a higher chance of being harmed. The receipt of some services (particularly health, care and welfare based services) does oblige us (to a greater or lesser extent) to put our trust in those who deliver the services. Inquiries show how these relationships of trust can be exploited. In addition, allegations of historical abuse within faith-based organisations have shown how some of those who were entrusted with the 'care of souls' have abused that trust and used both children and adults for their own gratification. These circumstances, and the inquiries which often arise out of them, point to the need for the 'state' to intervene and to review and tighten 'protection' legislation.

1.2. What the Act does

The Act does a number of things, including:

- Introduces the concept of regulated work and provides for the protection of two vulnerable groups: children and protected adults.
- Introduces a new Scheme (the PVG Scheme) through which information about individuals who undertake regulated work with children and/or protected adults is collated and made available via a process of disclosure checking.
- Introduces three new types of disclosure records which apply specifically to those who undertake regulated work.
- Allows for a more streamlined disclosure process.
- Gives personal employers access to disclosure information.
- Prevents ('bars') certain individuals from undertaking regulated work with children and/or protected adults by listing them on the Children's List and/or the Adults' List.
- Introduces a system which allows for the continuous collection and collation of vetting information about individuals after an initial disclosure check has been made.

1.3. The Act and the Protection of Children (Scotland) Act 2003 (POCSA)

Whilst the Act clearly builds on many of the processes which were introduced by POCSA, it does repeal this piece of legislation. Although the definition of 'regulated work with children' is similar to that of 'child care position' under POCSA, it is important to understand that it is not exactly the same. Some posts which currently meet the requirement of a 'child care position' may not fit the definition of regulated work with children within the Act. The introduction of the Act also means that the Disqualified from Working with Children List (DWCL) is replaced with the Children's list.

1.4. Implications for the Methodist Church in Scotland

The Act is due to go live at the end of February 2011. The Scottish Government is allowing 4 years for the Act to be fully implemented. However, there are a number of things that the Methodist Church will need to do in the first year of implementation:

- a) Ensure that Ministers with Pastoral Care, members of Church Councils and Local Church Safeguarding Officers understand the requirements of the Act and its implications for the day-to-day work of the Methodist Church.
- b) Clarify the roles which involve regulated work with children or regulated work with adults (recognising that a small number will involve both).
- c) Ensure that those who are newly appointed to regulated positions in year 1 of the Government's implementation timescale are vetted within the PVG Scheme.
- d) During year 1, identify those existing workers who will need to be brought into the PVG Scheme and clarify with the District and the Connexion how this will be done within the established disclosure review timetable - undertaken on a 5 yearly basis.
- e) Consider further those roles which do not involve regulated work with children but nevertheless still require completion of the Methodist Church's Confidential Declaration Form X . Further guidance will be issued about when a Basic level of disclosure check under the Police Act 1997, or any further action, is required.
- f) Review and where necessary revise recruitment material (e.g. application forms, job and role descriptions, reference request forms) so that it states whether or not a post involves regulated work.
- g) Ensure that procedures which deal with the management of alleged misconduct on the part of those who undertake regulated work are implemented in a manner which is consistent with the 'referral' requirements of the Act.

2. Regulated work with children and protected adults within the context of the Methodist Church in Scotland

2.1. Introduction

This section explores the definition of regulated work within the context of the Methodist Church. It gives an analysis of relevant definitions in schedules 2 and 3 of the Act which define regulated work with children and regulated work with adults, and identifies those roles within the Church which **may** meet the definition of regulated work (and therefore be eligible to join the PVG Scheme) and those roles which fall outside the PVG Scheme.

2.2. Why 'may be eligible'?

The Act is a new piece of vetting and barring legislation which is designed to cover a broad cross-section of organisations, personal employers and individuals. This breadth makes the interpretation challenging because the legislative requirements have to be translated to fit the specific contexts of many different organisations. As an organisation which falls under the requirements of the Act, the Methodist Church must take all reasonable steps to interpret the Act and must be able to justify its interpretation when challenged. It will not be until the requirements of the Act are 'tested' (for example, through the disclosure application and 'referral' processes) that definitions such as regulated work will be able to be more precisely defined. This is why in this document, the use of the words 'may be eligible' are entirely appropriate.

2.3. What does 'work' mean within the Act?

Work¹ – within the Act work includes paid or unpaid work and other types of work. This means that all those who undertake roles on behalf of the Methodist Church (whether as an employee or volunteer) are doing 'work'.

NOTE! In the Act, work which is done for an individual in the course of a family relationship or in the course of a personal relationship for no commercial consideration is not work. Therefore, groups of adults² who form their own informal prayer and Bible study groups which are not provided or supervised by the Church, are not involved in any 'regulated' activity.

¹ See Section 95 (1) of the PVG Act.

² Adult means a person who is 16 or over.

Case study

John Smith, a 37 year old man has recently joined his local church. Many people in the congregation find him very friendly and pleasant though a small number of people in the church find him a bit too 'charming and charismatic'! Over a period of a few months John seems to have attracted around him a group of adults, some of whom could be considered to be vulnerable because of their personal circumstances. One day, you discover that John and his friends have formed a prayer and bible study group which meets at John's house. John has been 'elected' to lead this group.

They are meeting as friends and John is not acting as in a leadership role which would constitute 'work' within the Church. Therefore this activity falls well outside of the scope of the PVG Act. However, from a wider 'protection perspective', should the Church be concerned about these types of groups and what does it do to ensure that those who attend informal prayer and study groups in people's houses are kept as safe as possible?

2.4. What is regulated work?

Regulated work is defined in schedules 2 and 3 of the PVG Act. A person can apply to join the PVG Scheme in respect of:

- Regulated work with children
- Regulated work with adults
- Regulated work with both groups.

Within the Methodist Church several roles will involve regulated work with children and a much smaller number will involve regulated work with adults. There will be a few individuals who will be doing both types of regulated work.

The PVG Act defines regulated work according to:

- The **activities** that a person does
- The **establishments** in which a person works
- The people for whom a person has **day to day supervision or management responsibility**
- The **position** that a person holds.

We look at what each of the above **highlighted elements** mean below but before we do that, there are two key tests in the PVG Act which must be understood. These tests are the **normal duties** test and the **incidental** test. Both of these tests limit the scope of regulated work. Because of the nature of faith-based institutions such as the churches where participation in activities is always discretionary (unless you are an employee of the church where participation can be compelled), the interpretation of the incidental test can be challenging.

2.5. The normal duties test

The Act makes clear that **normal duties** mean something an individual might be expected to do on an ongoing basis. This means that the activity would usually appear in a person's job description or role outline. The Act does not say how frequently or to what duration an activity must be carried out. However, 'normal duties' does exclude one-off occurrences and unforeseeable events. The normal duties test applies to the **activities, establishments and supervisory elements** of the definition of regulated work.

2.6. The 'incidental' tests

There is an 'incidental test' which, in the context of the Methodist Church must be considered in relation to the 'activities' and 'establishments' elements which make up the definitions of regulated work.

2.6.1. The incidental test as it relates to activities

Sec. 2.7, paras. 92 and 93 of Disclosure Scotland's guidance on the PVG Act states:

'The scope of regulated work is narrowed by the incidental test. Some, but not all activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally to working with individuals who are not children or protected adults...An activity is likely to be incidental when:

- *Open to all (characterised by where the event is held, where it is advertised, admission policy etc.);*
- *Attractive to a wide cross-section of society; or*
- *Attendance is discretionary.*

An activity is unlikely to be incidental when:

- *Targeted at children or protected adults (characterised by where the event is held, where it is advertised, admission policy etc.);*
- *More attractive to children or protected adults than others; or*
- *Attendance is mandatory.'*

Para. 95 states that *'an important consideration is the degree to which it could be reasonably foreseen that children or protected adults would attend. Whether an activity is incidental or not is not so much about the numbers of children or protected adults attending but the purpose and intended client group for the activity.'*

Making sense of the incidental test as it applies to the activities which are prescribed in the Act

One way of making sense of the incidental test is to ask the following questions:

- 'Which activities within the Methodist Church are specifically targeted at children and young people under the age of 18 years?
- 'Which activities within the Methodist Church are specifically targeted at adults who are 16 years or over?

What you should notice from your answer is that some of the activities which take place within the Methodist Church are actually open to people of all ages. Examples here are:

- Choir and music groups which are open to all church members and are led by worship/choir leaders;
- Preaching which is carried out by local preachers;
- Pastoral activities which are available to all church members and are not specifically targeted at the needs of children or adults with particular needs.

What this means is that those who carry out these activities on behalf of the Methodist Church will almost certainly not be eligible to join the PVG Scheme because 'the incidental test' will apply; in other words the activities are not limited to only children or adults.

Examples of activities where the incidental test does not apply

Clearly, there are some activities which are specifically targeted at children or adults; examples of these are:

- Child care facilities (such as a church run crèche)
- Sunday schools
- Youth groups
- Pastoral support which is specifically targeted at children or adults who have particular needs.

2.6.2. The incidental test as it relates to establishments

There is also an incidental test which also relates to work that the Church carries out in prescribed establishments. The question which is relevant here is:

‘Does this work, which is done on behalf of the Church, in a prescribed establishment, give church workers the opportunity to have unsupervised contact with children or protected adults? And is the contact permitted or required by the work which is being done or is it merely incidental?’

We now look in detail at the two types of regulated work.

- Regulated work with children
- Regulated work with protected adults

Regulated work with children

2.7. Regulated work with children

The Act defines a child as a person who is under the age of 18 years. (Note the crossover with adults who can be deemed ‘protected’ from the age of 16 upwards.)

We said above that the Act defines regulated work according to **activities, establishments, supervisory responsibilities** and **positions**. We now look in detail at each of these elements, focusing on those aspects which are relevant to the context of the Methodist Church. **Table 1** pulls this analysis together by summarising those roles which we consider are likely to involve regulated work with children within the Methodist Church in Scotland. (See Table 1).

2.7.1. Activities

Within the Act, an individual may be doing regulated work if, as part of their **normal duties**, they undertake prescribed activities. Those prescribed activities (outlined in schedule 2 of the Act) that should be considered from the perspective of the Methodist Church are:

- **Caring for children:** This activity relates to those who work with children in church run child care facilities, for example, crèches. Those who care for children in the church do so as part of their **normal duties** and are working within an activity which is specifically targeted at children under the age of 18 years. The incidental test does not therefore apply. They are doing regulated work with children.
- **Teaching, instructing, supervising, providing advice and guidance:** Many people, working on behalf of the church undertake these activities as part of their **normal duties**. Within the Act, ‘advice and guidance’ relates to physical or emotional well-being, education or training. Providing advice or guidance in relation to spiritual matters or spiritual well-being is considered to be captured within this activity³.

³ See sec. 39 *Protecting Vulnerable Groups Scheme: Guidance for individuals, organisations and personal employers* (Disclosure Scotland, June 2010)

- **Unsupervised contact with children:** Most of the work which is undertaken with children in the Methodist Church is supervised. This means that it takes place under the direction of a person who has been given responsibility by the church (and parents) for taking all reasonable steps to ensure the safety and wellbeing of children and young people who are taking part in church activities. Unsupervised contact with children within the Methodist Church is therefore very rare and will only be undertaken by a few people in the Church and in a small number of contexts (see section 2.7.2 below – establishments). Roles that involve unsupervised access to children demand a high level of trust and require the highest level of vetting.

- **Being in sole charge of a child:** Methodist Church guidance in *Safeguarding Children and Young People* (2010) and *Worth Doing Well* (2002) makes clear that a situation where a worker is left in sole charge of children should be very rare indeed⁴. Even when driving children in a private car on behalf of the church, Methodist Church guidance makes clear that there should be a non-driving adult escort as well as the driver in the car⁵. Possibly the only situation where a worker would find themselves in sole charge of a child would be in an emergency situation where the need to protect a child from harm far outweighs other issues. This means that in the context of the Methodist Church, being in sole charge of children is not something that would feature as a **normal duty** in the job/role descriptions of those who work with children under the age of 18 years in the Methodist Church.

- **Moderating a public interactive communication service:** This activity would not be considered to be part of any worker's normal duties within the Methodist Church and therefore is not relevant to regulated work within the church context.

- **Host parenting:** The Act gives organisations such as the churches some leeway in terms of deciding if host parenting constitutes regulated work within their specific contexts. The policy of the Methodist Church in Scotland (which may be amended following further discussions with the Connexion) is that host parenting does not constitute regulated work with children. However, any churches who do organise events which involve host parenting must adhere to the following guidance:
 - Ensure that the activity is planned well in advance of any child's stay with a host family.

⁴ See Guideline 2, page 9 *Worth Doing Well* and relevant sections of Appendix D Code of Safer Working Practice in the Connexion's policy *Safeguarding Children and Young People* (2010).

⁵ See Appendix D: Code of Safer Working Practice in the Connexion's *Safeguarding Children and Young People policy* (2010).

- During the planning stage, make sure that the host families who are matched with a child, together with the parents of the child who is to be accommodated by the host family, are strongly encouraged to contact each other.
- Ensure that the parents, who are consenting to their child's stay with a host family, understand that they are responsible for their child's protection and must therefore satisfy themselves that their child will be safe with the host family (this responsibility should be set out in a parental consent form).
- Make sure that any child who is considered to be especially vulnerable (perhaps because s/he has a disability which requires additional levels of care and/or supervision) is not accommodated without the presence of either his/her parents or another adult who has been nominated by the parents to provide care and supervision.
- Wherever possible, try to make sure that children are accommodated in homes where there are children of a similar age.
- During the stay, try to make sure that host parents are encouraging their child to stay in regular contact with their own parents.
- When a concern arises in relation to a child who is staying with host parents, do not hesitate to act in accordance with agreed policy and practice.

2.7.2. Establishments

In relation to regulated work with children, the Act prescribes a number of establishments:

- An institution which is mainly for the detention of children
- A hospital which is exclusively or mainly for the reception and treatment of children
- A school
- A further education institution
- A hostel used mainly by pupils attending a school or further education institution
- A home which is exclusively or mainly for children and is provided by a council under social work or mental health legislation.

These establishments are prescribed in the Act because they are considered to be places where children and young people, because of their needs and the services/activities which are provided for them, are potentially vulnerable to harm.

Within the Act, work in these establishments is only regulated work if, in the course of doing anything permitted or required in connection with the role, a person has **unsupervised contact** with children (see section 2.6 above – the incidental test). Unsupervised contact means contact with a child in the absence

of a 'responsible person'; for example the child's parent/carer or a person who is employed in a position of trust and responsibility within the establishment.

2.7.3. Day to day management or supervision of workers

The Act says that a person may be doing regulated work with children if they are responsible for the day to day supervision or management of those who do regulated work, either because they undertake prescribed activities and/or work in a prescribed establishment. This management/supervision must be part of that person's **normal duties**.

Posts in the Methodist church which seem to meet this criteria, include (for example):

- Presbyters
- Youth and children's workers who manage and supervise other workers
- Pastoral workers who manage and supervise pastoral workers who work specifically with targeted groups within the church
- Safeguarding officers in Connexional, District, Circuit or Church contexts
- Designated safeguarding leads on the Church Council or Circuit Meeting (i.e. those who have a supervisory/management role in relation to all safeguarding matters for an on behalf of the Circuit.

2.7.4. Positions

The Act says that a person is doing regulated work with children if they hold one or a number of prescribed positions. The only one of any relevance to the Methodist Church is that of a 'charity trustee of a children's charity'. However, the Methodist Church in Scotland notes that within the Act a charity trustee is excluded from regulated work where the main purposes of the charity are aimed at adults or the population more generally⁶. The Methodist Church in Scotland has therefore interpreted this to mean that, apart from those members who have direct responsibility for safeguarding in the church (e.g. Minister in Pastoral Charge), members of church councils or circuit meetings do not undertake regulated work. However, Methodist Church policy does make clear that its Trustees (meaning those members of Church Councils or Circuit Meetings) should be asked to sign Declaration form X which confirms their suitability to fulfil the role. This form can be downloaded from the safeguarding section of the Methodist Church's website.

Those who are barred from membership of Church Councils and other trustee positions within the church

Section 8.18 of the Church's interim Recruiting Safely policy makes clear that if someone is barred by the PVG Scheme they must not work as Trustees of charities for children or protected adults. To do so would constitute an offence.

⁶ See sec.58 of *Protecting Vulnerable Groups Scheme: Guidance for individuals, organisations and personal employers* (Disclosure Scotland, June 2010).

Table 1 details those posts which, based on the above interpretations, may constitute regulated work with children (as defined under the Act). (See Table 1)

Regulated work with protected adults

2.8. Regulated work with protected adults

It was stated earlier in this section that only a small number of roles undertaken on behalf of the Methodist church may involve regulated work with adults. (See Table 2).

2.8.1. The definition of a protected adult

Within the Act a protected adult is defined as a person who is 16 or over. Note the crossover with the definition of child as anyone under the age of 18.)

Within the Act, there are 4 categories of services, receipt of any one of which makes an individual a protected adult:

- Registered care service
- A health service
- A community care service
- A prescribed welfare service

The only one of these services which is relevant to the Methodist Church is that of a prescribed welfare service.

2.8.2. Definition of a prescribed welfare service

Within the Act, a welfare service includes any service which provides support, assistance, advice or counselling to individuals with **particular needs** and meets the following conditions:

- a) It must be provided in the course of 'work' to one or more persons aged 16 or over;
- b) It must be delivered on behalf of an organisation – in this case the Methodist Church;
- c) It must require **training** to be undertaken by the person delivering the service - training in things such as the worker's duties and standards of conduct etc. can constitute training.
- d) There must be a **frequency** or **formality** attached to the service and should not be done on an informal, unforeseen or ad hoc basis. AND
- e) **EITHER**
 - (i) it must require a contract to be agreed between the service provider and the recipient of the service prior to the service being carried out **OR**
 - (ii) it must be personalised to an individual adult's needs.

In order to qualify as a welfare service, the service MUST include all the mandatory elements (a) to (d) and, in addition, one or other of the elements in (e).

Under the PVG Act a person is only a 'protected adult' whilst s/he is receiving a service.

The meaning of particular needs within a 'welfare service'

A welfare service must be provided to individuals with particular needs. The Act says that particular needs are those which are over and above the general needs that any individual might have. In the church context, government advice has stated that 'particular needs' can be taken to mean 'advice and guidance in relation to spiritual matters'.

2.8.3. When is an adult a protected adult in the Methodist church?

It is important to understand that the Act defines a protected adult according to the services which s/he receives. This means that a person is only a protected adult whilst receiving a specified service. There will be some situations which will mean that a person is a protected adult for a considerable amount of their time; for example when they receive care services as a result of living in residential care accommodation. At the other end of the spectrum are the many adults who receive primary health care services. They will only be protected adults whilst receiving these services.

Within the church context it is important to differentiate between those who are protected adults outwith and within the church context. A person is only a protected adult within the Methodist Church if s/he receives a prescribed welfare service from the church. For example, a church member who receives targeted pastoral support from a pastoral worker on a one to one basis is only a protected adult within the church whilst receiving that service.

By contrast, a church member who receives therapeutic services provided by a health service, is a protected adult with the health service but only whilst he is receiving the required service. Likewise, a church member who receives home support services from a local authority social work department is a protected adult with the social work department but only when she receives the services.

However, there may be times when the receipt of a prescribed service means that a person is a protected adult within the church setting. An example here could be where a person's attendance in church is supported by a 'responsible person' who provides this support as part of a personal care plan. However, the person receiving this support would still not be a protected adult under the jurisdiction of the church but under that of the relevant welfare provider.

Those who undertake pastoral care within a church setting will often know who in their congregation is in receipt of prescribed services and is therefore a protected adult for some aspect of their life. Within pastoral relationships, this personal and sensitive information can be helpful when trying to find ways to support people in the congregation who may have particular needs which are over and above the general needs that any individual may have.

2.8.4. Within the church, who does regulated work with protected adults?

As with regulated work with children, determining who does regulated work with adults is determined through an analysis of:

- The **activities** that a person does
- The **establishments** in which a person works
- The people for whom a person has day to **day supervision or management responsibility**
- The **position** that a person holds.

2.8.5. Activities

Within the Act, an individual may be doing regulated work if, as part of their **normal duties**, they undertake prescribed activities. Those prescribed activities (outlined in schedule 3 of the Act) that are relevant to the church setting are:

- Teaching, instructing, training or supervising protected adults
- Being in sole charge of a protected adult
- Providing assistance, advice or guidance to a protected adult or particular protected adult which relates to physical or emotional well-being, education or training.

In order to be doing regulated work with adults, the above activities must be considered in relation to the definition of a 'welfare service' and undertaken as part of a person's **normal duties**.

Unsupervised contact with a protected adult/being in sole charge of a protected adult

It is the policy of the Methodist Church in Scotland that any worker, who as part of his/her normal duties, provides a targeted welfare service to a protected adult or particular protected adults, in an unsupervised situation, (irrespective of the location) will be required to be vetted to the highest standards as these situations demand high levels of trust.

2.8.6. Establishments

In relation to regulated work with protected adults, the Act prescribes a number of establishments:

- A care home – meaning accommodation occupied mainly or exclusively by individuals aged 16 or over which is provided by an organisation carrying on a care home service.
- A residential establishment or accommodation occupied exclusively or mainly by individuals aged 16 or over which is provided by, or the provision of which is secured by, a council under social work or mental health legislation.

These establishments are prescribed in the Act because they are considered to be places where adults, because of their needs and the services/activities which are provided for them, are potentially very vulnerable to harm.

However, work in these establishments is only regulated work if, in the course of doing anything permitted or required in connection with the role, a person has

unsupervised contact with protected adults. Unsupervised contact means contact with a protected adult in the absence of a 'responsible person'; for example, a person who is employed in a position of trust and responsibility within the establishment.

Therefore, those in the Methodist Church who undertake work, as part of their **normal duties**, in a prescribed establishment, will only be doing regulated work if it gives **unsupervised contact** with protected adults.

2.8.7. Day to day management or supervision of workers

The Act says that a person may be doing regulated work with protected adults if they are responsible for the day to day supervision or management of those who do regulated work, either because they undertake prescribed activities and/or work in a prescribed establishment. This management/supervision must be part of that person's **normal duties**.

Posts in the Methodist church which may meet this criteria, include (for example):

- Presbyters
- Pastoral workers who manage and supervise pastoral workers who undertake targeted work and meet the definition of regulated work
- Safeguarding officers in Connexional, District, Circuit or Church contexts
- Designated safeguarding leads on the Church Council or Circuit Meeting (i.e. those who have a supervisory/management role in relation to all safeguarding matters for an on behalf of the Circuit.
- Youth workers who supervise those who work with young people who are 16 and over.

2.8.8. Positions

Not applicable. See section 2.7.4 in section 2.7– regulated work with children.

Table 2 details those posts which, based on the above interpretations, may constitute regulated work with adults (as defined under the Act). (See Table 2 on page 22).

TABLE 1: Regulated work with children in the Methodist Church

1a) Roles in the Methodist Church which may involve regulated work with children

Role(s)	As part of <u>normal duties</u> , undertakes <u>prescribed activities</u> which are targeted at children (i.e. the participation of children is <u>NOT incidental</u>).	As part of <u>normal duties</u> , works in <u>prescribed children's establishments</u> and undertakes activities which may involve <u>unsupervised access to children</u> .	As part of <u>normal duties</u> , <u>manages/supervises workers</u> who undertake <u>regulated work with children</u> .
Presbyter	√	√	√
Deacon	√	√	√
Those responsible for safeguarding at District, Circuit or Church level (e.g. Minister in Pastoral Charge, LCSO, circuit steward with SG responsibility, District Head of Safeguarding).	-	-	√
Youth workers/children's workers/youth club leaders and helpers.	√	Will depend on the requirements of the role.	Only where the person is in a 'senior' supervisory role.
Pastoral/family workers and church approved home visitors who work specifically with children or adults in a targeted way.	√	-	Only where the person is in a 'senior' supervisory role.
Sunday school teachers and helpers.	√	-	Only where the person is in a 'senior' supervisory role.
Leaders/assistant leaders church parent and toddler groups/crèche workers.	√	-	Only where the person is in a 'senior' supervisory role.

1b) Roles in the Methodist Church which require the completion of the Methodist Church's Declaration Form X. (Further guidance will be issued about when a Basic level disclosure check is required, or any further action).

- Pastoral workers who work within the whole congregation and not in a targeted way (i.e. providing activities specifically for children or a welfare service to adults)
- Worship leaders /choir leaders/directors of music .
- Church organist
- Local preachers
- Church/church hall cleaners/caretakers
- Church tour guides
- Church approved drivers for church sponsored arrangements for children

1c) Roles in the Methodist Church which would not usually qualify for a disclosure check

Roles which would not usually qualify for a CRB check

- Adult choir members
- Those who serve refreshments
- Flower arrangers
- People who are part of a church welcome team
- Key holders
- Visitors who only have brief contact with children
- Contractors who work on site
- Volunteers and parents who are host parents
- Those who transport children or vulnerable adults where this is agreed by the parents/carers directly.

TABLE 2: Regulated work with adults in the Methodist Church

1a) Roles in the Methodist Church which may involve regulated work with adults

Roles	As part of <u>normal duties</u> provides a <u>prescribed welfare service*</u> which is <u>targeted**</u> at persons who are 16 over.	As part of <u>normal duties</u> works in a <u>prescribed adult establishment</u> and undertakes activities which may involve <u>unsupervised access</u> to protected adults.	As part of <u>normal duties</u> manages/supervises workers who undertake regulated work with adults.
Presbyter	√	√	√
Deacon	√	√	√
Those responsible for safeguarding at District, Circuit or Church level (e.g. Minister in Pastoral Charge, LCSO, circuit steward with SG responsibility, District Head of Safeguarding).			√
Lay pastoral workers/home visitors who specifically provide a welfare service (as defined under the PVG Act)	√	√	Only where the person is in a 'senior' supervisory role.
Youth workers who work with young people over the age of 16.	√	Will depend on the requirements of the role.	Only where the person is in a 'senior' supervisory role.

Cont/d over* Welfare service – means here the provision of advice and guidance to a protected adult or particular protected adults which relates to their physical, emotional and/or spiritual well-being.

**** Targeted** – means here that the participation of protected adults in the service being provided is not incidental (i.e. freely open to all) in that it is specifically and clearly directed towards the individual needs of the adult.

***** Particular needs** – means here ‘those that are over and above the general needs that any individual might have’ (sec. 23 Disclosure Scotland *Protecting Vulnerable Groups Scheme: Guidance for Individuals, organisations and personal employers* (2010)).

2.9. Additional information relating to the recruitment and vetting of roles in the Methodist Church

NB/ The following guidance is adapted from section 8 of the Methodist Church’s interim *Recruiting Safely* policy (2010)

2.9.1. Pastoral workers/visitors

The Methodist Church in Scotland has carefully considered the various definitions within the Act and has decided that the majority of pastoral visitors will not qualify for PVG Scheme membership. The reason for this is that the ‘incidental test’ would seem to apply to the work that many pastoral workers do (i.e. the pastoral activities are open to all members of the congregation). The exception to this is where pastoral activities are targeted specifically and clearly towards meeting the needs of children and/or adults. Clearly those workers in the Methodist Church will be undertaking regulated work when (as part of their **normal duties**) they are working with children or adults in one of the ‘**prescribed establishments**’ and this work gives the opportunity for **unsupervised access** – see Tables 1 and 2.

During the first year of implementation of the PVG Scheme the Taking Care Group and the Connexional Safeguarding Adviser will be working together to identify more precisely those activities undertaken by pastoral workers which lie within and outwith the definition of regulated work.

NB/ Pastoral workers who do not meet the definition of regulated work must complete the Methodist Church’s Declaration Form X. Further guidance will be issued about the requirement for a Basic level disclosure application.

2.9.2. Ordained presbyters and deacons and candidates for ordained ministry

It is the policy of the Methodist Church to require disclosure checks on all successful candidates before they enter training. This applies to all appointments being made for both deacons and presbyters. Once the PVG Scheme is fully implemented at the end of the four year phased introduction, all candidates will be required to apply to join the Scheme. References for candidates will always be taken up, including one from a previous recent employment situation.

All presbyters and deacons require a disclosure check and those currently in post must be brought into the Scheme as part of the agreed retrospective process which the District will agree with the Connexion.

For any role where there is a query concerning eligibility for disclosure checking and/or PVG Scheme membership, the requirement shall be determined by the General Secretary in Consultation with the Connexional Safeguarding Adviser, with the assistance of legal advice where necessary.

Disclosure checks will continue to be required on a five yearly basis thereafter. Refusal or failure to do so will be regarded as a disciplinary matter.

A Confidential Declaration Form should be completed before each application for PVG membership or a disclosure check is made. For presbyters, deacons and those candidating for the ministry, the forms should be returned to the Secretary of Conference at the Connexional team.

2.9.3. Those working from home

The Application form to join the PVG Scheme contains a question about whether the applicant works from home (Part E box E2 of the form). All presbyters and deacons should tick this box. However, in relation to other roles and in order to minimise intrusion into a person's private life (as a result of the vetting undertaken by the police in relation to a person's address), the 'working from home' box should only be ticked if direct work with children or protected adults is to take place on the home premises. For example a group meeting in an applicant's home means that the box should be ticked. However a youth worker, who returns home after a club session and writes up his or her notes, would not need to tick the box if that is the only work which is being done.

2.9.4. 'One-off' visitors or helpers

Where a volunteer's role will be on the basis of a 'one-off' activity such as accompanying staff and children on a day outing or helping at an event (e.g. a holiday club), it is not necessary to undertake extensive vetting, provided that the person is known to the church and is always supervised.

It is not necessary to obtain a disclosure check for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time. However, it is good practice to ensure that visitors sign in and out and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer.

2.9.5. Overseas applicants and candidates

For overseas candidates who have not previously lived in the UK and also UK candidates who have lived abroad for significant periods, the recruiting manager should make an additional check by obtaining a certificate of good conduct/police record from the relevant embassy or police force, where that is available. The Disclosure Scotland website gives further guidance on this: www.crbs.org.uk/news/documents/OverseasDisclosurechecks-Aguide.pdf

Where an applicant is from, or has lived in a country where criminal record checks cannot be made for child protection purposes, or is a refugee with leave

to remain in the UK and has no means of obtaining relevant information, the manager should take extra care in taking up references and carrying out other background checks. For example, additional references should be sought and references followed up by phone as well as letter.

Overseas applicants should apply for PVG Scheme membership before arriving to take up pre-arranged work or apply once they arrive. They should not start work until PVG membership is confirmed.

2.9.6. Contractors, agency staff or other sources of recruitment

If volunteers are to be recruited by another organisation, e.g. for a joint ecumenical event, a district or Connexional event, suitable assurances should be obtained from the 'home' church or organisation which first recruited that the relevant workers have been appropriately vetted.

The same enquiries should be made of any contractor the church uses to provide services that give rise to their staff having contact with children, including vetting procedures and relevant information found arising from these procedures.

On a wider note, the Methodist Church does have a policy on the hire or use of church premises by others – see section 5.13 of the Connexional *Safeguarding Children and Young People* policy (2010).

2.9.7. Appointing children and young people to posts in the Methodist Church

Those under 16 must not be in roles where they have responsibility for children of any age. Young people over the age of 16 will need to have a disclosure check before working with either children or protected adults.

2.9.8. Students on placement

When offering student placements for professional or vocational training where there is a practice placement element, a disclosure check should be applied for when a place on the programme has been accepted, so that disclosure checks are received prior to the trainee commencing the work-based elements of their training. Organisations working with children and protected adults have discretion to allow an individual to begin the work-based elements pending the outcome of the disclosure application process. The trainee must always be appropriately supervised in the placement location.

3. The PVG Scheme, its implementation, disclosure checks, referral and barring, implications for England and information sharing

This section gives only a brief summary of the PVG Scheme, the timescale for its implementation, the new disclosure checks available and the legal implications of retrospective checking, particularly with regard to individuals who may be 'barred' from regulated work.

There is plenty of information available on the Scheme and the new disclosures which people can access on Disclosure Scotland's website.

3.1. The PVG Scheme

Membership of the PVG Scheme is open to people doing, seeking to do or planning to do regulated work with children and/or adults. The Scheme will allow the Methodist Church to check whether such individuals are barred from regulated work. The PVG Scheme is managed and delivered by Disclosure Scotland as an executive agency of the Scottish Government. Disclosure Scotland will also continue to deliver the others types of disclosure which are still available under the 1997 Act where a post does not fit the definition of regulated work.

The PVG Scheme ends the use of disclosure checks under the Police Act 1997 for those who work in a 'child care position' and/or 'adults at risk'. They are replaced by the new disclosures under the PVG Act.⁷

3.2. Registering for the Scheme

Organisations which require access to Scheme records and scheme record updates (see below) must be registered with Disclosure Scotland or enrol with a registered body such as CRBS. The Methodist Church in Scotland does NOT need to re-register to join the PVG Scheme. The Methodist Church uses the Churches Agency for Safeguarding (CAS) as their registered body. CAS can be contacted with any queries about the scheme.

3.3. Timescale for implementing the Scheme

The PVG Scheme went live in Scotland at the end of February 2011. Although it is the Scottish government's expectation that all persons who do regulated work in Scotland should eventually become Scheme members, the Scheme is being phased in over a 4 year period.

Disclosure Scotland states that 'during the first year of the Scheme's operation, Scheme membership applications should primarily be made by those people who are taking up a new position involving regulated work⁸'. This means that during the first year of operation there is no requirement on the Methodist Church to introduce existing workers into the Scheme. However, during year 1 all roles which involve work with children and adults in the church should be

⁷ Further guidance will be provided about when a Basic level disclosure application, or any other action, is required for those who do not meet the criteria for PVG membership.

⁸ See chapter 4, sec.4.1.3 of Disclosure Scotland's *Protecting Vulnerable Groups Scheme: Guidance for individuals, organisations and personal employers* (2010).

assessed as to whether or not they meet the definitions of regulated work with children and/or regulated work with adults. The guidance in section 2 of this resource is written to support this process.

The Scottish government expects that bringing existing workers into the Scheme will take a further three years. The guidance makes clear that the process should be managed in such a way as to minimise the administrative burden on organisations and Disclosure Scotland. The 'phasing in' process will be managed by Disclosure Scotland in partnership with its registered persons and bodies.

3.4. Continuous updating of Scheme records

Once an individual is a PVG Scheme member Disclosure Scotland will keep the individual's PVG Scheme membership and vetting information up-to-date. This process is called continuous updating and is one of the biggest differences between enhanced disclosure and the PVG Scheme. Any new vetting information that comes to light about a PVG Scheme member will be assessed. If the information suggests that the PVG Scheme member may have become unsuitable to do regulated work with children or protected adults, then they will be placed under consideration for listing on one or both of the Lists – the Children's List and the Adults' List.

3.5. The new Scheme disclosure checks

- The **Scheme Record** is available for those who apply to join the PVG Scheme for the first time.
- **Scheme Record Update** is available for those who are already PVG Scheme members (and therefore already have a Scheme Record). The up-date can be requested for the type of regulated work (i.e. children or protected adults) for which the person is already a Scheme member.

The third type of disclosure record is the **Scheme Membership statement** – this is requested by a personal employer or an individual alone in anticipation of doing regulated work in the future.

3.6. The Scheme Record

The Scheme Record is designed for use by organisations like the Methodist Church when asking an individual to join the PVG Scheme for the first time and where that person is being recruited to do regulated work with children or protected adults.

The Scheme Record includes any vetting information that exists in relation to the individual and personal membership information, the types of regulated work in respect of which the individual is a PVG Scheme member (thereby confirming that the individual is not barred from regulated work of that type) and whether the individual is under consideration for listing for the type(s) of regulated work.

A Scheme Record will not be issued if the individual is barred from the type of regulated work which s/he has applied to do; instead a letter will be issued to the

individual and the registered body. When wanting to recruit a new employee, or appoint a volunteer, the person with responsibility for the recruitment within the Methodist Church must always either require PVG membership, or ask to see the Scheme Record for someone who is already a member.

3.7. The Scheme Record Update

The Scheme Record Update is a new type of disclosure. It is designed to be a quicker, cheaper and simpler check for organisations recruiting individuals who are already PVG Scheme members. It is designed for use by organisation when asking an individual who is already a PVG Scheme member (and who has already had a Scheme record issued in the past) to do regulated work for them.

In respect of content, the Scheme Record Update does NOT include any vetting information. One reasons for this is to allow for it to be viewable on-line through a normal web browser as part of the on-line functionality of the Scheme which is to be made available during 2011.

Where a Scheme Record Update indicates that new vetting information has been added since the last Scheme Record was issued, the organisation may request an update to the Scheme Record.

3.8. The Scheme Membership Statement

The Scheme Membership Statement is designed for personal employers who ask an individual to do regulated work for them or for pre-emptive use by individuals who intend to do regulated work at some point in the future. As it is for sharing with personal employers, it does not contain vetting information.

3.9. 'Referral', 'Listing' and 'Barring'

The PVG Act requires two Lists to be maintained: one which contains the names of all those individuals who are unsuitable to do regulated work with children and another for those who are unsuitable to do regulated work with protected adults.

3.9.1. 'Referral to the List(s)'

As an organisation which recruits individuals to do regulated work, the Methodist Church is under a duty to refer to one or both Lists an individual doing regulated work who:

- a) Has done something to harm a child or protected adult or has placed a child or protected adult at risk of harm and
- b) The impact is so serious that the Methodist Church has (or would) permanently remove the individual from regulated work. The first of these criteria is known as the referral ground.

The referral must correspond with the type of regulated work which the individual does. This means that a worker in the Methodist Church who only undertakes regulated work with children cannot be referred to both Lists. S/he can only be referred for listing on the Children's List. The referral is made to Disclosure Scotland. Government regulations on the referral process within the PVG Act are available on the Scottish Government website. Assistance is available from the Connexional Safeguarding Adviser or the Scotland Taking

Care Group. In addition, the following Methodist Church policies give detailed guidance on how to manage a possible referral to one or both of the Lists:

- *Safeguarding Children & Young People* (2010) – section 6, responding to concerns;
- *Safeguarding Adults* (2010) – section 8, responding to abuse;
- *Recruiting Safely* (interim policy) (2010) – section 4, safer recruitment practice.

3.9.2. 'Listing'

Any individual who is doing or has done regulated work can be considered for listing on one or both of the Lists. There are two stages to the listing process: an initial assessment of the referral information to see whether there are grounds for a possible listing; and a full assessment, called a consideration for listing, in order to establish if the individual is unsuitable to work with vulnerable groups.

A person who is under consideration for listing is not barred from continuing to do the corresponding regulated work can continue to do regulated work. Where an individual is being considered for listing for one list only, this has no bearing on their status in respect of the other workforce.

3.9.3. 'Barring'

'Barring' is the consequence of being listed. An individual who is barred from regulated work under the PVG Act in Scotland is barred from undertaking that work across the rest of the UK. Section 5.3 of the Methodist Church's interim Recruiting Safely policy (2010) states that if an individual is barred from regulated work, they may still be able to take part in some activities. It notes that a risk assessment will need to be undertaken in order to establish the level of risk which the individual poses to children and other vulnerable people and, where appropriate, identify activities which the barred individual can do. Detailed guidance on Ministering to those who pose a risk is given in section 9 of the Connexion's policy – Safeguarding Children & Young People (2010).

3.9.4. The legal implications of 'barring' during the PVG phasing-in process

From the start of the PVG Scheme, it will be an offence for the Methodist Church to recruit a barred individual to do regulated work. However, it is a defence for the Church to prove that it did not know, and could not reasonably be expected to have known, that the individual was barred from doing that regulated work. From the start of the PVG Scheme it will also be an offence for the Methodist Church not to remove an individual from regulated work when told by Disclosure Scotland that an individual is barred from regulated work. But it is not an offence for an organisation to continue to employ a barred individual doing regulated work until such time as specified in the retrospective checking regulations. The regulations will be subject to consultation in 2010-11 and can make different provision for different types of organisation and different circumstances. These checking regulations will set the time frame for organisations to get all their existing workers (where they are assessed as doing regulated work) into the PVG Scheme.

An individual who is doing regulated work when barred is committing an offence from the implementation date of the PVG Scheme. If it comes to light (for example through a process of retrospective checking or otherwise) the matter will be reported to the police and this could lead to prosecution. What should be noted here is the responsibility on the individual who is barred not to apply to do, or continue to do regulated work.

3.10 Implications for the Methodist Church outside Scotland

The long term vision is for membership of the Vetting and Barring Scheme (with the Independent Safeguarding Authority) in England and Wales and membership of Scotland's PVG scheme will enable complimentary trust, so that a person registered in England can travel with young people to Scotland without needing to join the Scottish scheme as well.

The different dates of implementation make this vision as yet impossible. For this reason, it is a requirement that people join the PVG scheme if they are undertaking work in Scotland which, if they were based in Scotland, would require PVG membership.

It is unlikely that this will apply to many people if any during the first year of the scheme since anyone undertaking such work for the Methodist Church in England or Wales is required to have a current enhanced CRB disclosure. Further details will be available from PVG or ISA (in England and Wales) at a later date.

For further information, contact Churches Agency for safeguarding or the Connexional Safeguarding Adviser.

3.11 Information Sharing and the PVG Scheme

- Safeguarding information can and should be shared within the Methodist Church when it is important to do so in the interests of promoting safety.
- Information about potential risk may be disclosed to the Methodist Church through a PVG Scheme Record or a Scheme Record Update. The Methodist Church cannot disclose this information to other churches, even where we know an individual is involved in that church as well as the Methodist Church. Instead, the police and social work department should be notified.
- As employer / appointers to a voluntary role, the person who is leading the recruitment carries the responsibility for notifying Disclosure Scotland a) when the person is appointed (via request for the Scheme Record or Update) or b) if the person (whether or not a PVG member) is *not* appointed because of safeguarding concerns
- The person who manages the person appointed is expected to notify Disclosure Scotland as and when any person who is a PVG member moves on from the Methodist Church.
- The Methodist Church also carries responsibility for notifying Disclosure Scotland if an individual (whether or not a PVG scheme member) is dismissed or removed from voluntary work due to safeguarding concerns OR where, if they leave for any other reason (eg retirement), they would have been dismissed for safeguarding reasons had they stayed. This is a legal responsibility and there is no time limit on this duty – ie it applies to disclosures about historic abuse as well as current concerns.