



**PROTECTION OF VULNERABLE GROUPS (PVG) SCHEME**

**SELF DECLARATION UPDATE FOR SPORTS GOVERNING  
BODIES AND SPORTS CLUBS**

**JANUARY 2016**



**sportscotland**

The Safeguarding in Sport team would like to thank all who were able to attend the SGB Network Group meeting on Tuesday 24 November. As you will be aware a key topic discussed at the meeting was the recent change in legislation relating to PVG's and spent convictions. The following briefing provides an overview of the key legislative changes and what practical implications this carries for sports organisations.

As you will already be aware, when employing staff or volunteers into positions of 'regulated work' with children each employer has a legal responsibility to ensure that prospective employees are suitable for this type of work. In order to do this, individuals will be asked to become a Protection of Vulnerable Groups (PVG) Scheme member and to make a self-declaration of any relevant convictions or investigations. Recent changes in legislation mean that positions of regulated work are no longer exempt from the Rehabilitation of Offenders Act (Scotland).

Under the new Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Amendment Order 2015 applicants are now required to disclose any unspent convictions or cautions and any spent convictions for offences included in Schedule A1 '*Offences which must always be disclosed*'. However applicants are not required to disclose spent convictions for offences included in schedule B1 '*Offences which are to be disclosed subject to rules*' until such time as they are included in a higher level disclosure issued by Disclosure Scotland.

In practice this means two key changes which sports organisations should be aware of.

Firstly, prospective employees will now receive a copy of their PVG certificate 10 days before the employer. During this 10 day window the applicant can lodge an appeal to have any previous spent convictions removed from their PVG certificate before it reaches the employer. It is worth noting that the 10 day window is only to lodge their appeal and the appeal process is likely to take much longer. Details of offences which applicants can now appeal to have removed from their PVG certificate are available at:

<http://www.disclosurescotland.co.uk/about/documents/UKSCOffencesthatwillbedisclosedsubjecttorulesv1website10September2015.pdf>

However, it is anticipated that very few applicants will actually apply through the appeals process as spent convictions must be 15 years or older and as such many offences will not be relevant to posts now. It is also worth noting that those who do appeal will be required to fund the legal appeals process themselves and this is likely to be a further barrier for many.

Where an appeal is lodged this will be heard by the Sheriff Court and the sheriff will decide whether or not the offence being appealed should be shared with the employer. At the end of this appeals process the PVG certificate will then be shared with the employer with or without the amendments as appropriate.

Secondly, sports organisations will be required to amend the self-declaration forms used during the recruitment process to ensure that applicants are only asked to disclose relevant offences. With this in mind we have worked closely with colleagues at Disclosure Scotland and Harper MacLeod LLP to develop new template self-declaration forms which may be used by sports bodies going forward to ensure that self-declarations are in accordance with the latest legislation. Template forms for sports governing bodies and for clubs are now available below.

Important Points When Using Template Self-Decs:

- Self Declarations should be used for all prospective employees who are applying for positions of regulated work with your organisation.
- Self Declarations should be completed for both new PVG Scheme Membership applications and applications for Scheme Record Updates.
- One template is for club use and the other for sports governing bodies – please ensure you use the correct template for your organisation.
- These templates have been signed off by Harper MacLeod LLP as being legally correct. As such only sections marked in **[bold brackets]** should be amended prior to use.
- The attached guidance notes in each document should always be issued alongside the self declaration form – this provides details of where applicants can access the lists of offences which do or do not need to be disclosed and applicants who have previous offences may need time to access this list before completing the form.

If you have any questions about the recent changes to PVG legislation or the new self-declaration process please contact the safeguarding in sport team on 0141 419 1156 or at [safeguardingsport@children1st.org.uk](mailto:safeguardingsport@children1st.org.uk)

More information about PVG's in general can be accessed at:  
<http://www.disclosurescotland.co.uk/disclosureinformation/pvgscheme>

## TEMPLATE SELF-DECLARATION FORM FOR REGULATED WORK WITH CHILDREN (SGB)

The role of [INSERT ROLE TITLE HERE] at the [sport] is 'regulated work' with children. Before [sport] can appoint you, even to an unpaid position, it must check that you are suitable to do this type of work. You will be asked to become a Protection of Vulnerable Groups (PVG) Scheme member and to make a self-declaration of any relevant convictions or investigations.

Under the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Amendment Order 2015 applicants are required to disclose any unspent convictions or cautions and any spent convictions for offences included in Schedule A1 '*Offences which must always be disclosed*'. Applicants are not required to disclose spent convictions for offences included in schedule B1 '*Offences which are to be disclosed subject to rules*' until such time as they are included in a higher level disclosure issued by Disclosure Scotland.

**Details of Schedule A1 Offences can be found at:**

<http://www.disclosurescotland.co.uk/news/documents/UKSCOffencesthatwillalwaysbedisclosedv1website10September2015.pdf>

**Details of Schedule B1 Offences can be found at:**

<http://www.disclosurescotland.co.uk/about/documents/UKSCOffencesthatwillbedisclosedsubjecttorulesv1website10September2015.pdf>

**Information given is confidential. It will be managed according to our data protection policy and will not be shared outside of [sport] officials responsible for making safe appointment decisions.**

### PERSONAL DETAILS

Title:		Tel No:	
Full Name:		E-mail:	
Address:			
Post Code:			

### DETAILS OF ROLE WITHIN SPORT e.g. assistant coach U12s

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### Section 1 - Unspent Convictions and Cautions (must be disclosed)

a)	Please give the date and details of all the offence(s) with which you were charged, the sentence that you received and the court where your case(s) was heard.
b)	Please outline the circumstances that led to your offence(s).
c)	Please give details of the sentence imposed and how it was completed (for example paid fine as required) Include information on conditions attached to your probation/community service/supervised attendance order.

**Section 2 - Details of any disciplinary action in relation to children**

Have you been disciplined because of inappropriate behaviour towards a child, which may have harmed them or put them at risk of harm? YES/NO

If YES, please give details.

**Section 3 - Relevant non-conviction information (including any police information)**

- a) Please give details of any investigations and outline the reasons and circumstances and disposal if known\*.

**\*Please note that Section 3 a) does not require details of any spent alternatives to prosecution, e.g. police warnings or procurator fiscal warnings.**

- b) Are you, or have you ever been, known to any Social Work Department/Social Services Department as an actual or potential risk to children? YES/NO

If yes, please provide details

**Section 4 - Other relevant information**

Please give details of any other relevant information which you think we should be aware of when considering your application:

## Section 5 – Protection of Vulnerable Groups (Scotland) Act 2007

Before signing the declaration below, please read the following notes on the *Protection of Vulnerable Groups (Scotland) Act 2007* (PVG Act):

1. It is an offence to do, or to seek or agree to do any regulated work (paid or unpaid) from which you are barred.
2. *Section 35* of the same act makes it an offence for the club to offer regulated work (paid or unpaid) to someone who is barred from that work.
3. A person is barred from regulated work with children if they are:
  - The subject of an automatic listing (under *section 14* of the PVG Act).
  - Included on the PVG Children’s List and/or the Disclosure and Barring Service Children’s List which covers the rest of the UK.
  - ‘considered for listing’ while information on their suitability is assessed.

Please delete the following statements as appropriate:

\*I confirm that I am not barred from regulated work with children as set out in sections 14 and 15 of the PVG Act, nor am I under ‘consideration for listing’ as set out in section 12 of the same Act.

**OR**

\*I am under ‘consideration for listing’

### Section 5 – Declaration

1. I hereby declare and represent that, except for as disclosed above, I have not at any time, whether in the United Kingdom or abroad, been found guilty and sentenced by a court for a criminal offence.
2. I will assist **[sport]** to request a Scheme Record/Scheme Record Update (as appropriate under the PVG Act) for the purposes of verifying the replies given in this declaration, including enquiries of any relevant authority.
3. I agree to inform **[sport]** if I am convicted of an offence while a member of staff/volunteer. I understand that failure to do so may lead to the immediate suspension of my work (paid or unpaid) for the club and/or the termination of my services.
4. If I become ‘considered for listing’, I understand this will result in precautionary suspension.

I certify that all information contained in this form is true and correct to the best of my knowledge and realise that false information or omissions may lead to dismissal. I understand that deliberately giving false information can result in prosecution.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please complete and return in a sealed envelope marked, ‘**Private and Confidential – Self Declaration**’.

## TEMPLATE SELF-DECLARATION FORM FOR REGULATED WORK WITH CHILDREN (CLUB)

The role of [INSERT ROLE TITLE HERE] at the club is 'regulated work' with children. Before the club can appoint you, even to an unpaid position, it must check that you are suitable to do this type of work. You will be asked to become a Protection of Vulnerable Groups (PVG) Scheme member and to make a self-declaration of any relevant convictions or investigations.

Under the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Amendment Order 2015 applicants are required to disclose any unspent convictions or cautions and any spent convictions for offences included in Schedule A1 '*Offences which must always be disclosed*'. Applicants are not required to disclose spent convictions for offences included in schedule B1 '*Offences which are to be disclosed subject to rules*' until such time as they are included in a higher level disclosure issued by Disclosure Scotland.

**Details of Schedule A1 Offences can be found at:**

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**Details of Schedule B1 Offences can be found at:**

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**Information given is confidential. It will be managed according to our data protection policy and will not be shared outside of the club officials responsible for making safe appointment decisions.**

### PERSONAL DETAILS

Title:		Tel No:	
Full Name:		E-mail:	
Address:			
Post Code:			

### DETAILS OF ROLE AT THE CLUB e.g. assistant coach U12s

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### Section 1 - Unspent Convictions and Cautions (must be disclosed)

d)	Please give the date and details of all the offence(s) with which you were charged, the sentence that you received and the court where your case(s) was heard.
e)	Please outline the circumstances that led to your offence(s).
f)	Please give details of the sentence imposed and how it was completed (for example paid fine as required) Include information on conditions attached to your probation/community service/supervised attendance order.

**Section 2 - Details of any disciplinary action in relation to children**

Have you been disciplined because of inappropriate behaviour towards a child, which may have harmed them or put them at risk of harm? YES/NO

If YES, please give details.

**Section 3 - Relevant non-conviction information (including any police information)**

- b) Please give details of any investigations and outline the reasons and circumstances and disposal if known\*.

**\*Please note that Section 3 a) does not require details of any spent alternatives to prosecution, e.g. police warnings or procurator fiscal warnings.**

- b) Are you, or have you ever been, known to any Social Work Department/Social Services Department as an actual or potential risk to children? YES/NO

If yes, please provide details

**Section 4 - Other relevant information**

Please give details of any other relevant information which you think we should be aware of when considering your application:

## Section 5 – Protection of Vulnerable Groups (Scotland) Act 2007

Before signing the declaration below, please read the following notes on the *Protection of Vulnerable Groups (Scotland) Act 2007* (PVG Act):

4. It is an offence to do, or to seek or agree to do any regulated work (paid or unpaid) from which you are barred.
5. *Section 35* of the same act makes it an offence for the club to offer regulated work (paid or unpaid) to someone who is barred from that work.
6. A person is barred from regulated work with children if they are:
  - The subject of an automatic listing (under *section 14* of the PVG Act).
  - Included on the PVG Children’s List and/or the Disclosure and Barring Service Children’s List which covers the rest of the UK.
  - ‘considered for listing’ while information on their suitability is assessed.

Please delete the following statements as appropriate:

\*I confirm that I am not barred from regulated work with children as set out in sections 14 and 15 of the PVG Act, nor am I under ‘consideration for listing’ as set out in section 12 of the same Act.

**OR**

\*I am under ‘consideration for listing’

### Section 5 – Declaration

5. I hereby declare and represent that, except for as disclosed above, I have not at any time, whether in the United Kingdom or abroad, been found guilty and sentenced by a court for a criminal offence.
6. I will assist **[club]** to request a Scheme Record/Scheme Record Update (as appropriate under the PVG Act) for the purposes of verifying the replies given in this declaration, including enquiries of any relevant authority.
7. I agree to inform **[club]** if I am convicted of an offence while a member of staff/volunteer. I understand that failure to do so may lead to the immediate suspension of my work (paid or unpaid) for the club and/or the termination of my services.
8. If I become ‘considered for listing’, I understand this will result in precautionary suspension.

I certify that all information contained in this form is true and correct to the best of my knowledge and realise that false information or omissions may lead to dismissal. I understand that deliberately giving false information can result in prosecution.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please complete and return in a sealed envelope marked, ‘**Private and Confidential – Self Declaration**’.

## **SAFE RECRUITMENT INFORMATION**

### **Protection of Vulnerable Groups (PVG): FREQUENTLY ASKED QUESTIONS**

**1. Does the legislation say that I need to be a PVG Scheme member to work with children?**

No. It is not a legal requirement for you but it is a legal requirement that the club does not employ anyone on the Barred for Working with Children List. In order to check this the club will ask you to become a PVG Scheme Member.

**2. How do I become a PVG Scheme member?**

1. Complete a form applying for a Scheme Record.
2. Have your identification verified by showing the Club Child Protection officer your passport or driving license and 2 recent official letters to your home address. For example: a bank statement or utility bill.

A copy of your Scheme Record is then issued to you, with your own unique identification number. The club will also receive a copy. You will then remain a PVG scheme member for life or until you notify Disclosure Scotland that you are no longer involved in regulated work with children. However, in line with best practice, your employer may request regular scheme record updates every 3 years.

**3. What if I have previous convictions/non-conviction information?**

A criminal record will not necessarily prevent you from working or volunteering in the club. Please give details of any relevant information in the self-declaration form. We may invite you to discuss this further to make sure we have as much of an understanding as possible about your situation before deciding whether or not offences are relevant to your post. Vetting information on your PVG Scheme Record will also be considered in relation to the position you are being considered for.

**4. What if I am already a PVG scheme member?**

IF you are already PVG scheme member, you will be asked to complete new self-declaration forms as well as a Scheme Record Update before taking a role. The Scheme Record Update provides any new information on your Scheme Record since it was issued. The club may also request further scheme record updates as part of the process of continuous risk assessment of staff/volunteers.

**5. How much will it cost?**

The CLUB will charge [**£INSERT COST HERE**] for a Scheme Record and a Scheme Record Update.

**6. What is a self-declaration?**

This is your opportunity to provide information and comment on your own record of convictions and/or investigations. It will be considered alongside your PVG Scheme Record and references when the decision about appointments is made by those responsible for safe appointments at the club.

\*For more information and details on the PVG Scheme, visit [www.disclosurescotland.org.uk](http://www.disclosurescotland.org.uk)