



A to Z

of

PVG

**A Guide to Regulated Work
in the Scottish Episcopal Church**

Introduction

This booklet aims to help those in the Scottish Episcopal Church who have responsibility for safeguarding to understand their responsibilities under the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG). There is also Scottish Government guidance available on the Disclosure Scotland website.

The PVG Act allows organisations to request criminal record checks for employees and volunteers who are doing regulated work with children and/or protected adults. This booklet summarises the main areas of regulated work in the SEC using case studies that are relevant to the Church's ministry. The names used are fictitious and any resemblance to people and congregations in the SEC is unintended.

For the purposes of PVG children includes all young people under the age of 18.

Under PVG there is more than one definition of a protected adult, but for the purposes of the SEC a protected adult is someone over the age of 16 who has 'particular needs' for which he or she is receiving a 'welfare service' from the Church.

There are various ways in which members of congregations share in the church's ministry some of which will constitute regulated work with children or adults, and some others which will not.

The guidance under PVG has narrowed the definition of a 'childcare' position under the Protection of Children (Scotland) Act 2003 with the result that some positions that were subject to enhanced disclosure check as childcare positions in the past will not be regulated work with children under PVG. Regulated work with children involves working directly with children as part of 'normal duties', but excludes those who may have occasional contact with children. This is an area of concern for churches that may have people who, whilst not working directly with children, could be seen by children or others to be trusted members of that church community. Safe recruitment

practices should be followed to ensure, insofar as is possible, that people in such positions of trust are worthy of that trust and do not pose a risk to vulnerable people.

Those with responsibility for making decisions about recruitment should not knowingly appoint to a position of responsibility and trust in the Scottish Episcopal Church anyone who may pose a risk to vulnerable groups, or allow an individual to continue in a post if relevant information comes to light after the appointment is made.

The advice of the Provincial Officer should be sought if there are any doubts as to the suitability of appointing some one to a position of trust, or concerns about some one in post.

CASE STUDIES

A: All About Ministry

St Andrew's church has a team of three clergy. Alan is the full time stipendiary rector and Alison is the non-stipendiary curate. Alistair retired from stipendiary ministry ten years ago but has been helping out at St Andrew's since his retirement. He has been unwell recently and no longer feels able to take services on a regular basis. Alistair retains his warrant from the Bishop and is happy to take the occasional mid-week service if Alan and Alison are not available.

Alan, Alison and Alistair are all doing work. All three **may** be working with children and adults, but there needs to be an assessment of whether they are doing regulated work.

Regulated Work with Children: Although there are only a few children at St Andrew's, working with children is part of the Church's ministry. The regulated work aspect of ministry potentially includes teaching or advice relating to the 'emotional well-being' of children. Spiritual matters are specifically mentioned as falling within the scope of this provision. Clergy need to be suitable to carry out this work for

the church when called upon to do so. Working with children can reasonably be anticipated and is therefore part of Alan and Alison's normal duties.

Alistair however is not teaching or offering spiritual guidance to children, nor likely to do so in the future, and so any contact he may have with children would be incidental. He is taking occasional services, but no longer does any pastoral visiting. If there were a frequency and formality to Alistair's involvement with the congregation, for example if he were taking services two or three times a month and doing some visiting on a regular basis it would be considered regulated work with adults. Clergy and lay leaders who are taking an active role in the church's ministry will be asked to join PVG. As PVG membership may be retained for life, the enrolment of 'retired' clergy will not be an issue in the future.

Alistair is not doing regulated work with children or protected adults and should therefore not join PVG. It is a criminal offence for an employer to apply for PVG disclosure for someone who is not doing regulated work. However Alistair remains in a position of responsibility and trust in the church.

Before issuing a warrant Bishops should be satisfied that retired clergy who are not eligible to join PVG do not pose a risk to vulnerable groups.

Definition of Protected Adults: Under PVG pastoral care comes under the section of the Act that covers welfare services. Welfare service has a five part definition:

1. It is provided in the course of work to people over the age of 16 with particular needs

A particular need is a specific requirement an individual may have arising from either physical or mental illness, or physical or mental disability which may disadvantage that person when compared to the rest of society.

2. It is a service delivered on behalf of the Scottish Episcopal Church

Pastoral care involves the provision of support, assistance, advice or counselling on behalf of the Church.

3. It requires training to be undertaken by the person delivering the service

The PVG Act does not specify how long the training should be or what form it should take, merely that it must be appropriate training.

4. The service provided has frequency and formality

Pastoral care is an important part of the Church's work and is not provided on a casual or irregular basis. It is an integral part of the duties of clergy and lay workers.

5. The service is personalised to the individual's needs

Pastoral care meets the needs of the individual.

Alan and Alison have undertaken training for ministry, and pastoral care is given on a regular basis in the course of their ministry. The support they give is personalised to the individual's needs. Whilst not everyone they visit will have particular needs, it is likely that there will be some people who do fit the criteria and are therefore protected adults.

Alan appoints Arthur and Anne to make pastoral visits to members of the congregation who are unable to attend church. This is regulated work with adults and Arthur and Anne should apply for PVG scheme membership as part of the appointment process. Alan follows the recruitment process and trains Arthur and Anne for this work. Once they start making visits Alan supports and supervises them. This is another aspect of Alan's normal duties that is regulated work.

Joining PVG: Alan and Alison will need to join the PVG scheme for both workforces during the period between 2012 and 2015 set by the Scottish Government for retrospective checking. The Provincial

Office will arrange a systematic programme of enrolment to PVG for the entire regulated workforce in the SEC.

A fee of £59 will be payable in respect of Alan because he is in stipendiary ministry, but Alison's application, as with all volunteers, will be free. If either of them moves to another congregation before they have enrolled for PVG, they will need to become scheme members before their new appointment is approved.

B: Basics – working with children

The SEC Child Protection policy and guidelines for working with children was approved by General Synod in 1998, with mandatory disclosure checks for new appointments from 2005 when the Protection of Children (Scotland) Act 2003 (POCSA) was implemented. Under PVG the SEC guidelines for the core children's activities of Sunday School, Youth Group, Crèche etc remain much the same as under POCSA.

Betty and Bill are the Sunday School leaders at St Bartholomew's. They are doing work because they are teaching children. It is their 'normal duties'. Betty and Bill are therefore doing regulated work with children.

One week Bill is unwell and Betty asks Brenda to take the class of 5-8 year olds whilst she teaches the older children. Like Betty and Bill, Brenda will be doing work with children. However it is not her normal duties as the situation could not have been foreseen and therefore she is not doing regulated work and does not require to be a PVG Scheme member for this one occasion.

However, if St Bartholomew's maintains a list of volunteers to help out on such occasions, the volunteers on the list would be doing regulated work. Congregations should consider maintaining a list of occasional volunteers if it is likely that the reserves will be called upon on a regular basis.

Both Betty and Bill completed enhanced disclosure checks in 2007 when they were appointed to work with the Sunday School. They will be asked to join PVG as part of the SEC retrospective enrolment process between February 2012 and 2015. If Brenda is formally appointed as an occasional or regular Sunday School at any time after February 2011 she will need to become a PVG scheme member immediately as a condition of that appointment.

Betty is a teacher and applies to be a PVG scheme member through her employer before she is asked to do so under the SEC arrangements for retrospective checking. When requested to do so she submits her scheme membership record to the Provincial Office together with an Existing PVG Member Application form (which is shorter than the form to join PVG) and the Office applies for a Scheme Record update for which no fee applies because she is working as a volunteer for the Church.

Bill is also a teacher, but has not joined PVG before the SEC asks him to do so. Bill applies for scheme membership through the SEC for which no fee is payable because he is a volunteer for this work. Although applying for membership through the SEC, Disclosure Scotland will send a copy of Bill's scheme record to the General Teaching Council for Scotland, and Bill's local education authority pay the necessary fee to access his scheme record in due course.

It is very important that Alan, Alison, Betty, Bill and all other PVG scheme members retain all the original paperwork relating to their membership as it will be needed for future reference.

C: Church Choirs

St Columba's has a choir of adults and children. The presence of children in a church choir is not incidental. Children are recruited to a choir because their voices enable a choir to perform a particular repertoire. In some cases the presence of children in a group of adults, or protected adults in a group of adults will be incidental and those working with them will not be doing regulated work.

Colin is the organist and choir master at St Columba's. Colin trains the children every week and is therefore doing regulated work. Colin should not be the only adult with responsibility for the children in the choir. Carol and Calum are appointed to act as chaperones for the children in the choir, supervising them before and after services, and on choir trips. They are caring for, in sole charge of and having unsupervised contact with children under arrangements made by a responsible person. The other adult choir members are not in charge of, and should avoid having unsupervised contact with the children in the choir, and should not be asked to join the PVG scheme.

St Catherine's has a choir of adults. Two 16-18 year olds ask to join. Although under PVG they are defined as children until the age of 18, the presence of children in this particular choir is incidental. It would however be good policy to appoint a mentor from within the choir who will keep an eye on the teenagers and raise any concerns about their welfare.

St Cuthbert's has no choir and Chris the organist does not participate in children's activities. However, Chris is in a position of responsibility and trust in the church and the usual safe recruitment policy for positions of trust should be followed.

D: Drop-In Centre

St David's has a drop-in centre offering advice and counselling. Families of asylum seekers are among the regular visitors. The volunteer counsellors are providing a welfare service to adults, but the current guidance is that asylum seekers will not ordinarily meet the criteria for 'particular needs', and so in this case the service provided is not regulated work. The presence of children is incidental as the advice is provided to their parents. The children are always accompanied by their parents, so the counsellors are not doing regulated work with children. However, if St David's set up a crèche at the drop-in centre, the volunteers running the crèche would be doing regulated work with children.

Counselling at a drop in centre for those with drug or alcohol dependency is regulated work because the recipients of the welfare service are considered to have particular needs.

AA – Alcoholics and Narcotics Anonymous are self help groups without leaders and there are no implications for PVG.

E: Eucharistic Assistants

Elizabeth and Edward are Eucharistic Assistants at St Ebba's. Their duty is to assist with administration of the chalice during Holy Communion. They are doing work which gives them contact with children and adults. However since they are neither teaching nor caring for children, nor providing a welfare service for adults, they are not doing regulated work. However, this is a position of trust in the church and the Bishop should not appoint them if there is any information that they may pose a risk to vulnerable groups.

Emma and Ellen assist with administration of the chalice, but are also authorised to take communion to the housebound. This is included under pastoral visiting. Emma and Ellen have previous enhanced disclosures for this work and will be asked to join the PVG scheme for regulated work with adults as part of the SEC retrospective enrolment programme.

F: Friends and Befriending

PVG distinguishes between work for family and friends and work carried out on behalf of an organisation. For the purposes of PVG the Scottish Episcopal Church is an organisation.

Florence and Freda are members of St Fillan's and have been friends for 30 years. Freda is defined as a protected adult because of the support and care she receives from Social Services to allow her to live at home. Florence visits her on a regular basis to provide additional support, but because Florence is doing this as a friend of Freda rather than on behalf of St Fillan's she is not doing regulated work.

Frances and Fred are members of the befriending team at St Fillan's. They help members of the congregation with 'particular needs', for example in providing meals, or doing other jobs around people's houses, and shopping or giving lifts when needed. They have had basic training for this work which is a service provided to individuals over the age of 16; is delivered on behalf of the Scottish Episcopal Church; is regular and by arrangement (frequency and formality) and is tailored to the individual's needs. Frances and Fred are therefore providing a welfare service and for the period of contact the adults they work with are protected adults.

PVG does not specify the nature of training required for work with protected adults to be defined as a welfare service. In the SEC basic training should ensure that the worker is aware of the following:

- The worker's duties – a job description
- The client's needs
- SEC code of practice
- How to escalate any concerns and where to turn for advice and guidance – reporting and supervision

Befriending or general visits targeted at the entire congregation are excluded from PVG because insufficient criteria for a welfare service are met. Examples would include delivery of church magazines, visits made in connection with a stewardship campaign, or promotion of a particular event.

Befrienders and mentors making general visits to adults in a congregation should be supported and assisted by pastoral care workers who have been trained and appointed to do regulated work with adults, so that they can advise or take over the care of an individual in situations where general support develops over time into a welfare service.

Those providing lifts to church on behalf of the church were previously subject to enhanced disclosure, but do not fit the criteria for PVG.

G: General Synod Office

All applications for PVG membership are processed through the General Synod Office. The applicant receives a copy of the PVG Scheme Record or Scheme Record Update direct from Disclosure Scotland. The Scottish Episcopal Church will appear as the employer on all PVG certificates and the position applied for will appear as one of the generic job descriptions that are authorised for use in the SEC. The Bishop (for clergy and licenced lay workers) and the Vestry or other relevant body (for volunteers) are employers for the purposes of recruitment, training and supervision of people doing regulated work.

H: House Groups

Holy Trinity has a House Group for adults that is hosted by three group members in their own homes on a rota basis. The leaders offer hospitality, facilitate group discussion and learning through sharing views and experiences – essentially this is a self-help group. Although some of the participants may be considered vulnerable, the leaders are not providing a service that would make those who attend protected adults and there is no implication for PVG. However it is important that anyone who may pose a risk is assessed before being permitted to attend a house group, particularly if there are children in the houses being used for meetings. Please contact the Provincial Officer for advice on risk assessment.

I: Incidental

PVG introduces an incidental test whereby activities with children or protected adults are excluded from being regulated work if the activity is occurring incidentally to working with individuals who are neither children nor protected adults.

An activity is likely to be incidental if it is open to the general public, attractive to a wide cross-section of society, or attendance is

discretionary. A church fete would be an example of an incidental activity, even if more children than adults turned up on the day.

If an activity is targeted at children or protected adults, or is more attractive to children or protected adults than others it is not incidental.

J: Junior Assistants

Joanna and James are both aged 16. Although they feel they are too old to participate in the classes, they would like to continue to their involvement with the Sunday School at St John's and ask if they can assist the leaders. The Scottish Episcopal Church does not appoint young persons under the age of 18 to do regulated work, but they may assist the appointed leaders. Joanna and James should be classed as junior assistants, and should not be placed in charge of a group or given other responsibilities. They should not be appointed as group leaders and until they reach age 18 when they will be asked to become PVG scheme members.

K: Keep Fit Class

Kathy and Kevin teach a keep fit group at St Kentigern's. This is a church group that is attended mainly by adults, but children occasionally attend. Despite the fact that some children may attend classes, teaching of them is incidental to the teaching of the public in general and so Kathy and Kevin are not doing regulated work.

If the ratio of children to adults in a class were to change over time from mostly adults to mostly children the issue of whether the presence of children can still be classified as incidental should be reviewed. If it is decided that the keep fit class is no longer an incidental activity Kathy and Kevin would be doing regulated work with children.

Similarly, the presence of protected adults in the class would be incidental.

L: Lunch Club

Lorna and Len run a Lunch Club at St Luke's. This is a social event which is attended mainly by pensioners, some whom could be described as vulnerable. Lorna and Len are doing work but they are not providing a service that makes the participants protected adults and are therefore not doing regulated work. The presence of some protected adults at this lunch club is incidental.

However, if the lunch club were targeting a group with specific needs (eg people suffering from dementia), and the volunteers were helping to support or care for the participants it would be regulated work.

M: Mother and Toddler Group

St Mary's has a mother and toddler group. All children attend the group with their mothers. The mothers are not doing regulated work. If Margaret needs to nip out for a short time she may ask another mother to take care of her child. Unpaid work with children done by friends or family is not regulated work for the purposes of the PVG scheme.

Maria is paid to provide lunches for the group. Although she has contact with the children, she is not in sole charge of them, and does not have unsupervised contact with them. Serving food to the children does not constitute 'care' and so she is not doing regulated work with children.

Mark occasionally attends the group to provide musical entertainment. Like Maria, he will not have unsupervised contact with the children and so is not doing regulated work.

Both Maria and Mark could be seen to be in a position of trust.

N: 'Not to Appoint' Decision

The Provincial Officer makes decisions in relation to the fitness of people to be appointed to do regulated work for the Church. As with enhanced disclosures there may be information on a PVG scheme

record that will lead the Provincial Officer to determine that a person may pose a risk to one or both vulnerable groups, resulting in a decision not to appoint to a post.

O: Church Offices

St Oswald's has a busy church office and a number of paid employees. Their duties include the letting and management of church premises.

The appointment of a Church Manager or Ministry Director may have implications for PVG even if the individual is not working directly with children or protected adults if the normal duties of the job include responsibility for employment, and the day to day management, of staff or volunteers doing regulated work.

Administrative staff and caretakers are unlikely to be doing regulated work as contact with vulnerable groups will be incidental. Having access to confidential files or holding keys to church premises does not count as regulated work. However, all of these are positions of trust.

P: Position of Trust

The Scottish Episcopal Church includes people who are doing work for the church that could bring them to the attention of children or protected adults as being responsible and trusted members of the church community (but who are not doing regulated work and therefore not eligible to join PVG) under the Church's safeguarding guidelines.

Those with responsibility for making decisions about recruitment should not knowingly appoint to a position of trust in the Scottish Episcopal Church anyone who may pose a risk to vulnerable groups.

In the absence of a PVG scheme record disclosure it is not possible to know for certain that an individual does not have convictions that may impact on suitability for appointment to a position of trust. However,

the church's robust recruitment policy will reduce the risk of harm occurring. Those responsible for appointments to regulated work and positions of trust should always:

- Follow SEC recruitment policy
- Raise awareness of the relevant protection policy and code of practice
- Raise awareness of how a position of trust is perceived in the church
- Ask an applicant to sign a declaration for position of trust
- Arrange ongoing supervision
- Be vigilant – report signs of inappropriate behaviour

The Provincial Officer should be consulted if information is known or is revealed about an individual who is participating in a discernment process prior to appointment to a position of trust, or whilst the individual is in post.

Q: Questions

If you have any questions about whether someone is doing regulated work for the Church please contact Daphne Audsley at the General Synod Office. Daphne is the lead signatory for PVG applications and is in regular contact with CRBS on matters of compliance with PVG.

R: Duty to Refer - Reporting and Risk Assessment

Under PVG the SEC has a duty to make a referral to Disclosure Scotland if a child or protected adult has been harmed or put at risk of harm. The Provincial Officer will make referrals on behalf of the SEC. All Regulated Work Employers (see under Vestry) have a duty to report concerns about members of the regulated workforce to the Provincial Officer. The Provincial Officer will advise the relevant Bishop or Regulated Work Employer if he considers an individual should be suspended or removed from the regulated workforce.

S: Services and Servers

Attendance at church services does not make the members of a congregation protected adults. Children in congregations usually

attend with their parents, and so unless the children are taken aside in a crèche or attend their own activities there is no implication for PVG. Many of those involved in leading worship are likely to be PVG scheme members because their other normal duties for the SEC include regulated work. Position of Trust guidelines apply to those who are not eligible for PVG membership.

Welcomers, sidespersons, and providers of refreshments are not doing regulated work as any contact with children and protected adults is incidental. The level of responsibility is in most cases not such as to make these positions of trust.

Servers and Bell Ringers will be doing regulated work with children only if they are involved in training or supervising children.

T: Transport

The provision of lifts to church is not included in regulated work as the work involved does not meet the criteria for a welfare service, unless it is included as part of a wider befriending service to protected adults. Those providing lifts to church are in a position of trust.

U: University Students

The current guidance is that working with University students eg as a student counsellor will not be considered regulated work with adults as the students do not fit the criteria of ‘particular needs’. Some students may be under the age of 18, but the guidance states that in adult education working with children is incidental to working with adults and is therefore not regulated work unless one or more of the criteria for particular needs is met.

V: Vestry

Members of a vestry are the charity trustees of a congregation. Charity trustees are defined as doing regulated work if the main purpose of the charity is to provide benefits for children or protected adults. As this is not the main purpose of the Scottish Episcopal Church, vestry members will not need to join PVG for the role of charity trustee, but may for other aspects of their work for the church.

The members of a vestry have collective responsibility for the day-to-day supervision and management of those that have been appointed to carry out regulated work within the congregation they serve. This does not include clergy or other forms of ministry which require a licence or form of authorisation from a bishop, for which the bishop retains responsibility. Each vestry should appoint at least two people to take responsibility for specific obligations under PVG legislation.

Regulated Work Employer: An employer who has responsibility for the day-to-day training, supervision, management, review and appraisal of those doing regulated work with children and/or adults, and has the power to suspend or dismiss them is also defined under PVG as doing regulated work. The appointment of a ‘regulated work employer’ allows vestry members to appoint one of their number to take primary responsibility for the regulated work aspect of their collective responsibilities. Usually this will be the Rector, but the responsibilities could be shared between two or more people depending on the amount of work involved.

PVG Co-ordinator: one or more people who take on responsibility for the protection of children and/or vulnerable adults on behalf of a Vestry. A guidance note is available from the Provincial Office

Under PVG it will be necessary to maintain accurate records of the regulated workforce at congregational and provincial level. Previously there has been no requirement to update the Provincial Office when someone who has previously been enhanced disclosure checked moves house, changes name or leaves the church. In future we will need to update our records on a regular basis. Co-ordinators will continue to be the main point of contact with the Provincial Office and will receive updates and training as before. In the past most Co-ordinators have been enhanced disclosure checked in order to be appointed as an additional signatory by CRBS. Under PVG, Co-ordinators are not doing regulated work and will not need to join the PVG scheme unless they are doing regulated work in another capacity.

The collective responsibilities of a vestry are:

- To facilitate PVG scheme membership for all those in regulated work, including all new appointments from March 2011 and all others between November 2012 and 2015 (delegated to the PVG Co-ordinator working in conjunction with Provincial Office)
- Not to make unlawful applications for PVG scheme membership in respect of people who are not doing regulated work (seek advice from Provincial Office if in doubt)
- Not to appoint anyone to paid or voluntary regulated work who is on the list of those barred from the relevant workforce, or if advised not to do so by the Provincial Officer (on the rare occasions this happens, the Provincial Officer will liaise with the Regulated Work Employer)
- Not to appoint to a position of responsibility and trust anyone who in the view of the Provincial Officer may pose a risk to vulnerable groups
- Report any concerns to the Provincial Officer (usually the PVG Co-ordinator or Regulated Workforce Employer, but any person may report concerns)
- Suspend or remove an individual from post when advised to do so by the Provincial Officer (delegated to the Regulated Work Employer)
- Maintain a list of the regulated workforce and position of trust workforce and update with Provincial Office at least once a year (delegated to PVG Co-ordinator)

W: When in doubt consult

Provincial Office phone: 0131 225 6357

Donald Urquhart mobile: 07702 793553

Donald Urquhart: protection@scotland.anglican.org

Daphne Audsley: DaphneA@scotland.anglican.org

X: External Users of Church Premises

The guidance on the use of church premises by other organisations has been revised to reflect PVG legislation and is available from the General Synod Office.

Y: Youth camps, holiday clubs and Glenalmond

Volunteers who are working at Glenalmond or other holiday events for children are doing regulated work. The PVG Act does not specify a particular frequency or duration for regulated work to be normal duties. Even if Glenalmond leaders are only working for the SEC for one week or two weeks a year it is their normal duties and therefore regulated work.

Z: The Zebra Playgroup

Zebra is a community project based in a church hall. Zoe and Zachary are the volunteer managers, and other local people act as group leaders. The group does not have sufficient personnel or expertise to register with CRBS and is not affiliated to an association that could provide this service.

Vestries should obtain assurances that users of church premises have appropriate safeguards in place to protect vulnerable groups. It may be possible to set up a contract between the Zebra Playgroup and the vestry that includes access to the PVG scheme for the Zebra volunteers. Zebra managers and volunteers will need to agree to be subject to SEC Child Protection policy and recruitment procedures. This type of arrangement would be at the discretion of the Provincial Officer.

CONTACT DETAILS

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Assistant Officer: Daphne Audsley
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OTHER INFORMATION

The following documents are available on request from the General Synod Office as electronic or hard copies. Further copies of this booklet are also available on request.

We plan to make all publications available on the SEC website in due course.

Policy Statements

- SEC Child Protection Policy and Code of Good Practice 1998
- SEC Protection of Vulnerable Adults Policy and Code of Good Practice 2006
- SEC Policy on Employing Ex-Offenders

Booklets

- Safeguarding Children and Young People in the Church (child protection training booklet)
- Protecting Vulnerable Adults

Cards

- Summary of Good Practice: Working with Children
- Summary of Good Practice: Working with Vulnerable Adults

Posters

- PVG Co-ordinator
- Provincial Office
- Childline contact details

Guidance Notes

- Appointment and duties of PVG co-ordinators
- Use of Halls and Church Premises
- Photography
- Social Media
- Do I need to join PVG? (guidance on which form to use)

Templates

- Job application
- Job description
- Reference request
- Consent form