

Protecting Vulnerable Groups

What this policy covers

This policy applies to employees, workers and contractors.

The Trust is committed to protecting service users against all forms of abuse. You have a responsibility towards service users to ensure that they are protected from abuse.

This policy sets out the Trust's obligations on handling recruitment into job roles that involve working with vulnerable people and on monitoring and reporting information about you received during the course of your employment in those roles.

It also sets out your responsibilities for reporting abuse of service users and the procedure for doing so.

Your entitlements and responsibilities

What is "abuse"?

Abuse is a violation of an individual's human or civil rights by another person and may consist of a single act or multiple acts that cause harm. As well as physical and psychological abuse, acts of neglect or an omission to act may amount to abuse. Abuse may also occur when a child or vulnerable adult is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent.

Recruitment

The Trust will make it clear when advertising jobs whether the work will involve "regulated work" as defined by the Protection of Vulnerable Groups (Scotland) Act 2007.

The Protecting Vulnerable Groups (PVG) Scheme legally obliges the Trust to check an applicant's PVG Scheme Membership before an applicant can be employed by the Trust in regulated work. This may involve the applicant applying to become a PVG Scheme member for the first time.

The Trust will always seek an applicant's consent before checking their PVG Scheme Membership status.

Activities that become regulated work

If the activities you undertake become regulated work or where you are asked to perform activities that are classed as regulated work, the Trust may require you to become a PVG Scheme member. In such cases, the Trust will pay the cost of registration.

If you refuse to become a PVG Scheme member, or if Disclosure Scotland is unable to register you, the Trust will investigate whether you can continue to be employed with the Trust in activities that are not regulated work, but the Trust reserves the right to dismiss you.

If your PVG Scheme membership status changes

The PVG Scheme requires that if your PVG Scheme Membership status changes during your current employment, the Trust may be legally obliged not to allow you to continue to engage in regulated work. This may mean that the Trust cannot continue to employ you.

When the online-Register is operational and the Trust receives notification of a change in your PVG Scheme Membership status, the Trust will investigate whether you can continue to be employed in activities that are not regulated work, but the Trust reserves the right to dismiss you without notice.

How the Trust will handle PVG Scheme data

For employment administration and evidential purposes, the Trust may retain a copy of your PVG Scheme Record or Scheme Record Update on your file during the course of your employment and for a period after termination of your employment.

The Trust's duty to refer information

By law, the Trust has a duty to refer certain information to Disclosure Scotland.

Legislation places a duty on the Trust to make a referral in circumstances when an individual doing regulated work has done something to harm a child or protected adult and the impact is so serious that the Trust has (or would) permanently remove the individual from regulated work.

The harmful or inappropriate behaviour must correspond with the type of regulated work the individual does, e.g. a school teacher (doing regulated work with children) who harms a protected adult does not meet the referral grounds. It should be noted the harmful or inappropriate behaviour does not have to have taken place in the workplace, or be connected with that person's work in any way.

Termination of employment

You should notify Disclosure Scotland on termination of employment to let them know you no longer work for the Trust. On receipt of your notification, Disclosure Scotland will seek confirmation from the Trust that you are no longer employed. There is no requirement for you to do this, but if you fail to do so the Trust will be notified of any consideration for listing, or of any listing decisions in relation to you, even after termination of employment.

Procedure

You must remain vigilant at all times of the risk to service users of abusive behaviour from different sources including members of their family, other service users colleagues or any third party.

If you believe that any service users has/have been subjected to abuse, you should refer the circumstances to your manager (or another manager if appropriate) for full investigation. Please also see the Public Information Disclosure 'Whistleblowing' Policy

If the alleged perpetrator of abuse is another colleague, the circumstances will be investigated fully under the Trust's Disciplinary Procedure.

If necessary, the Trust will refer details of the circumstances to Disclosure Scotland.

If, following full investigation of the circumstances, the Trust determines that the perpetrator should be dismissed, the perpetrator's details will be referred to Disclosure Scotland.