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PVG and the Suitability Decision Making Procedures as part of Safe Recruitment

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Last Reviewed	April 2025
Due for Renewal	April 2026

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Introduction

Safe recruitment of both paid and unpaid individuals is a vital part of our wellbeing and protection practices. A key component of this approach is conducting PVG checks for those who wish to work or volunteer with children and/or protected adults. This information is used as part of the Suitability Decision for their appointment in a Regulated Role.

Our approach is informed by legislation and policy, particularly the following:

The National Guidance for Child Protection in Scotland 2021 states: "Committed, paid and unpaid coaches, officials, volunteers, and workers often become significant role models and trusted individuals in a child's life. Those responsible for organizing activities should ensure that:

- Safeguarding is integral to practice in the recruitment, training, and oversight of staff and volunteers.
- Children know how and with whom they can voice questions and concerns."

The Standards for Child Wellbeing & Protection in Sport states:

Standard 5: Every child has volunteers and staff working alongside them who have been considered suitable to work with children and young people.

Safeguarding is everybody's business. As an organization, we are committed to not only developing policies and procedures but also providing information, guidance, and training opportunities. This ensures that those working with vulnerable groups adopt best practices as part of our commitment to creating a safe and inclusive environment that actively reduces risk, prevents harm, and keeps children and vulnerable groups safe.

Coaches, officials/helpers, and other volunteers are dedicated individuals motivated to work within hockey for commendable reasons. However, we must take all reasonable steps to ensure that unsuitable individuals or those with inappropriate motivations are prevented from working with vulnerable groups.

This document focuses on the arrangements for Affiliated Clubs but equally applies to all individuals facilitating hockey activity, such as Scottish Hockey employed staff, event organizers, districts, and discipline groups.

Summary: Safe Recruitment is essential for protecting children and vulnerable groups. By conducting PVG checks and adhering to national guidelines and standards, we ensure that only suitable individuals are appointed to regulated roles. Our commitment to safeguarding includes developing policies, providing training, and fostering a safe environment for all.

Guidance and Legislation

Scottish Hockey PVG Procedures from part of the Safe Recruitment procedures and are based on the following legislation and guidance:

- Legal Framework
- Children (Scotland) Act 1995
- Criminal Procedure (Scotland) Act 1995
- Police Act 1997
- Sex Offenders Act 1997
- Human Rights Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulations
- Sexual Offences (amendments) Act 2000
- Disclosure Scotland Code of Conduct “Making Scotland Safer” 2002
- Disclosure Scotland Code of Conduct “Protecting the Vulnerable by Safer Recruitment”
- Rehabilitation of Offenders Act 1974, the Exclusions and Exception (Scotland) order 2003
- Protection of Children (Scotland) Act 2003
- Protection of Vulnerable Groups (Scotland) Act 2007
- Disclosure (Scotland) Act 2020

Roles and Responsibilities

Scottish Hockey is committed to safeguarding everyone involved in hockey activities and promoting the highest standards of care. To effectively implement this policy, all hockey providers must collaborate, each playing a crucial role in ensuring the safe recruitment of individuals into clubs registered with Scottish Hockey, whether they are volunteers or paid staff.

Scottish Hockey is enrolled directly with Disclosure Scotland for the purpose of accessing PVG disclosure records.

Scottish Hockey will:

- Access PVG disclosure records on behalf of affiliated clubs, and for directly employed or deployed individuals
- Access PVG disclosure records on behalf of affiliated districts
- Submit PVG disclosure record applications to Disclosure Scotland
- Manage and store PVG disclosure records in line with Disclosure Scotland’s Code of Practice

- Make informed Suitability Decisions in relation to disclosure records relevant to those applying to do Regulated roles with children and/or protected adults
- Communicate to clubs the outcome of a PVG check and the Suitability Decision made
- Ensure any individual who is barred from Regulated Roles is not appointed to regulated activity with children and/or protected adults within an affiliated club, district, or by direct employment or deployment
- Receive barring information from Disclosure Scotland relevant to an individual carrying out a Regulated Role within an affiliated club, district, or by direct employment or deployment
- Ensure any individual who becomes barred from doing a Regulated Role is removed from their position immediately and indicate relevant conduct in sport proceeding if relevant
- Provide clubs with guidance and support if required to manage an individual who is 'being considered for listing' under the PVG Act
- Ensure decisions relating to PVG disclosure records are carried out in accordance with Scottish Hockey's Safe Recruitment Policy including Recruitment of Ex-Offenders guidance
- Managed and stored disclosure records as per the Disclosure Scotland Code of Practice
- Provide and implement robust procedures, support and guidance to help safeguard all participants
- Strive to ensure everyone understands their roles and responsibilities in respect of Safe Recruitment, including the PVG Scheme
- Provide training, support and guidance to Safeguarding Officers and to clubs
- Ensure all affiliated bodies require those who work in a regulated role with children and/or protected adults; are members of the PVG Scheme and obtain a PVG disclosure through Scottish Hockey
- Act as the suitability decision maker in relation to any and all regulated roles in affiliated clubs
- Make Referrals to Disclosure Scotland when required and support our affiliated clubs with their obligations to refer
- Monitor the operation of this policy

Affiliated Bodies

The role of Scottish Hockey affiliated bodies (club or District) is to ensure that they use the Safe Recruitment process for individuals who are offered a regulated role with children and/or protected adults by completing a suitability assessment; application form, interview, references, a self-declaration and a PVG application.

To make a PVG application request a club or district must:

- Complete and return the Scottish Hockey Club PVG Processor Agreement

- Complete and return the Scottish Hockey Club PVG Processing Suitability Contract
- Have the following items in place at club or district level:
 - Wellbeing and Protection Policy / Safeguarding Policy or have adopted Scottish Hockey's Safeguarding Policies
 - Secure Handling Policy or have adopted the Scottish Hockey Policy
 - Making Referrals Policy or have adopted the Scottish Hockey Policy
 - Recruiting People with Convictions Policy or have adopted the Scottish Hockey Policy
 - Safe Recruitment arrangements for all Regulated Roles that include:
 - Sufficient ID Checks
 - Self-Declaration
 - PVG Scheme Membership
 - References
 - Interview (as considered appropriate)
 - Ensure all those coming into the club to work or volunteer in a Regulated Role will be recruited safely and in accordance with the Safe Recruitment process, including obtaining a PVG through Scottish Hockey
 - Ensure anyone in a regulated role undertakes the relevant safeguarding training
 - Only proceed with the appointment of those in Regulated Roles in line with the suitability decision from Scottish Hockey
 - Implement any recommendations of Scottish Hockey relating to Safe Recruitment

Safeguarding Officers and PVG Processors

The Safeguarding Officer may not be responsible for carrying out all elements of the Safe Recruitment process. However, they are responsible for ensuring the club undertakes the safety checks and for confirming this process has been completed when making a PVG application request to Scottish Hockey.

The role of the Safeguarding Officer is:

- Undertakes both Child Wellbeing and Protection in Sport (CWPS) and Child Wellbeing and Protection Officer Training (CWPO)
- Carry out the administration of PVG applications on behalf of their club and in line with the Club PVG Agreement and Club PVG Contract
- Correctly identify regulated roles with children and protected adults within the club using the positions listed by Scottish Hockey and guidance
- Assess the applicant recruitment documents and verify references
- Guide the applicant to complete a Self-Declaration Form with Scottish Hockey
- Correctly check the applicant's ID for the purpose of the disclosure record application
- Submit a request to Scottish Hockey when a PVG is required

- Ensure those being asked to do a Regulated Role complete the verification of information requested directly by Disclosure Scotland within 14 days of receiving the email
- Resubmit PVG application requests for those whose initial request has expired (please note, this may incur a fee from Scottish Hockey)
- Receive the Suitability Decision from Scottish Hockey detailing the individual's suitability/unsuitability to carry out a Regulated Role for which they have applied
- Store relevant information confidentially
- Provide the names of those who have stopped working in Regulated Roles to Scottish Hockey for de-linking of their PVG
- Report any person removed from a Regulated Role due to their inappropriate conduct in line with Scottish Hockey's Making Referrals to Disclosure Scotland Policy
- Where a person is removed from a Regulated Role and the standard for referral has been met, inform Scottish Hockey and either assist with the referral or make the referral directly as required

The individual applicant will:

- Grant consent to Scottish Hockey to commence a PVG on their behalf
 - NB consent can be withdrawn. If consent is withdrawn that will end the recruitment process and the individual will not be appointed. The sharing of relevant PVG information is an essential part of the safer recruitment process to enable appropriate appointment decision-making and risk management
- Complete their PVG application
 - The link from Disclosure Scotland is valid for 14 days, if it expires the individual is responsible for contacting their club Safeguarding Officer and requesting a resubmission for another link
- Once the PVG process is complete the individual continues to have responsibilities as a PVG scheme member. These are:
 - Keeping your personal details and contact details up to date with both Disclosure Scotland, your club and Scottish Hockey and informing them if these change
 - You are required to promptly disclose any legal or disciplinary matters outside of the club from either your professional or personal life that may impact your suitability to remain in a regulated role. Particularly those involving children, protected adults to ensure the safety and well-being of those under our care.
 - If you leave your role and no longer require a PVG, you can exit the scheme. Contact Disclosure Scotland if you wish to do so. For more information, visit the Disclosure Scotland website: Manage your PVG membership - www.mygov.scot

Regulated Roles

A regulated role is the new term for what was previously called regulated work. A 'regulated role' is a type of paid or unpaid position. When a role is regulated, it means that a person does certain activities when in contact with children and/or protected adults.

Contact might be supervised or unsupervised, depending on the activity. Some roles allow people to exert power and influence over children to the point that contact happens even when a 'responsible person' is present.

Individuals who have a responsibility to manage or supervise those who are carrying out regulated work with children are also doing a regulated role.

The following positions have been identified in agreement with Disclosure Scotland as regulated roles within Scottish Hockey, requiring a PVG disclosure when facilitating activities for children and/or protected adults:

- Safeguarding Officer
- Coach
- Team Manager
- Team Captain
- Committee Member
- Board of Trustee Director
- Member of Staff
- Youth Leader
- Helper
- Activity Coordinator
- Physio
- First Aider

Consideration should also be made to:

- Anyone who may be in contact with children U18 as part of their normal duties
- Anyone who may be in contact with protected adults as part of their normal duties
- *NB: Any role not on the above list that directly supervises children or you believe might need a PVG, contact Scottish Hockey to have the role assessed.*

Regulated Activity with Children and/or Protected Adults

An individual must be carrying out at least one of the activities set out below to be carrying out a regulated role as part of their normal duties:

- Having responsibility for the safety and welfare of a child and/or protected adult, other than acting as a foster carer in relation to the child
- Teaching, instructing or delivering training to children
- Holding power or influence over a child for the purpose of –
 - a. An activity in which the child is taking part or seeking to take part in, or
 - b. Arranging the future recruitment, training or employment of the child
- Being in charge of or caring for children, other than acting as a foster carer
- Practicing as a registered medical practitioner
- Providing cultural, leisure, social or recreational activities for children and/or protected adults
- Providing religious activities or services for children and/or protected adults
- Coaching children and/or protected adults in relation to sports or physical activity
- Driving or escorting children in connection with transport services provided exclusively or mainly for children and/or protected adults
- Holding a position of responsibility in an organisation which has as one of its main purposes the provision of benefits for or to children and/or protected adults

Please note that certain roles must meet the following conditions in addition to having regulated activity with children and/or protected adults:

Committee Member and Board of Trustee Director

- Holding a position of responsibility in an organisation which has as one of its main purposes the provision of benefit for or to children or protected adults;
- Has physical contact with children or protected adults as a necessary part of the role or has visual, written or verbal communication with children or protected adults as part of their role;
- Role involves exercising power or influence over children or protected adults as part of their role:
 - Assisting, facilitating, permitting or impeding progress towards a desirable objective or outcome for a particular child or protected adult,
 - Making decisions of an operational or strategic nature that could have an impact on a number of children or protected adults, or
 - Persuading or putting pressure on a particular child or protected adult to behave or act in a certain manner for the financial gain or personal gratification or a person other than the protected adult.

In a Committee or Board structure where all members have equal voting rights (i.e. power or influence), all those who meet the above criteria will require a PVG.

Supervising or line managing someone who is in a regulated role also merits consideration to the PVG Scheme.

Multiple Regulated Roles

If an individual holds a PVG scheme membership for a regulated role listed above and takes on an additional role or responsibility at the same affiliated body that may involve regulated activity, they do not need to update their PVG, provided this is with the same protected group and affiliated body. For example;

- *Coach working with children taking on additional responsibilities as Team Manager working with children, no update required.*

If an individual holds a PVG scheme membership for a regulated role listed above with children and takes on additional responsibilities (regulated activity) with protected adults, they would require an update to their PVG membership.

- *Coach with children taking on additional responsibilities as Coach with protected adults, update required*
- *Coach with children taking on additional responsibilities as Walking Hockey Coordinator with protected adults, update required*

If an individual holds a PVG scheme membership for a regulated role listed above with children and takes on additional responsibilities (regulated activity) with children at a different affiliated body, they would require an update to their PVG membership.

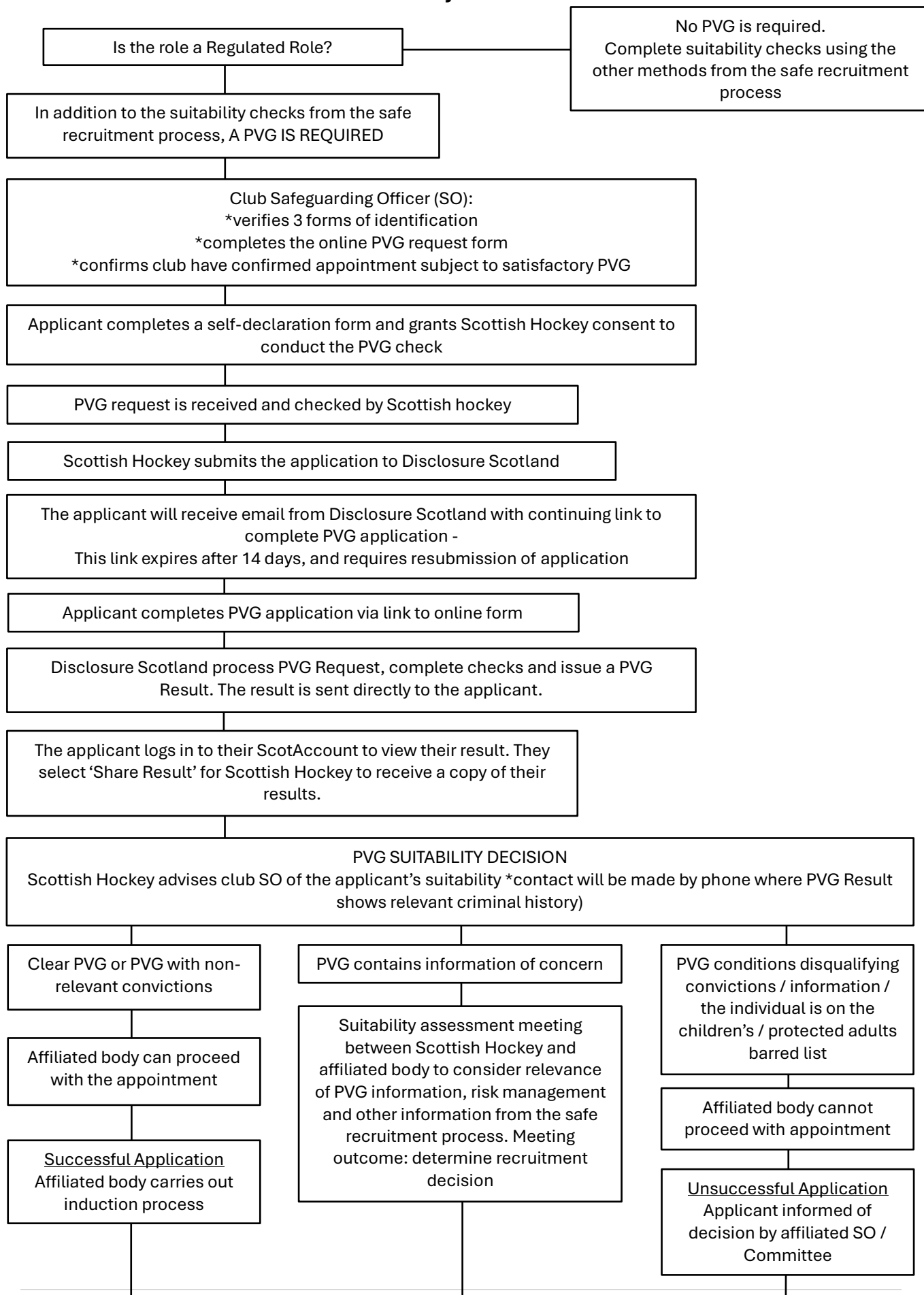
- *Coach with children at Club A, taking on additional responsibilities as Coach with children at Club B, update required*

When an individual stops doing their regulated role we are duty-bound to remove their association with Scottish Hockey. They will remain members of the PVG Scheme for 5 years but Scottish Hockey will not receive updates against their continuous monitoring while members of the scheme.

The PVG Process

- Affiliated body carry out all steps of the Safer Recruitment Process prior to the PVG application
- Once this has been completed the recruiting body must apply for a PVG check. No appointment can be made for a Regulated Role without this check.
- The recruiting body safeguarding officer meets with the individual and checks their ID for the PVG application
- They obtain references and assess them
- The applicant completes a Self-Declaration form with Scottish Hockey where they provide consent to Scottish Hockey receiving their Disclosure Result
- The Safeguarding Officer initiates a PVG application via the Scottish Hockey website
- Scottish Hockey will request a PVG from Disclosure Scotland. Disclosure Scotland will send a link to the individual to complete the application within 14 days.
- Disclosure Scotland completes background checks and sends the result to the applicant. The applicant must share these results by selecting 'share results', otherwise Scottish Hockey will not receive their result and the individual cannot carry out the regulated role they have applied for
- Scottish Hockey will receive the online PVG result from Disclosure Scotland following the applicant's approval. Scottish Hockey use the information contained to make the suitability decision (more information below) and updates internal records
- Only once the applicant has added their PVG details (date of issue and role) to their membership profile on Sport:80 and had this validated by Scottish Hockey, may they proceed in the regulated role applied for

PVG Process and Overview of the Suitability Decision



The Suitability Decision Making Process

On receipt of the PVG disclosure, Scottish Hockey will assess the information it contains and make the suitability decision in accordance with these procedures.

The suitability decision is based on the club's confirmation that it has undertaken all other parts of the safer recruitment process to check their suitability and wish to appoint them to a role, pending the outcome of the PVG check. The suitability outcome given by Scottish Hockey will fall into 1 of 3 outcomes:

1. The PVG check is satisfactory and the club can proceed with the appointment
 - This applies to PVG results that are clear of contain non-relevant conviction information or non-relevant non-conviction information
2. The PVG check returned information that is relevant and significantly serious that no appointment can be made, and the club can not proceed with the appointment. This person will be disqualified from working in a regulated role with Scottish Hockey and its affiliated bodies (whether paid or voluntary).
 - The PVG result contains relevant convictions or relevant non-conviction information or indicates the individual is listed or barred from work with children and/or protected adults.
3. The PVG check returned information that is relevant and further information is required to determine if appointment can proceed – A Suitability Assessment Meeting is required.
 - This applies to PVG results that indicate a member is under consideration for listing. This person will be disqualified from working in a regulated role with children within a Scottish Hockey and its affiliated bodies (whether paid or voluntary) until such times as the nature of disclosed information and its relevance to the post applied for is discussed and assessed.
 - Conviction information – relevance and seriousness require to be determined
 - Non-conviction information – relevance and seriousness require to be determined

Please note, that non-conviction relevant information is intelligence held by Police Scotland. When an applicant applies for a PVG, any intelligence held on the applicant which is deemed to be relevant to the type of regulated work will be documented on the PVG certificate in typed text.

Suitability Assessment Meeting

If required a Suitability Assessment Meeting is carried out by Scottish Hockey staff when the information returned on a PVG is insufficient to make the suitability decision. The PVG is only one item of information used to make an informed suitability decision as part of the Safer Recruitment.

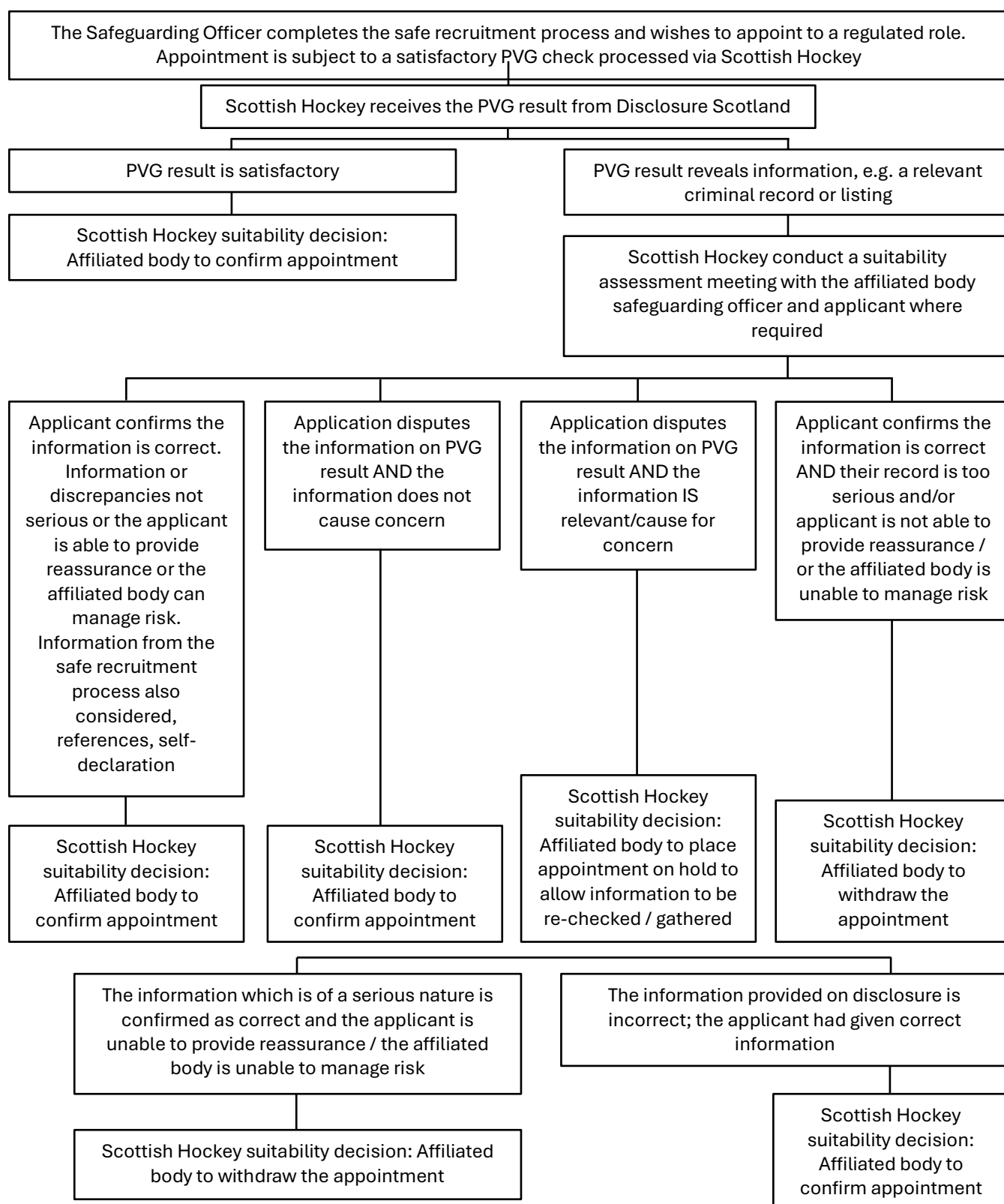
The club Safeguarding Officer will be contacted, and the information contained on the PVG will be shared with them. The club's Safeguarding Officer will share the information the club has gathered as part of their Safe Recruitment process. Additional information about the club's risk assessment and personal management process may also be gathered to help consider if an identified risk can be safely managed.

The applicant is often contacted as part of this process and asked to provide more information and discuss the information returned on the PVG certificate.

Once the additional information has been gathered it will be used to inform the suitability decision and one of 3 outcomes will be returned:

- The club can progress with the appointment;
- The club can progress with the appointment with restrictions/risk assessment/supervision in place, or;
- The club can not progress with the appointment and the recruitment is terminated.

The Suitability Decision Making Process



Protection of Vulnerable Groups (Scotland) Act 2007: Referrals

The Act creates the framework to ensure that people who are known to be unsuitable on the basis of past behaviour do not gain access to children or protected adults through paid or voluntary work and that those who do become unsuitable are detected early and removed from these workforces.

Disclosure Scotland and the Disclosure and Barring Service maintains lists of people barred from working with children and/or protected adults in Scotland. Scottish Hockey and its affiliated bodies have a legal responsibility to make a referral in the below-outlined circumstances; it is a criminal offence not to make such a referral. For guidance on the grounds and process for making a referral, contact the Scottish Hockey Safe Sport Team.

Circumstances to make a referral to Scottish Hockey and its affiliated bodies (depending on who deploys the person) will refer to Disclosure Scotland in the case of any member of staff/volunteer who (whether or not in the course of their role within the organisation) has:

- harmed a child and/or protected adult or placed a child and/or protected adult at risk of harm;
 - engaged in inappropriate conduct involving pornography;
 - engaged in inappropriate conduct of a sexual nature involving a child and/or protected adult;
 - given inappropriate medical treatment to a child and/or protected adult;
- AND as a result:
- Scottish Hockey and its affiliated bodies have dismissed the member of staff or volunteer;
 - The member of staff or volunteer would have been dismissed as a result of the incident had they not resigned, retired or been made redundant;
 - Scottish Hockey and its affiliated bodies has transferred the member of staff/volunteer to a position in which is not a regulated role with children and/or protected adults;
 - The member of staff or volunteer would have been dismissed or considered for dismissal where the employment or volunteer role was not due to end at the expiry of a fixed term contract or had the contract not expired, Scottish Hockey and its affiliated bodies will also refer the case of a staff member/volunteer where information becomes available after the member of staff/volunteer has been through any of the process/circumstances noted above.

Consideration for Listing and Barring Notice – Action to be taken

If Disclosure Scotland notifies Scottish Hockey and its affiliated bodies that a member of staff/volunteer is considered for listing that individual will be suspended as a precaution until the outcome of the case is determined.

Remember that a precautionary suspension is not a form of disciplinary action and does not involve pre-judgment. In all cases of suspension, the welfare of children and/or protected adults will be the paramount concern.

If Disclosure Scotland informs Scottish Hockey and its affiliated bodies that an individual is/has become listed and is therefore barred for carrying out regulated work. The member of staff/volunteer will be removed from any and all regulated work with children and/or protected adults immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007. The case will also be passed to the Scottish Hockey Safe Sport team for review, sport level restrictions or management may be applied and where relevant conduct in sport proceedings initiated.