



Royal Conservatoire
of Scotland

PVG Scheme and Disclosure Policy

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PVG Scheme and Disclosure Policy

General Principles

The Royal Conservatoire of Scotland complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. It also complies fully with the Data Protection Act 1998, General Data Protection Regulations 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

PVG Scheme Overview

In February 2011, the Scottish Government introduced a membership scheme to replace and improve upon the previous disclosure arrangements for people who work with vulnerable groups (i.e. children and vulnerable adults), the PVG (Protection of Vulnerable Groups) Scheme.

Individuals who work or volunteer with children and/or protected adults will be required to join the PVG Scheme. Anyone with a known history of harmful behaviour will be excluded from the PVG Scheme and from working with children and/or protected adults.

Under the scheme, people who work on a regular basis with vulnerable groups will join the PVG Scheme and, thereafter, their membership records will be automatically updated if any new vetting information arises. Vetting information is conviction information retrieved from criminal justice systems and non-conviction information held by the police that is considered relevant. This means that any new information indicating that a person may pose a risk to vulnerable groups can be acted upon promptly by Disclosure Scotland and employers.

From 1st April 2025, Disclosure Scotland will be making changes to their services to implement the Disclosure (Scotland) Act 2020, which became law in July 2020.

The Disclosure (Scotland) Act 2020 aims to focus on protecting the public, while balancing the need for people to move on from offending and simplify the process for disclosing criminal history information

Regulated Work

The PVG Scheme specifically deals with people who undertake Regulated Work.

From 1st April 2025, it is a compulsory legal requirement that any organisation checks an individual has the appropriate membership before commencing regulated work on behalf of that organisation. An offer of work can be made subject to receiving the appropriate disclosure certificate, but work cannot commence until it has been received.

It will be possible for the Conservatoire to be prohibited from allowing an individual to carry out regulated work without receiving appropriate confirmation of membership. The Conservatoire would likely lose its status to carry out disclosure checks if it was found to be allowing individuals to undertake regulated work without appropriate evidence of scheme membership. In addition, this could also result in imprisonment for up to 12 months or a fine up to the statutory maximum.

If a staff member who is responsible for the recruitment of new staff members does not complete the relevant checks to confirm that an individual has the appropriate membership before allowing them to commence regulated work, this will be investigated and managed accordingly under Conservatoire Disciplinary and Dismissal Policy.

Definition of Regulated Work

Regulated Work is defined by three basic principles;

1. *It has to be work (i.e. not a personal relationship)*
2. *It has to be with either children or protected adults*
3. *The work has to include;*
 - A particular type of activity such as caring for or teaching a child or protected adult
 - Work in a particular establishment, such as a school or a care home, which involves contact with children or protected adults
 - Holding one of the specified positions, such as member of a children's panel or chief social work officer

If a person undertakes any of the following activities as part of their normal duties then they may be doing regulated work;

- Caring for children
- Teaching, instructing, training or supervising children
- Being in sole charge of children
- Unsupervised contact with children under arrangements made by a responsible person
- Providing advice or guidance to a child or to particular children which relates to physical or emotional well-being, education or training

- Moderating a public electronic interactive communication service which is intended for use wholly or mainly by children
- Providing, or working for an organisation which provides, a care home service which is provided exclusively or mainly for children
- Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children

The Conservatoire is not listed as a regulated establishment therefore it is not automatically required to ensure everyone who works within the building is PVG scheme registered. Higher Education Institutions are not listed as they don't provide a service solely for children; children may attend however their contact with other adults would be broadly speaking, incidental. Organisations are only able to submit an application for a PVG record if the applicant intends to undertake regulated work with children or protected adults. To submit an application for a post that doesn't involve regulated work would be inappropriate and unlawful and may result in the Conservatoire being suspended from the Scheme.

Each role within the Conservatoire is assessed to ascertain which roles may constitute regulated work. Some roles are obvious for example Junior Conservatoire, Music Centres and Short Courses tutors/lecturers will all involve regulated work. Some however may not be so and in such cases an assessment will be made in conjunction with the HR department, taking advice from Disclosure Scotland if necessary.

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;

- It's open to all (characterised by where the event is held, where it is advertised, admission policy etc);
- It's attractive to a wide cross-section of society; or
- Attendance is discretionary

In the context of the Royal Conservatoire of Scotland this would mean that if our lecturers on degree courses taught someone under the age of 18, this would be incidental as the presence of children (and the teaching of children) is incidental to the main activity and purpose of the class which is to teach adults. The Conservatoire advertises its courses to the population in general and if children under 18 apply, teaching these individuals is still an incidental activity.

The most important point to note is that asking all of our staff and students to register with the PVG Scheme as a blanket approach would be a criminal offence. We must ensure we only ask for information for those staff or students who will specifically undertake regulated work.

A broad list of roles has been appended, and recommendations have been made beside each role as to their eligibility (appendix 1). Roles not explicitly listed will be assessed on an ongoing basis as they arise to ascertain if they involve regulated work.

Payment

All new staff members, whose work at the Conservatoire will require them to be members of the PVG Scheme will be required to join the scheme and the Conservatoire will reimburse the initial cost of the checking process. Should a new staff member not adhere to the deadlines set within the checking process, resulting in a new checking process being instigated, the staff member will be expected to meet the costs of this second checking process themselves.

Disclosure Checks

In certain cases, when the work is of a non-regulatory capacity, the Conservatoire reserves the right to request an individual to undertake a Disclosure Check. The previous system of 'basic', 'standard', and 'enhanced' checks will be replaced as part of the change to Disclosure Scotland services. From 1 April 2025 there will only be 'Level 1' and 'Level 2' checks, with an additional 'Level 2 with barred list check for restricted roles

Due to the sensitive nature of work and potential security risks, future successful applicants for roles within the Finance, IT or Human Resources departments may be required to complete a Disclosure Check prior to commencing employment at the Conservatoire. These staff members will be required to complete a Level 2 Disclosure, the cost of which will be met by the institution.

Usage

The Conservatoire uses PVG and Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within the Conservatoire or for a placement undertaken as part of a programme of study, is not used or disclosed in a manner incompatible with the purpose. The Conservatoire processes personal disclosure data only with the express consent of the individual. The Conservatoire notifies the individual of any non-obvious use of the data, including further disclosure to a third party, identifying the Data Controller, the purpose for the processing, and any further relevant information.

Handling

The Conservatoire recognises that, under section 124 of the Police Act 1997, it is a criminal offence to disclose PVG and Disclosure information to any unauthorised person. The Conservatoire, therefore, only passes this information to those who are authorised to see it in the course of their duties. The Conservatoire will not disclose information provided under section 113B(5) of the Act, namely information which is not included in the Disclosure, to the applicant.

Access, Storage and Disposal

The Conservatoire does not keep a detailed record of PVG or Disclosure information on an individual's personnel file or student file.

The Conservatoire will not retain any image or photocopy or any other form of information but will, however, keep an electronic record of dates and other relevant information to prove that checks have been completed. The Human Resources Department or Student Records team will record the PVG Scheme Membership type, the PVG Membership Number, and the date the check was issued by Disclosure Scotland. Records will be retained in line with the RCS Records Retention Schedule.

Renewal of PVG Records

An annual review is carried out with Disclosure Scotland to ensure that all required memberships for staff remain in place. If a staff member changes roles and the PVG requirements also change, the appropriate PVG membership check will be undertaken.

From 1st April 2026, the duration of membership with Disclosure Scotland for an individual will be effective for 5 years, following which they will be required to renew their membership (by the end of the 5th year). Individuals will not be able to continue in regulated roles without a current membership in place. Further details relating to this change will be added to this policy ahead of the go live date of 1st April 2026.

8. Document Control Information

Author of Policy: Director of HR

Accountability: Director of HR

Department: Human Resources

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Committee Requirements: Approved by Health, Safety and Wellbeing Committee for major changes, minor operational changes can be approved by Director of HR

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Approval Confirmed (signature): _____  _____

Document Revision History

Version No.	Version Date	Prepared By	Approved By	Summary
2	25/11/2022	LDemaison	LDemaison	Update to renewal of PVG Records process following change agreed with Disclosure Scotland
3	01/04/2025	D Winwood		Update to Disclosure Scotland services effective 01/04/25 following implementation of the Disclosure (Scotland) Act 2020

APPENDIX ONE – LIST OF POSTS

Job Category	PVG Scheme?
Short Courses Tutors	Yes – regulated work with children involved in child specific programmes
Music Centres Tutors	Yes – regulated work with children involved in child specific programmes
Junior Conservatoire Lecturers	Yes – regulated work with children involved in child specific programmes
BA Modern Ballet Lecturers	Yes – regulated work with children due to age of the first year cohort (under 17)
Heads of Department in Short Courses/Music Centres/Junior Conservatoire	Yes – managers of areas involved regulated work with children involved in child specific programmes
Conservatoire Counsellor	Yes - can provide one to one guidance and support to children involved in child specific programmes
Short Courses/Music Centres/Junior Conservatoire Administration	Yes for administrator level above due to level of supervision and being the 'duty manager' whilst child specific study is undertaken
Heads of Department in Senior School	No – only incidental contact
Directors of Schools	No – only incidental contact
Senior Conservatoire Lecturers	No– only incidental contact
Tutors/Venue Technicians	No – only incidental contact
Directors outwith Schools	No – only incidental contact
Administration posts (outwith Short Courses/Music Centres/Junior Conservatoire)	No – only incidental contact
Estates staff (i.e. Client Services, Buildings Operations Manager, Maintenance and Operations)	No – only incidental contact

APPENDIX TWO – BREAKDOWN OF CHARGES

Charges
£59 – PVG (Join)
£18 – PVG (Existing)
£25 – Level 2 Disclosure for prescribed positions not in Regulated work.