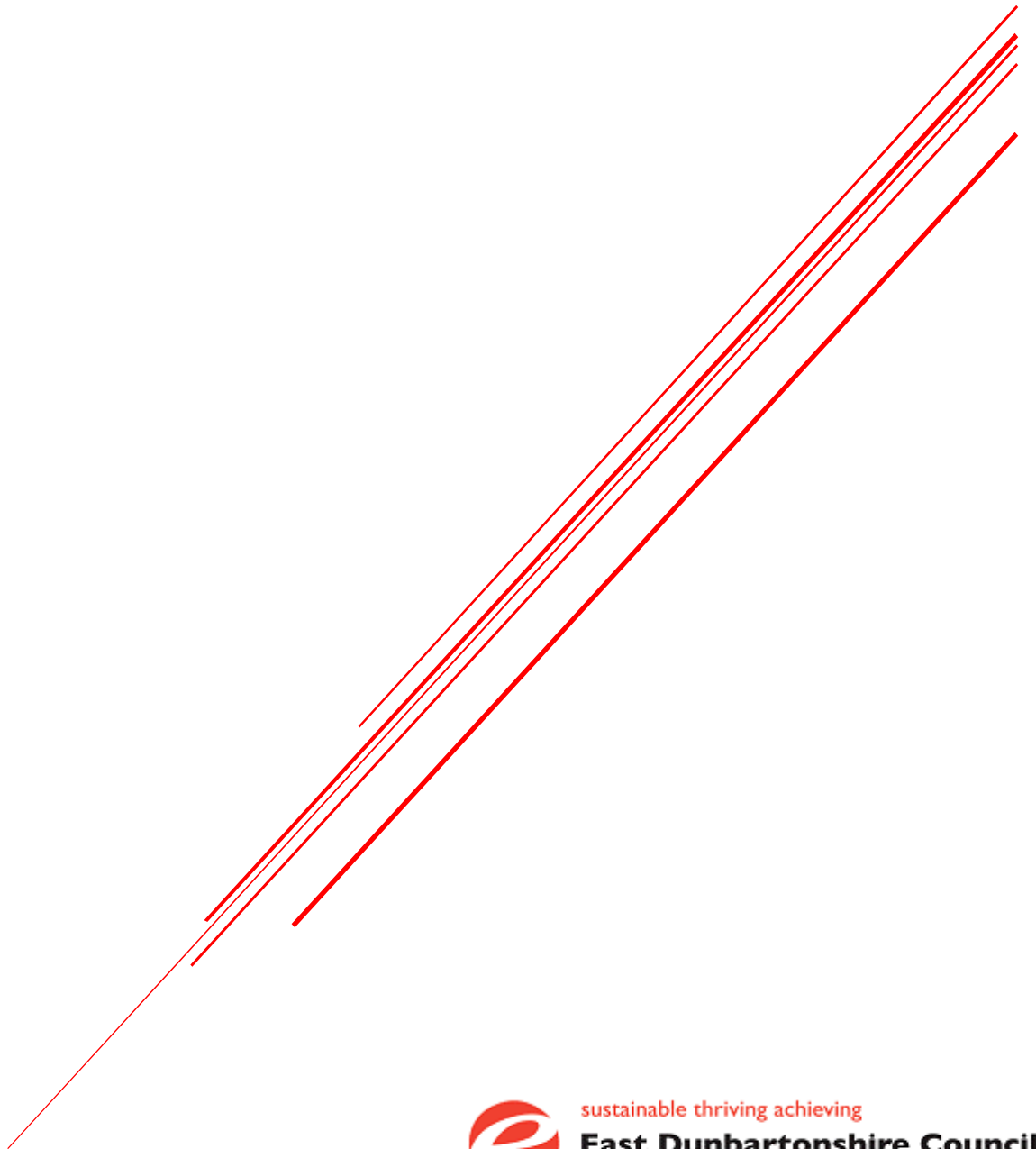


# EAST DUNBARTONSHIRE COUNCIL

Disclosure Scotland / PVG FAQs



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**East Dunbartonshire Council**

[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

# **Protection of Vulnerable Groups (Scotland) Act 2007**

## **Disclosure (Scotland) Act 2020**

### **Frequently Asked Questions (FAQs)**

The following FAQs aims to raise awareness of changes to PVG requirements with the implementation of the Disclosure (Scotland) Act on 1 April 2025. This guidance is based on the legislation as at that date and on advice provided by Disclosure Scotland. It is not intended to cover every situation and, if there is any doubt as to PVG requirements, advice should be sought from Human Resources or Legal Services.

#### **Is being a PVG scheme member a legal requirement?**

If you are aged 16 or over and work in a regulated role with children, protected adults or both, having the appropriate PVG Scheme (the “Scheme”) membership is a legal requirement.

#### **What are the penalties for failure to meet the legal requirement?**

It is an offence for an individual to carry out, or agree to carry out, a regulated role unless the individual is a member of the PVG scheme.

It is also an offence for an organisation to offer any type of regulated role to an individual unless they have received a Level 2 disclosure which confirms that the individual participates in the Scheme in relation to the type of regulated role. The Scheme membership needs to relate to the appropriate client group (i.e. children or protected adults or both)

The penalties for these offences can be up to five years imprisonment, a fine up to the statutory maximum, or both.

#### **Are there any defences available in relation to these offences?**

It is a defence for an individual charged with carrying out regulated work whilst not a member of the Scheme to prove that they did not know, or could not reasonably be expected to know, that the role was a regulated role.

It is not an offence for an individual to agree to carry out a regulated role if their agreement to do so is subject to them becoming a Scheme member.

It is not an offence for an organisation to offer a regulated role to an individual if the offer is subject to the organisation receiving a Level 2 disclosure in respect of the individual.

#### **What is a regulated role?**

The PVG Act details the criteria which determines whether a role is regulated. In relation to children, a regulated role is generally one which involves the carrying out of one or more prescribed activities as a necessary part of the role and gives the opportunity to have contact with children. There are 29 prescribed activities in the Act, which include the following examples:

- having responsibility for the safety and welfare of a child
- teaching, instructing or delivering training to children
- being in charge of or caring for children
- carrying out an activity in an educational institution which gives the opportunity to have unsupervised contact with children

- providing cultural, leisure, social or recreational activities for children
- coaching children in relation to sports or physical activity

Disclosure Scotland has created guidance on regulated roles (<https://www.mygov.scot/pvg-scheme-regulated-roles-guidance>) and an [online guidance tool](#) to help assess roles against the criteria for regulated roles. Advice is also available from Human Resources or Legal Services.

**What is the definition of a child (in terms of service delivery under the Act)?**

The Act defines a child as an individual under the age of 18 years.

**I currently have PVG membership for the delivery of services to adults and am moving to a role working with children; will my existing Scheme membership be sufficient?**

No, you need to have PVG Scheme membership appropriate to the client group therefore you will need to obtain a membership specifically for working with children.

**Do volunteers, aged 16 years and over, who help with out of/after school activities require to be a PVG member?**

Disclosure Scotland advise that this will depend on the nature of the volunteer's involvement and, for volunteers who are senior pupils, whether the activity is part of the pupil's education (such as a structured learning program or coursework requirement). If the volunteer is still at school and helping with a school activity e.g. sport coaching at an after-school activity, this would not be regarded as a regulated role if it is taking place as part of their own education and therefore a PVG check would not be required. Appropriate safeguarding measures should still be in place in compliance with the terms of the risk assessment for the activity

If, however, the volunteer is no longer at school, volunteering at an out of/after school activity would be regarded as a regulated role and require a PVG check.

**Does a school pupil taking part in a 4-week work experience placement in a care home or nursery setting, require a PVG check?**

Disclosure Scotland has advised that if the young person is still at school, the work experience placement would be considered part of their education and therefore not regarded as a regulated role with no requirement for a PVG check.

**Does an individual taking part in work experience as part of an employability programme require a PVG if undertaking a regulated role, even if they are supervised.**

If the individual is undertaking a regulated role, a PVG check is required.

Note: Disclosure Scotland advise that a pupil who is still at school and is taking part in work experience does not require a PVG check even if the activities would be considered to be a regulated role as this should be considered part of a pupil's education.

**A parent helper helps out with a children's disco that is organised by the Parent Council at**

**the end of every school term. Their role is to help sell refreshments at the interval and they will not have any unsupervised contact with children.**

Disclosure Scotland advice is that, whilst the parent helper is doing what is regarded by Disclosure Scotland as volunteering and working with children by selling refreshments, they are not doing any of the activities which fall within the scope of a regulated role with children. They are working in a listed establishment i.e. a school, but are not in sole charge

of children, and do not have the opportunity for unsupervised contact with children. The serving of refreshments does not constitute 'care' and any contact with children would be considered incidental.

**A parent helper helps out with the children's disco organised by the Parent Council at the end of every school term. Their role is to help with the overall welfare, safety and wellbeing of the children, to supervise them and ensure they are kept safe. They may also assist with the sale of refreshments at the interval. The helper will be required to conduct checks in spaces outside the event venue, for example toilets or other vacant rooms in the school.**

The parent helper is doing what is regarded by Disclosure Scotland as volunteering and their normal work in this role includes responsibility for children, supervising children (including unsupervised contact), ensuring their welfare and selling refreshments. The helper is doing at least one of the activities which fall within the scope of a regulated role with children. They are also working in a listed establishment i.e. a school with the opportunity for unsupervised contact with children. This role is therefore considered a regulated role and the helper would require PVG scheme membership.

**If external organisations come into school to provide activities that would be considered a regulated role e.g. supporting pupils with transition activities, lunch clubs etc, and there may be times when those people could be on their own with the pupils, who has responsibility for undertaking the PVG check?**

The organisation supplying the team member would be responsible for ensuring PVG scheme membership if it is considered a regulated role. The school should ensure that it is satisfied that the organisation has the appropriate arrangements in place.

**An East Dunbartonshire Leisure and Culture employee carries out voluntary work on their non-working days in an EDC school. They are a PVG member with the Trust. Will the Council require to carry out a PVG update for this employee for the voluntary work they carry out within the Council?**

No. Disclosure Scotland advise that whilst the Trust is a separate employer, the Council is the counter signatory for all PVGs within the Trust. The Council is noted as an interested party and all Trusts employees appears on the Council's interested party report. If the Council performed the check and is listed as an Interested Party a further check is not required. The school should however contact Human Resources to confirm Scheme membership of the Trust employee.

**A teacher employed within East Dunbartonshire Council supports the PTA within their own school or another school within EDC, do they require the PTA to undertake a further PVG check?**

No, Disclosure Scotland advise that a further check would not be required for supporting a PTA within their own school or another school within the Local Authority.

**Does a parent volunteering in a school to support children require a PVG?**

Yes, a parent undertaking a volunteering role within a school working with pupils would generally require a PVG. There may be some exceptions to this but advice should be sought if there is any doubt.

**A parent is asked by the school to accompany a class on an excursion to ensure pupil to adult ratios are met. They will be responsible for a group of pupils. Do they require a PVG?**

If, as an expected duty, these volunteer parents are expected to be responsible for supervision of children other than their own on behalf of the school, a PVG would be appropriate.

**If a parent of a child in a school is PVG checked by the school's PTA, can the school use the same parent to accompany pupils on a school trip without a further PVG being required?**

Disclosure Scotland advise that no further check would be required. The school would however require to have robust arrangements in place to require the PTA to immediately report any issue or notification received in relation to all parents/carers who are Scheme members through the PTA.

**Parents are invited to attend a "family walk" accompanying only their own child. They may have contact (albeit supervised) with other children. Do they require a PVG?**

Disclosure Scotland advise that no PVG would be required. The parent is expected merely to accompany their own child. They are not carrying out a role for the school.

**I have been approached by a member of public who has advised that they volunteer in another EDC school and wish to volunteer in my school. Do I need to PVG them?**

No, you do not need to undertake a PVG check if they have an existing EDC volunteer PVG. However, you must contact Shared Services (Education) to check that they are registered as a volunteer with the Council and their PVG is current. Shared Services will maintain a database of schools the member of public is volunteering with. Should any notifications of concern be received from Disclosure Scotland regarding the volunteer, all schools that the person is volunteering with would be notified by Shared Services (Education). It is essential, therefore, that Shared Services (Education) know where volunteers are. Volunteers will be issued with one ID badge regardless of the number of schools they are volunteering in.

**A volunteer has advised that they have a lifetime PVG. What does this mean?**

Prior to 2025, PVGs were issued with no expiration date. Disclosure Scotland have advised that as of April 2026 they will move all existing PVG scheme members over to the five-year membership. This will be managed by Disclosure Scotland.

**If the Church are organising catechist sessions for children out with school, would it be the Church's responsibility to organise PVG checks?**

if the church offers a service that is targeted at children and as part of that there is regulated activity, then yes and it is the churches responsibility.

**Will the priest attending the school for confession or delivering Mass require a PVG.**

This will be for the church to do it is a religious service for children so will require a PVG check, You should seek assurances that the PVG check has been completed.

**If we are working with other organisations like the church. How do we make sure they are compliant with PVG checking their staff?**

You should ask for assurance that the checks have been made.

**If children are visiting the church for a service does the priest/minister have to be PVG?**

It is probable that priests will be PVG checked for their work in the church. However, delivering a service to a congregation isn't a regulated activity. There is no consideration you need to make for pupils attending a church service.