

RECRUITMENT

1. THE PROTECTION OF VULNERABLE GROUPS SCHEME (PVG)

The Protection of Vulnerable Groups Scheme (PVG) applies to all individuals (paid and volunteer workers) who work with children/protected adults.

1.1 THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

1.1.1 The Act makes a number of provisions including:-

- the establishment of a list of individuals unsuitable to work with children and consequently repealing the 2003 Act (which established the DWCL – Disqualified from Working with Children List) and establishing a separate list of individuals unsuitable to work with protected adults;
- the establishment of a scheme for those working with vulnerable groups, membership of which enables the ongoing collection of vetting information and assessment for unsuitability to work with those groups.

1.1.2 The Church's current development in good practice is using the key principles contained in the legislation in relation to safety for everyone especially the most vulnerable.

1.1.3 Volunteer Scotland Disclosure Services (VSDS) has been established by the Executive to provide free Disclosures for volunteers in the voluntary sector who are appointed to work in an exempted post. An exempted post is one which is detailed in the Exclusions and Exceptions (Scotland) Order 2003. An example of an exempted post is a child care position as defined in Schedule 2 of the Protection of Children (Scotland) Act 2003. "Exempted" means that the employer is entitled to access a full copy of the applicant's criminal record history (Standard/Enhanced Certificate). The CRBS acts on behalf of the voluntary sector to process Disclosure applications.

1.2 PVG: KEY PRINCIPLES

1.2.1 *Why are PVGs Needed?*

- 1.2.1.1 The Catholic Church is committed to doing everything possible to ensure children, young people and protected adults are kept safe from harm, therefore, the single most important responsibility to be undertaken is to ensure that anyone placed in a position of trust within the Church whether paid or otherwise, which gives them direct access to children, young people or protected adults, is selected with the utmost care. The recruitment, selection and on-going support of both volunteers and paid employees to work with children, young people and/or with protected adults, whether undertaken locally or at diocesan level, requires rigorous recruitment, selection and monitoring practices including interviews, taking up references, checking qualifications (where relevant), the use of the probationary period, on-going supervision and performance monitoring, and ensuring accurate and adequate role descriptions and terms and conditions (whether relating to employment or a volunteer agreement) are prepared, issued and explained prior to commencement.
- 1.2.1.2 The PVG checks form part of the entire recruitment strategy. It is important to ensure standards of practice are maintained and children, young people and protected adults are safeguarded.
- 1.2.1.3 At all times a culture of professionalism and transparency is required of us.

1.2.2 ***The Responsibility of the Church to make use of PVGs and the Legal Framework***

1.2.2.1 The PVG Act requires all organisations either statutory or voluntary to ensure their staff/volunteers who come into regular contact with under 18s and those who are vulnerable in today's society to become members of the PVG Scheme.

1.2.2.2 Like any responsible body, the Catholic Church must exercise a proper "duty of care" in its recruitment of paid staff and volunteers, particularly those who are being appointed to positions giving access to children, young people and protected adults. Moreover the Protection of Vulnerable Groups (Scotland) Act 2007 makes it an offence for an organisation to appoint someone in a child care or protected adult position who is on the "Disqualified from Working with Children List" or the "Disqualified from Working with Vulnerable Adults List". It is a criminal offence to NOT comply with these checks.

1.2.3 ***Assessment of the Need for a PVG***

1.2.3.1 As indicated in **1.2.2**, the whole selection and recruitment process for paid staff and volunteers who will work with children, young people and protected adults must include a PVG check. The range of positions which should be the subject of a PVG check may not, however, always be obvious to those responsible for making appointments. The test for assessing the need for a PVG check will, insofar as Church appointments are concerned, be based on the extent and nature of the contact with children or young people. In the case of protected adults, those in receipt of a "caring service" from the Church.

1.2.3.2 Positions which should be subject to a PVG Check should include those who are in regular contact with children, young people and protected adults.

1.2.3.3 It is clear that this responsibility extends to those situations and activities in the church for which parents/carers specifically entrust their children, young people and protected adults within the family to the care and supervision of those appointed by the church.

1.2.3.4 The following are required to apply for PVG membership:

- ***Bishops, Clergy and Members of Religious Congregations***
- ***Candidates for the Priesthood and Religious Life***
- ***Members of the Diocesan Safeguarding Advisory Groups***
- ***Parish Safeguarding Coordinators***
- ***Children's Liturgy volunteers***
- ***Ministers of Holy Communion who visit parishioners in their homes***
- ***St Vincent de Paul Society volunteers working in parishes***
- ***Identified Leaders on Youth Pilgrimages***
- ***Adult participant on Youth Pilgrimages***
- ***Legion of Mary volunteers working in parishes***
- ***Care/Nursing Staff and Leaders on Pilgrimages where protected adults are participating***
- ***Staff in care homes run by Religious Congregations.***

1.2.3.5 It should also be recognised that particular care should be taken when clergy and religious come from abroad, sometimes for a short period only or move from one area to another. Appropriate checks must be made with the relevant Bishop or Superior before they are permitted to take up ministry. A policy relating to testimonials for clergy and religious has been agreed by the Bishops (see Section 8).

1.2.3.6 Roles for volunteers aged 18 and over requiring PVG checks.

Examples of the kind of positions covered:-

- There may be people appointed by the Church whose role is not directly concerned with activities involving those who are vulnerable but whose regular presence at times when children/protected adults are involved in general or specific activities may create situations which could be exploited. These people are required to gain membership of the PVG Scheme. An example would be a caretaker of a parish who is on site when groups meet in the church or parish hall.
- The driver of a parish minibus if asked to help in running a football club as well as being entrusted with transporting children, young people and protected adults to a site should be subject to the full recruitment process. If only driving and there is a presence of adults with responsibility for the activity then an 'unchecked' driver could reasonably be used provided that at no point the driver is asked to undertake other supervisory roles in the absence of the adults concerned.
- Church premises are made available to organisations which work with children, young people and protected adults e.g. dance clubs, uniformed groups, AA etc. They should only be authorised to do so if they have evidence to satisfy the Parish Priest/Parish Safeguarding Coordinator that they have safeguarding measures in place in their organisation, including recruitment procedures for their leaders and helpers and that references and PVG checks have been carried out.

1.2.3.7 **These lists are not exclusive there may be others. The responsibility of the Church to carry out PVG checks on people with whom children, young people and protected adults may come into contact is not unlimited; however, it is clear that such checks must comply with PVG legislation.**

2. THE RECRUITMENT PROCESS

2.1 **Step 1 - Description of Roles**

2.1.1 The Parish ensures that Role Descriptions are developed for all those who are in regular contact with children, young people and protected adults.

2.1.2 *Article 4 of the Code of Practice states "give all paid staff and volunteers clear roles".*

- ***Section 8 provides sample role descriptions.***
- ***Paid workers in parishes/congregations/organisations should have role descriptions that include clearly worded descriptions of their responsibilities.***
- ***Volunteers must be clear as to what is expected of them. The description of the role should be a meaningful document to those who are carrying out the role. This means writing down what is expected of them in their work with children, young people and protected adults.***
- ***Role description forms should be completed by existing staff and volunteers (if this has not already been done) as well as by new staff or volunteers when they take up their roles.***
- ***The Summary of Good Practice for Paid and Voluntary Workers sets out acceptable behaviour and that which is not acceptable. Each paid worker and volunteer should be issued with a copy.***

2.2 **Step 2 - Application Form**

2.2.1 All prospective workers and those transferring from and to such positions between Parishes must complete an application form, (see Section 8).

2.2.2 *Article 6 of the Code of Practice states "Treat all would be paid staff and volunteers as job applicants for any position involving contact with children, young people and protected adults.*

2.2.3 All existing workers with children, young people and protected adults should have signed an application form stressing that everyone is treated in the same way.

2.3 Step 3 - References

- 2.3.1 Two references must be requested for all applicants to work with children, young people and protected adults.
- 2.3.2 One reference should be from someone who has had the most recent experience of the applicant's work with children, young people and protected adults. If the person has never worked with children, young people or protected adults the reference should be from someone who could vouch for how the applicant related to children, young people and protected adults.
- 2.3.3 A sample Reference Request Form and accompanying letter are included in Section 8.
- 2.3.4 *Article 7* of the *Code of Practice* states "Gain two references from persons who have experience of the applicant's paid work or volunteering with children, young people and protected adults.
- 2.3.5 If replies are vague or ambiguous it may be necessary for them to be followed up in person or by telephone.
- 2.3.6 References should be handled in an open and accountable manner.

2.4 Step 4 - Interview

- 2.4.1 *Article 8* of the *Code of Practice* states that a Parish should "explore every applicant's experience of working or contact with children, young people and protected adults in an interview before appointment".
- 2.4.2 Interviews for volunteering in the Church should be informal and conducted like a conversation in a relaxed and inclusive manner.
- 2.4.3 The purpose of the volunteer interview is to:-
- ***explore the would be volunteer's experience of working with children, young people and protected adults drawing upon the information on the applicant's signed application form;***
 - ***identify the volunteer's training and support needs;***
 - ***answering any questions or concerns the volunteer may have about their role in the organisation.***

2.4.4 A note of the date of the interview, details of the interviewer(s) should be kept with the application form together with any issues which the interviewer felt worthy of note.

**2.5 Step 5 - Completion of PVG Application
- Completion of a Self-Declaration Form**

2.5.1 *Article 9 of the Code of Practice states that you “find out whether an applicant has any convictions for criminal offences against children, young people and protected adults”.*

2.5.2 The Church requests PVG Scheme checks for all paid and voluntary staff.

2.5.3 The Church applies for these for voluntary workers through Volunteer Scotland Disclosure Services (VSDS) and they act as the Church’s agent with Disclosure Scotland.

2.5.4 The Role of the National Collator and the Diocese in relation to PVG Checks:-

- ***The Dioceses assist the National Safeguarding Coordinator to obtain the relevant information to enable a PVG Check to be processed through VSDS.***
- ***Only personnel approved by the National Collator/Diocese can assist in this process. Dioceses appoint Co-signatories and I.D. Verifiers to help with this process.***
- ***The applicant is provided with a copy of the PVG Scheme Application Form together with guidance for completing it and a copy of the Self Declaration Form.***
- ***The role of the Co-signatory /I.D. Verifier is to ensure that the PVG Scheme Application is completed appropriately and to verify the evidence provided by the applicant concerning identity.***
- ***Once the PVG Scheme application process has been completed written notification will be sent to the appropriate member of personnel.***
- ***The applicant receives a certificate from Disclosure Scotland.***

2.5.5 All applicants are asked to complete a **Self-Declaration Form** (see Section 8), returning it in a separate, sealed envelope to the appropriate person appointed by the Diocese. The applicant is asked to declare all convictions, warnings etc., however old, at this stage in the application process. Having a 'spent' or 'unspent' conviction will not automatically bar an individual from working in a 'child care' or 'protected adult' post.

2.6 Step 6 - Appointing a Person in a 'Child Care' or 'Protected Adult' Position

2.6.1 Where all necessary documents have been processed and returned with satisfactory outcomes the applicant will be notified and can then take up post. The Parish Safeguarding Coordinator and the Parish Priest will be informed of the outcome.

2.6.2 There will be a probationary period for newly appointed workers. New appointees should work with an experienced person initially. After three months a further interview should take place between the new worker and the leader of the activity/Parish Priest. At that meeting the new worker and the parish representative agree whether or not the person is suited to the activity and the person states whether they wish to continue.

2.6.3 *Article 10 of the Code of Practice* states "Make paid and voluntary appointments conditional on the completion of a probationary period."

2.7 Supervision of 'Child Care' or 'Protected Adult' Workers

2.7.1 Supervision is an extremely important aspect of managing volunteers/paid workers.

2.7.2 *Article 5 of the Code of Practice* states that parishes should "use supervision as a means of protecting children, young people and protected adults".

2.7.3 As a matter of good practice all parish groups should have regular opportunities to meet to discuss how new people are managing and to provide encouragement, support and training.

- 2.7.4 Good systems of supervision are essential in establishing and maintaining a non-abusive culture within the Church community.

- 2.7.5 The Parish Safeguarding Coordinator should meet with the leaders who work with children, young people and/or protected adults on a regular basis.

3. RECRUITMENT PROCESS - SUMMARY

- 3.1 The following is a summary of the recruitment process which must be carried out for all appointments as 'Child Care' and 'Protected Adults' workers.
- 3.2 Parishes must ensure that these recruitment procedures are adhered to:-

Step 1	Role Descriptions are developed for everyone.
Step 2	Prospective workers are asked to complete an Application Form. Existing workers transferring to another Parish and to a new post are asked to complete an Application Form.
Step 3	Two references are requested for prospective Workers. Where a worker is transferring between Parishes references can be obtained from the respective parish.
Step 4	Prospective Worker is interviewed. Where a Worker is transferring between Parishes he/she should be interviewed prior to being appointed to the new post.

Step 5	<p>A PVG Scheme Record is requested for the worker before he/she is appointed.</p> <p>The Applicant is also asked to complete a Declaration Form.</p> <p>Where a worker is transferring between Parishes and to a new post, the applicant has to apply for an Update to their PVG Membership and completes an 'Existing PVG Membership' application.</p>
Step 6	<p>The appropriate representative of the Diocesan Safeguarding Advisory Group should ensure that each Parish Priest/Parish Safeguarding Coordinator is notified of clearance of an appointment.</p>

4. PVG SCHEME APPEALS PROCEDURE

4.1 *Grounds of Appeal*

- 4.1.1 Where it is considered by the Diocesan Risk Assessment and Management Team (following submission of an application in terms of *Part V of the Police Act 1997* and consideration of the PVG information supplied by Disclosure Scotland) that an applicant is not suitable to work with children or protected adults in the Church, he/she has a right to appeal that decision.
- 4.1.2 Any appeal must relate to the fairness of the decision in all circumstances of the case e.g. that it was not made in-keeping with relevant Bishops' Conference of Scotland Safeguarding policies.
- 4.1.3 Any disagreement as to the contents of the PVG Scheme information itself cannot be the subject of an appeal under this procedure and should be taken up by the applicant with Disclosure Scotland, through the procedures established by that body.

4.2 *Process of Appeal*

- 4.2.1 It is hoped that most concerns will be easily resolved via discussion between staff of the Diocesan Office and the applicant. However, where this informal system fails to achieve a resolution, the applicant is entitled to have the matter independently re-assessed through the following procedures:
- The applicant should contact the Diocesan Safeguarding Adviser by telephone to discuss, confidentially, their complaint.
 - If the applicant remains dissatisfied, he/she should contact the Diocesan Safeguarding Adviser in writing.
 - The Diocesan Safeguarding Adviser will respond in writing within 10 working days, explaining the reasons for the decision and how it was made. All decisions require to have been made in accordance with existing criteria, details of which will also be made available to the applicant.

- If the applicant remains dissatisfied, he/she shall be entitled to require an independent review of the decision. Such a review must be initiated by the applicant intimating his/her wish to appeal the decision by writing to the Solicitor of the Diocese (via the Diocesan Safeguarding Adviser) within three calendar months of the date on which the decision was intimated to the applicant.
- The appeal will be undertaken by a Diocesan Appeal Group comprising of three persons selected by the Solicitor composed of persons with safeguarding and related experience. Having due regard to the need to ensure independent scrutiny of any appeal, none of the panel shall be current or former employees of any of the employing agencies of the Church. The Appeal Group will be serviced by the Diocesan Solicitor.
- The applicant will be notified of the Appeal Group's decision, in writing, normally within four weeks of the written appeal being received by the Diocesan Solicitor.
- The Appeal Group will also notify the Diocesan Office of its decision. The Diocesan Office will take any necessary action, in line with the Group's decision.
- The decision of the Group will be final.

5. DATA PROTECTION POLICY

5.1 *The Data Protection Act 1998*

“The Act covers how personal information about living identifiable people is to be protected. All organisations that hold or process personal data must comply. The Act requires that data is gathered and processed fairly, is held securely and is used solely for the purpose for which it was collated”.

*Extracted from Protecting Children and Young People:
Framework for Standards*

5.2 *The Rules of Good Information Handling – the Principles*

5.2.1 Anyone in the Church processing personal data must comply with the eight enforceable principles of good practice. Data must be:-

- *fairly and lawfully processed;*
- *processed for limited purposes and not in any manner incompatible with those purposes;*
- *adequate, relevant and not excessive;*
- *accurate;*
- *not kept longer than is necessary;*
- *processed in line with the data subject’s rights;*
- *secure;*
- *not transferred to countries without adequate protection.*

5.2.2 Personal data covers both facts and opinions about the individual.

5.3 Complying with Data Protection Principles

5.3.1 In order to comply with the Act:-

- ***No personal data should be obtained or held unless the individual has given consent.***
- ***Do not use data obtained for one purpose for a different purpose.***
- ***Do not collect information about individuals which is not necessary for the purpose intended.***
- ***If data is kept for a considerable length of time it must be reviewed and if necessary updated.***
- ***There should be regular reviews of files containing data to ensure that it is not kept for longer than required for the particular purpose.***
- ***You should always consider the rights of the individual in respect of their data. These are, briefly, that consent should be obtained if data is kept and used for any purpose; that individuals are entitled to know what data is kept about them and that no personal data must be disclosed to anyone outside or inside the Church/organisation who does not strictly need to know, without the individual's consent.***
- ***Personal data must be kept in a secure place, for example, in a filing cabinet which can be locked or in a room which can be locked when unoccupied.***
- ***No data can be transferred, even for a legitimate purpose, outside of the EEA (European Economic Area – most of Europe) without the consent of the individual.***

5.4 *Data Protection, Human Rights and Safeguarding*

- 5.4.1 Where disclosing information might place someone at risk then safeguarding protection considerations take precedence over data protection. In certain circumstances the Data Protection Act allows for disclosure of information without the consent of the subject, including for the prevention or detection of crime, or the apprehension or prosecution of offenders.
- 5.4.2 Everyone has the right to be protected from harm. Information relating to concerns that someone is at risk of significant harm should always be shared on a 'need to know' basis. Contact should be made with the Statutory Authorities for advice.
- 5.4.3 For further information – ***www.dataprotection.gov.uk***.