

The Educational Institute of Scotland

PVG Systems

Introduction

1.1 The following resolution was approved by the 2013 AGM:

“This AGM calls on Councils to interrogate Scottish Councils on their preparedness for the full introduction of the PVG system in Scotland.”

1.2 The Committee sought information from Scottish Councils. A summary of the responses is appended (Appendix A).

Protection of Vulnerable Groups Legislation

2.1 The Protection of Vulnerable Groups (Scotland) Act in 2007 led to the development of the PVG scheme from 28 February 2011. From that date PVG scheme membership is required for those who work with children or with protected adults. A vetting check is undertaken and vetting information may include details on convictions, relevant non-conviction information, registration under the Sexual Offences Act 2003 and civil orders (*viz* Risk of Sexual Harm Order, Sexual Offences Prevention Order, Notification Order and Foreign Travel Order). If unsuitable, individuals are barred from working with children or adults and placed on one or both lists.

2.2 From October 2012 employers in Scotland commenced undertaking retrospective checks on current employees. There is a three year period for all employees who undertake regulated work to be scheme members.

2.3 Scheme membership costs £59. Once an employee has scheme membership but changes post or employer a scheme membership update is required. This costs £18. If an employer sought additional information following a scheme update an employer can request a Scheme Record for £41.

2.4 The Regulations which set out the requirement for retrospective checks was silent regarding scheme membership payment. While the Scottish Government waived fees for those undertaking voluntary work it was silent on payment for those in employment. This is a matter for each employer which requires to regulate certain staff.

2.5 From October 2015 any current teacher who does not become a PVG scheme member will face a statutory bar on employment and is likely to be fairly dismissed.

2.6 Arising from this the EIS will have to advise members who have hitherto withheld payment in certain Council areas to commence the process to secure scheme membership.

Responses from Scottish Councils

- 3.1 A summary of responses is appended.
- 3.2 It is understood that only 4 Scottish Councils are requiring Scheme membership payments from teachers. East Ayrshire and Falkirk Councils wish all teachers currently employed to pay. Clackmannan and Stirling Councils are asking those earning over £30,000 to pay, Scottish Borders has still not decided in January whether teachers will pay.
- 3.3 Only 4 Councils at October 2013 Scottish Borders, East Renfrewshire, East Ayrshire and South Ayrshire appears not to have commenced the PVG process for teachers. All others have progressed a phased programme.
- 3.4 The vast majority of Councils requires those who move internally (e.g. for promotion) to pay a PVG scheme membership or scheme update.

Conclusion

- 4.1 It is likely that the majority of Scottish Councils are in line to complete the retrospective checking of teachers by October 2015.
- 4.2 However, in some Council areas, the PVG process appears not to have commenced the process almost 15 months into the 36 month period.
- 4.3 In some Councils the rate of implementation has been delayed by the insistence of certain Councils that teachers should pay for checks.

Appendix A

COUNCIL	PAYMENT FOR EXISTING EMPLOYERS	PROGRESS
Aberdeen City	Council	There are currently 208 retrospective checks for schools in the system; approximately 90 school checks are being undertaken each month
Aberdeenshire	Council	School Board Staff almost complete.
Angus	Council	S&T school staff complete
Argyll and Bute		
Clackmannanshire	Teachers earning over £30,000	2/3 of school staff. Others resisting on "TU advice"
Dumfries & Galloway	Council	900 teaching staff
Dundee		
East Ayrshire	Teachers (payment spread over 12 months)	None to October 2013. Rolling programme from then.
East Dunbartonshire	Council	80 (at October)
East Lothian	Council	190 (at October)
East Renfrewshire	Council	None to October 2013
Edinburgh	Council	First phase to be completed December 2013. Completion - January 2015
Falkirk		
Fife	Council	Monthly quota system
Glasgow		
Highland	Council	1116 teachers (at October)
Inverclyde	Council	972 staff, in
Midlothian	Council	Council has retrospectively PVG checked all teachers moving posts internally within the Council eg teachers moving from Permanent to another Permanent Post.
Moray	Council	310 in October. Expectation of completion in current financial years
North Ayrshire	Council	257 teachers (at October)
North Lanarkshire		
Orkney	Council	3 year rolling programme
Perth and Kinross	Council	120 (at October) with Disclosure Scotland; 472 pending
Renfrewshire	Council	306 (at end of September)
Scottish Borders	No decision (October)	None to date

Shetland	Council	137 (at October) 299 still to be checked
South Ayrshire	Council	None at November
South Lanarkshire	Council	690 teachers at November 2013
Stirling	Teachers earning over £30,000 must pay for their checks	Stirling Council have recruited a member of staff to undertake the migration programme on school based staff.
West Dunbartonshire		
Western Isles		
West Lothian	Council	50% of teaching staff in October 2013