



**CAMANACHD
ASSOCIATION**
COMANN NA CAMANACHD

**THE GOVERNING
BODY FOR SHINTY**

PVG AND SUITABILITY DECISION MAKING PROCEDURES

As part of a Safer Recruitment Process

Camanachd Association Safe Recruitment Policy
2024

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Introduction

The Camanachd Association is committed to ensure there is safe recruitment throughout the organisation, Clubs and Associations.

As part of the safer recruitment process, all those working or volunteering with children and young people are required to become members of the Protection of Vulnerable Groups (PVG) Scheme.

The Camanachd Association is a registered body with Disclosure Scotland (DS). This allows the organisation to apply for PVG membership for individuals who require to undertake a regulated role directly with the organisation or with one of our affiliated Clubs and Associations.

During the PVG application process, the Camanachd Association is required to assess any information returned on an individual's PVG disclosure and, if necessary, involve the Club/Association in making a suitability decision for that individual to be employed in the role for which they have applied for.

Safeguarding is everybody's responsibility and as an organisation we are committed to adopt best practice, develop our policies and procedures. This is to ensure our sport is a safe and inclusive environment that actively looks to reduce risk, prevent harm and keep children and young people safe.

This document will outline the new PVG process for all affiliated clubs and Associations to follow and, the roles & responsibilities of all those involved in the Suitability Decision Making.

Guidance and Legislation

The Camanachd Association Safe Recruitment Policy and supporting procedures are informed and based on the following legalisation and guidance.

- Camanachd Association Wellbeing and Protection Policy – BYELAW 6
- Children (Scotland) Act 1995
- Criminal Procedure (Scotland) Act 1995
- Police Act 1997
- Sex Offenders Act 1997
- Human Rights Act 1998
- Data Protection Act 1998
- 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 Exceptions (Scotland) order 2003
- Protection of Children (Scotland) Act 2003
- Protection of Vulnerable Groups (Scotland) Act 2007
- Disclosure (Scotland) Act 2020

Roles & Responsibilities

The Camanachd Association is a registered body with Disclosure Scotland for the purpose of accessing PVG disclosure Records.

For effective implementation following the update on Safe recruitment the Camanachd Association will provide the updated processes, policy and oversight of PVG administration to all affiliated Clubs and Associations. The Camanachd Association is committed to support and work in partnership with clubs and individuals in regulated roles throughout our sport.

The Camanachd Association will:

- Ensure all those carrying out regulated roles in the organisation or Clubs are PVG members.
- Access PVG disclosure records on behalf of the affiliated Club and Associations.
- Submit PVG applications to Disclosure Scotland.
- Manage and store PVG disclosure records in line with the Code of Practice.
- Act and make informed suitability decisions in relation to disclosure records for individuals applying to do regulated roles with Children within the organisation or in our affiliated Clubs/Associations.
- Communicate to Clubs/Associations the outcome of PVG disclosure records and Suitability Decision made.
- Ensure any individual barred from Regulated Roles are not appointed to regulated work with children within the organisation or any affiliated club/Association.
- Receive barring information from Disclosure Scotland relevant to an individual carrying out Regulated Roles within the organisation or affiliated club, take appropriate action to remove them and begin requisite disciplinary proceedings.
- Provide Clubs/Associations with guidance and support 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 Camanachd Association Safer Recruitment Policy.
- Provide and implement procedures, support and guidance to help safeguard all participants in shinty.
- Strive to ensure all Child Protection Officers (CPOs) understand their roles and responsibilities in respect of safe recruitment, including the PVG Scheme.
- Provide safeguarding training and support to CPOs and affiliated Club Committees.
- Make referrals to Disclosure Scotland when required and support Clubs with their obligations to refer.
- Monitor the operation of this updated Policy and procedures.

Affiliated Clubs and Associations will:

The role of the Clubs and Associations is to ensure that they use the Safe Recruitment Process for individuals who are offered regulated roles with children or vulnerable adults. Through this process the club CPO is also responsible for administering the PVG scheme for their members.

PVG Application Request Process

The Club/Association must:

- Ensure appointment of Child Protection Officer (CPO).
- Complete and Return the Camanachd Association Club PVG Processing Contract & Suitability Agreement.

- Adopt the Camanachd Association Wellbeing & Protection Policy.
- Adhere to the Safe Recruitment Policy, this includes:
 - ID Checks
 - PVG (for those in regulated roles)
 - References (if considered appropriate)
 - Interviews (if considered appropriate)
- Adopt the Secure Data Handling Policy
- Ensure everyone in regulated roles undertake appropriate Safeguarding Training (Child Wellbeing & Protection in Sport) and renews training every three years.
- Support the club CPO to carry out their duties in this area.
- Apply for PVG Scheme membership for those undertaking regulated roles at their Club/Association.
- Only proceed with the appointment of those in regulated roles in line with the suitability decision from Camanachd Association.
- Implement any recommendation of Camanachd Association relating to Safer Recruitment.
- Adherer to the PVG referrals Policy (end of Policy) and make any referrals in line with PVG legislation.

Child Protection Officer and any other club/Association PVG processors

The CPO may not be responsible for carrying out all elements of the Safe Recruitment process, however, they are responsible for ensuring the Club/Association undertakes the process and for confirming this process has been undertaken to the Camanachd Association when making a PVG application request.

The role of the Child Protection Officer is:

- Complete and Return ID Checker/CPO Agreement.
- Undertakes both Child Wellbeing and Protection in Sport (CWPS) and Child Wellbeing and Protection Officer Training (CWPO).
- Carry out the administration of PVG application on behalf of the club.
- Correctly identify regulated roles with children within the club in collaboration with Camanachd Association.
- Correctly check individuals ID for the purpose of the disclosure record application.
- Complete and submit the Camanachd Association PVG Request Form.
- Ensure applicants complete the online application sent from Disclosure Scotland via email link, within 14 days of receiving.
- Resubmit PVG application requests for those whose initial application request has expired, so a new link can be sent out.
- Receive the Suitability Decision from the Camanachd Association and carry out relevant actions.
- Store information confidentially.
- Provide the name of those who have stopped working in regulated roles to the Camanachd Association for de-linking of their PVG.
- Report any person removed from a regulated role due to their inappropriate conduct with the Camanachd Association responding to concerns process.

- Where a person is removed from a Regulated Role and the standard for referral has been met inform the Camanachd Association and either assist with the referral or make the referral directly as required.

The Individual PVG Applicant will:

- Complete the PVG information sharing consent form & application, to provide consent for the Camanachd Association to commence a PVG request on their behalf.
 - NB consent can be withdrawn. If permission 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.
- Provide appropriate ID to club CPO for verification.
- 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 CPO 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 Disclosure Scotland, your Club and the Camanachd Association (informing them if these change).
 - You are required to promptly disclose of 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, or vulnerable adults to ensure the safety and well-being of those under our care.
 - If you leave your role or stop doing regulated work and no longer need a PVG, you are free to leave the scheme. You should contact Disclosure Scotland if you want to leave the scheme. You can find out more about this on the Disclosure Scotland website at: [Manage your PVG membership - mygov.scot](https://www.mygov.scot/manage-your-pvg-membership)

Regulated Roles

Regulated Roles is the new term for what was previously called regulated work. Roles can be:

1. Paid or Unpaid
2. With children or protected adults, where an individual has an agreed normal duty to care for, train, supervise or be in sole charge of that group.
3. Individuals who have a responsibility to manage or supervise those who are carrying out regulated work with children are also doing regulated work.

The main positions agreed for the Camanachd Association as being regulated roles (therefore require a PVG membership) are as follows:

- Child Protection Officer
- Coach
- Parent Helper
- Development Officer
- Youth Committee Board Members
- CA Board Members
- Youth Coordinators
- Those with managerial responsibilities for individuals in regulated roles such as the above positions should also complete a PVG application.

NB: Any role not on the above list that directly supervises children, or you believe might need a PVG, contact the Camanachd Association to have the role assessed.

The PVG Process

Prior to applying for a PVG, the affiliated Club/Association should adopt all necessary policies and procedures:

- Safer Recruitment Policy - PVG and Suitability Decision Maker Procedure
- Wellbeing and Protection Policy
- Secure Data Handling Policy
- PVG Referrals Policy
- Club PVG Processing Contract and suitability Agreement
- ID Checker Agreement

PVG Application Process

1. The club recruits the applicant using the Clubs Safer Recruitment Process.
2. The club CPO send applicant online link.
 - The applicant completes the **PVG Information Consent Sharing Agreement & online PVG Application** to Camanachd Association.
3. The Camanachd Association receive the application and notify the Club CPO to meet with the applicant and verifies their ID.
4. The CPO completes the **ID Verification Form** and submits to Camanachd Association.
5. The Camanachd Association **submit the PVG application to Volunteer Scotland Disclosure Services (VSDS)**.
6. Disclosure Scotland (DS) send an email link to the **applicant to create/log into their ScotAccount to verify ID and complete their application** and update any details if incorrect – check junk/spam mail for email link.
 - Links expire within 14 days and require a resubmission after this time. Please note the link may take up to two weeks to be sent.
7. **DS undertake disclosure checks and issue PVG Certificate to applicant.**
 - The individual receives the PVG certificate up to two weeks before it is received by Camanachd Association. This is to allow the applicant time to review the information returned and to contact DS directly if there are any errors on the certificate.
8. DS Issue certificate to the Camanachd Association. **The Camanachd Association asses the PVG Certificate** and any information returned and **make a Suitability Decision** (Clubs may be involved in this step, depending on the information received).
9. The Camanachd Association **inform the Club of suitability decision** and further actions.

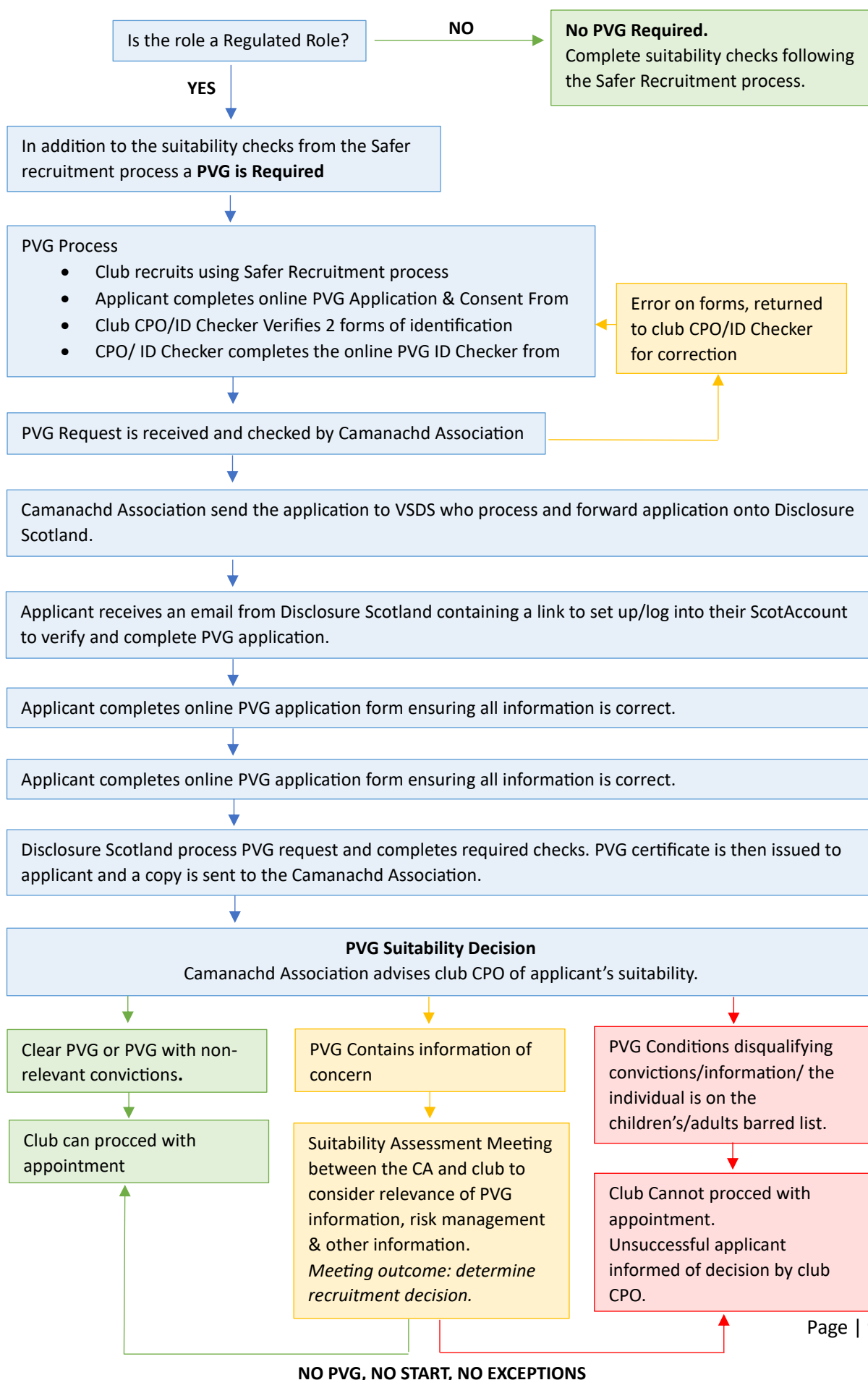
NB: The individual will receive a copy of their PVG Disclosure Certificate. Clubs would not normally get to see the PVG certificate unless the individual wishes to show them a copy. **Clubs can take a note of the following information only:**

- Date of Issue
- PVG disclosure certificate number (on the top right-hand corner of certificate)
- PVG Scheme Membership Number (on left hand side under the applicant's date of birth)

The Camanachd Association will inform the club CPO when we have received an individual's PVG certificate.

NO PVG, NO START, NO EXCEPTIONS

PVG Process & Overview of the Suitability Decision



The Suitability Decision Making Process

On receipt of the PVG disclosure, the Camanachd Association will assess the information it contains and identify if a suitability decision can be made or if any further information is required.

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 the Camanachd Association will fall into 1 of 3 outcomes:

1. The PVG check is satisfactory, and the club proceed with the appointment.
 - This applies to PVG certificates that are clear or 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, therefore, the club cannot proceed with the appointment. This person will be disqualified from working in a regulated role within a Camanachd Association affiliated club (whether paid or unpaid).
 - The PVG certificate contains relevant convictions or relevant non conviction information or indicates the individual is listed as barred from working with children or vulnerable adults, or both.
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 certificates that indicate a member is under consideration for listing this person will be disqualified from working in a regulated role with children within a Paddle Scotland registered club (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.

Information Gathering Process

If there is insufficient information to make a suitability decision, the Camanachd Association will follow the process below to gather any necessary information.

The Camanachd Association Child Protection and Welfare Officer will:

1. Speak to the applicant about the information to establish, where applicable, the following:
 - a. What were the circumstances that led to the offence being committed? (e.g. care experiences/domestic difficulties)
 - b. How have circumstances changed since the offence being committed?
 - c. How much damage/harm was inflicted onto the victim?
 - d. How responsible was the offender in the offence? Did they act alone?
 - e. Was the offence premeditated or motivated by race/disability/sexuality?
 - f. Was a weapon used in the offence?
 - g. Was alcohol or drugs a factor in committing the offence? If yes, does the offender still use the substances or how have they addressed the substance abuse?
 - h. Did the offender abuse their position of power/trust when committing the offence?
 - i. Have they shown genuine remorse and a good character?

- j. Are there any other factors involved such as medical condition, learning disabilities or lacking maturity?
- k. Why they want to take on the role?

If necessary, the Camanachd Association Child Protection and Welfare Officer will then:

- 2. Contact the Club/Association CPO, at this point the information contained on the PVG may be share with them. The club CPO will be asked to share information from the Safer Recruitment Process:
 - a. 2x References
 - b. Relevant information from interview
 - c. Other checks. E.g. social media or qualifications etc.

Additional information about the Club risk assessment and personal management process may also be gathered; to help consider if risk identified can be safely managed.

The Camanachd Association Safeguarding team will then call a Suitability Assessment Meeting.

Suitability Assessment Meeting

If required a Suitability Assessment Meeting is carried out by Camanachd Association 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.

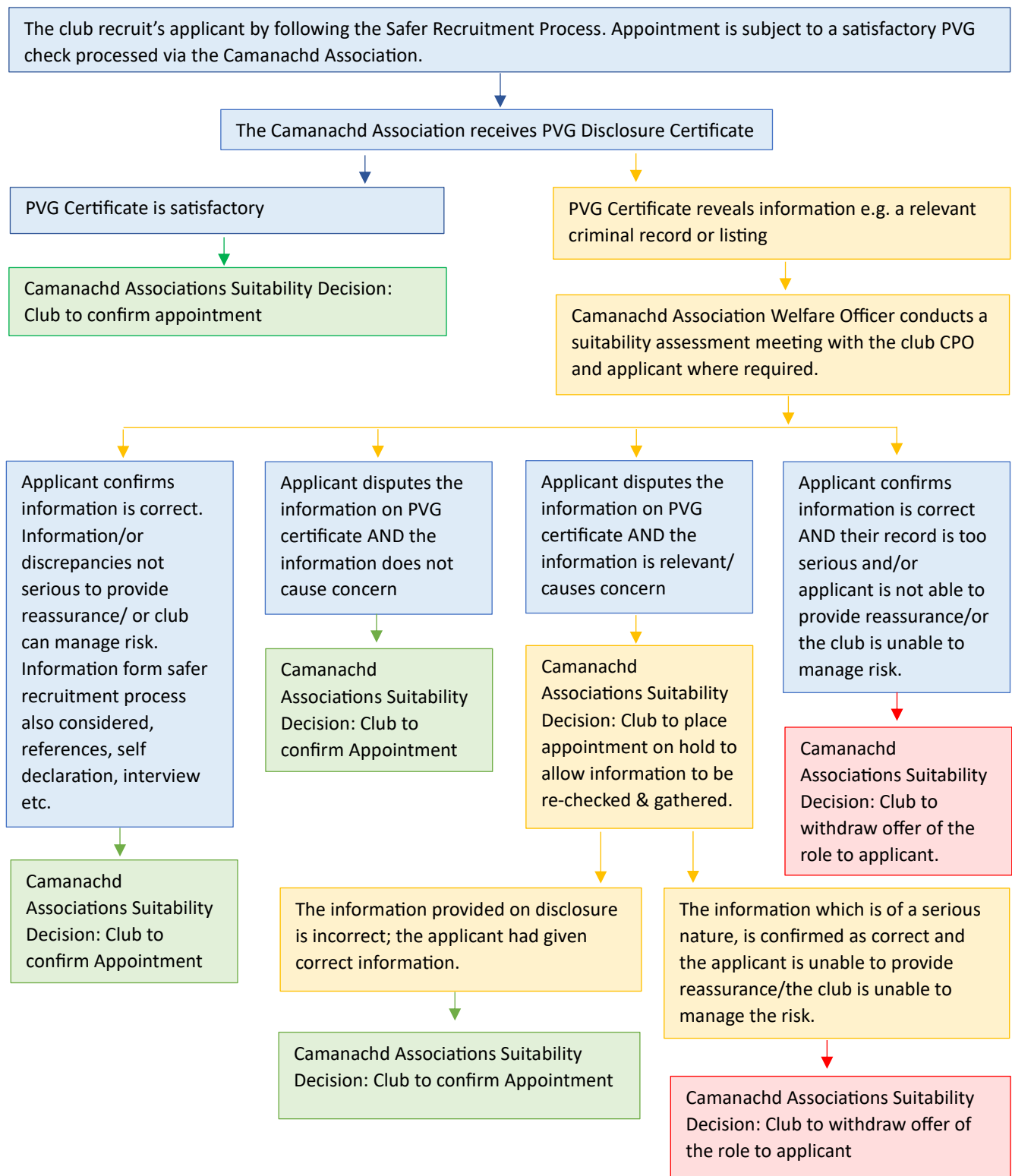
The meeting may involve members of the club who would manage the applicant in their regulated role. The club CPO will be contacted, and the information contained on the PVG will be shared with them. The CPO will share the information the club gathered as part of the safer recruitment process. Any additional information from the club will be gathered to help consider if an identified risk can be safely managed.

The applicant will be 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 the three 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.
- The club cannot progress with the appointment and the recruitment is terminated.

The Suitability Decision Making Process



NO PVG, NO START, NO EXCEPTIONS

Protection of Vulnerable Groups (Scotland) Act 2007: Referrals

The Protection of Vulnerable groups (Scotland) Act 2007, creates the framework to ensure that people who are known to be unsuitable, on the basis of past behaviour, cannot work or volunteer with children or protected adults (regulated work).

Disclosure Scotland and the Disclosure and Barring Service maintains lists of people barred from working with children and vulnerable adults in Scotland.

Making a Referral

The PVG Scheme requires organisations to make referrals to the Protection Unit at Disclosure Scotland in certain circumstances. If the Camanachd Association or a Club/Association permanently remove someone from regulated work, it needs to be decided if the reason(s) that they were removed means Disclosure Scotland need to be informed about what happened. This is called “Making a Referral”.

Circumstances to make a Referral

- Harmed a child/protected adult.
- Placed a child/protected adult at risk of harm.
- Engaged in inappropriate conduct involving pornography.
- Engaged in inappropriate conduct of a sexual nature involving a child/protected adult.
- Given inappropriate medical treatment to a child/protected adult.

AND as a result:

- The Camanachd Association has dismissed the member of staff or volunteer from organisation/affiliated Club.
- The staff member or volunteer has been transferred to a position in the organisation which is not regulated work with children or protected adults.
- The staff member/volunteer would have been dismissed or considered for dismissal where employment or volunteer role was not due to end at the expiry of a fixed contract.

The Camanachd Association and affiliated clubs have a legal responsibility to make a referral; it is a criminal offence not to make such a referral. This should be done within 3 months of making your decision to permanently remove/transferred away from regulated work.

The form for making a referral can be found on Disclosure Scotland’s website, along with instructions for completing the form.

[Making a referral to Disclosure Scotland - mygov.scot](https://www.mygov.scot/pvg-referrals) : <https://www.mygov.scot/pvg-referrals>

The Protection Unit can be contacted on [0300200040](tel:0300200040) if you need any further information/support.

Responsibility of making a Referral

When a club carry out a disciplinary action and make the decision to permanently remove someone from regulated work, the club is responsible for making the referral. This is the responsibility of the Club Chair/ President or Child Protection Officer. Throughout the procedure, the Camanachd Association will support the club through the process.

Where the Camanachd Association take disciplinary action which results in someone being removed from regulated work within the SGB or affiliated club, the Camanachd Association are responsible for making the referral.

Where it is necessary for our Sports Governing Body (Camanachd Association) to make a referral, this process will be carried out by **Alaina MacLennan, Welfare Officer**. In their absence, the referral process will be carried out by **Ronald Ross, National Development Manager**.

Considerations for Listing & Barring Notice – Action to be Taken.

If Disclosure Scotland notifies the Camanachd Association 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 the pre-judgement. In all cases of suspension, the welfare and safety of children/protected adults will be the paramount concern.

If Disclosure Scotland informs the Camanachd Association 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/protected adults immediately in line with the Protection of Vulnerable Groups (Scotland) Act 2007.

