

Human Resources  
Goireasan Daonna

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# Disclosure and PVG Scheme Guidance

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# Introduction

Disclosure Scotland is an executive agency of the Scottish Government responsible for supporting safer recruitment practices across Scotland. It plays a vital role in safeguarding children and protected adults by helping employers make informed decisions about the people they hire.

The agency provides key services including:

- Processing applications for Disclosure Checks.
- Administering the Protecting Vulnerable Groups (PVG) scheme.
- Maintaining lists of individuals who are barred from working with vulnerable groups.

As of 1 April 2025, new legal requirements introduced under the Disclosure (Scotland) Act 2020, make it a criminal offence for individuals to work in certain roles with vulnerable groups (children and/or protected adults) without being a member of the PVG scheme.

The legislation also introduces the concept of “regulated roles” replacing the previous term “regulated work” and expands the types of roles covered under the scheme.

As of 1st April 2025, the 4 disclosure types are:

- Level 1 disclosure
- Level 2 disclosure
- Level 2 with barred list disclosure
- PVG scheme (children, protected adults, children and protected adults)

The level of disclosure required is dependent on the role and level of job that an individual will undertake.

## Aim

This guidance aims to help employers, voluntary organisations and individuals understand their responsibilities under the updated disclosure framework and ensure they are meeting their legal obligations.

It is intended to support the Highland Council to make safer recruitment and placement decisions and assess the suitability of applicants and employees for positions of trust.

The guidance is designed to help determine the appropriate level of disclosure required for a given role. It includes information on whether a role qualifies as a regulated role and whether membership of the Protecting Vulnerable Groups (PVG) Scheme is legally required - whether the role is paid or unpaid.

## Guidance

### Scope

This guidance applies to:

- All staff involved in the recruitment, placement, or deployment of staff and volunteers.
- All applicants, employees, contractors, and volunteers who may be engaged in roles involving access to children and/or protected adults.
- Any role, whether paid or unpaid, that may fall under the definition of a regulated role as defined by the Disclosure (Scotland) Act 2020.

This Guidance details:

- The process for determining the appropriate level of disclosure check.
- Guidance on identifying regulated roles.
- Legal obligations related to PVG Scheme membership.
- Responsibilities of managers and HR personnel in ensuring compliance.

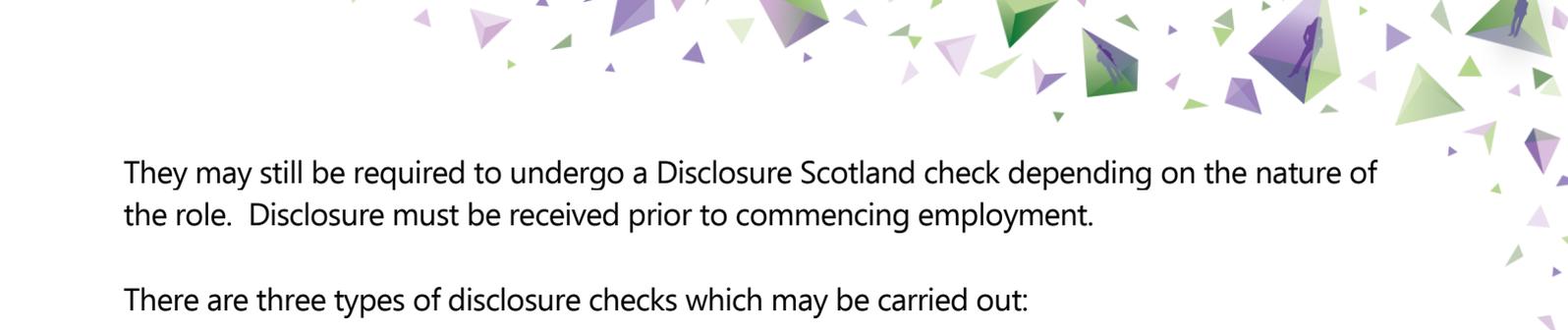
## Determining an Appropriate Level of Disclosure Check

Lead Officers should follow the updated framework introduced under the Disclosure (Scotland) Act 2020 from 1<sup>st</sup> April 2025. The previous system (Basic, Standard, Enhanced, PVG) has been replaced with a more streamlined structure.

Please visit [How disclosure levels changed - Disclosure Scotland](#) for further information.

### Level 1 and 2 Disclosure

Applicants who are not undertaking regulated work with vulnerable groups (e.g. children and/or protected adults) are not eligible to join the PVG Scheme.



They may still be required to undergo a Disclosure Scotland check depending on the nature of the role. Disclosure must be received prior to commencing employment.

There are three types of disclosure checks which may be carried out:

1. **Level 1 Disclosure** which shows unspent convictions only.
2. **Level 2 Disclosure** which includes unspent and certain spent convictions, relevant police information and other specified details.
3. **Level 2 Disclosure with Barred List Check** which includes all Level 2 information plus a check against the lists of individuals barred from working with children and/or protected adults.

## Level 1 Disclosure

Level 1 disclosure provides information about unspent convictions under the Rehabilitation of Offenders Act 1974. It is issued only to the applicant and is not specific to any job or role.

The Highland Council will cease the routine use of Level 1 disclosures from August 2025 as this basic check does not provide sufficient safeguarding information for most roles. However, the standard application form will continue to ask about unspent convictions.

In exceptional circumstances, a Level 1 check may still be requested after employment has commenced, for example if new information comes to light which raises concerns about an individual's criminal history. In such cases, the Highland Council will seek to verify the information with Disclosure Scotland.

## Level 2 Disclosure

Level 2 disclosure is available for roles that are excluded or exempt under the 2013 Order. It includes:

- Unspent convictions.
- Certain spent convictions (as defined by the Rehabilitation of Offenders Act 1974).
- Whether the individual is on the Sex Offenders Register.
  
- Or a statement confirming that there is no relevant information to disclose.

This level of disclosure is typically required for positions of trust or responsibility that do not involve regulated work with vulnerable groups.

Examples of Highland Council roles requiring Level 2 disclosure include Accountants, Solicitors, Parking Enforcement Officers and Licensing roles.

## Level 2 Disclosure with Barred List Check

This type of disclosure includes all the information provided in a Level 2 check, plus a check against the barred lists for working with children and/or protected adults. This is used within the Highland Council's Fostering and Adoption service for any person other than the householder aged 16 years or over and living in the house where a child is placed into foster care or adopted. This ensures that all individuals in the household are appropriately screened for safeguarding purposes.

## The Protected Vulnerable Groups (PVG) Scheme and Regulated Roles

The Disclosure (Scotland) Act 2020 (Disclosure Act) has introduced 'regulated roles', which define whether membership of the Protecting Vulnerable Groups scheme (the PVG scheme) is required for a particular role. This replaces the previous definition of 'regulated work' introduced by the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act).

The Protecting Vulnerable Groups (PVG) Scheme is a key safeguarding measure in Scotland. It helps ensure that individuals who may pose a risk to vulnerable groups are prevented from working with them. PVG scheme membership only applies to individuals aged 16 and over.

### What is a Regulated Role?

A regulated role refers to a paid or voluntary position that involves specific activities where the individual has regular or unsupervised contact with children and/or protected adults. A regulated role may also involve an individual having power or influence over decisions affecting children and/or protected adults.

The roles are legally defined under the Disclosure (Scotland) Act 2020.

Examples of regulated role types include, but are not limited to:

- Paid employment
- Work under a contract\*
- Unpaid work (e.g. volunteering\*\*)
- Foster care

\* Work under a contract includes a self-employed person who is working for an organisation by fulfilling a contract for services. That means the organisation offering the contract needs to complete a PVG scheme disclosure on the individual if it is a regulated role.

\*\*Volunteers who are still in school education within Highland are not required to have PVG scheme membership while they remain enrolled in the Highland Council's education system. However, if a school-age volunteer turns 16 yrs and leaves the Highland Council's education system but continues in the same volunteering role, they will be required to join the PVG scheme where the role is considered regulated.

Volunteers recruited at short notice to support regulated activities do not require PVG scheme membership provided they are supervised at all times while performing their duties. For example, if a male parent/carer is asked at short notice to assist with a one-off school trip due to an increased number of male pupils attending and they will be supervised throughout, a PVG scheme disclosure is not required.

## Understanding Regulated Roles – PVG Scheme Guidance

Job titles and duties vary widely therefore there is no exhaustive list of regulated roles, however Disclosure Scotland provides a sector [List of regulated roles](#) on their website.

Even if a role appears on this list, it must involve actual contact with children and/or protected adults to meet the legal definition of a regulated role, or the role involves the individual having power or influence over decisions affecting children and/or protected adults.

If your role is not listed, you should review the Disclosure Scotland guidance on regulated roles to assess whether PVG scheme membership is required. You may also wish to use Disclosure Scotland's online assessment tool to [check if a role needs PVG scheme membership](#)

Only individuals not barred from regulated work can join the PVG scheme. PVG scheme membership confirms that an individual is not barred from carrying out regulated work and is therefore eligible to undertake such roles within the Highland Council.

## Legal Requirements

From 1 April 2025, it is a legal requirement for anyone carrying out a regulated role with children or protected adults (whether paid or voluntary) to be a member of the PVG scheme.

It is a criminal offence for:

- An individual to undertake or agree to undertake a regulated role if they are barred from doing so.
- An individual to carry out a regulated role without PVG membership.
- An organisation to offer a regulated role to someone who is not a PVG member.

This includes trial sessions or similar arrangements - PVG scheme membership must be confirmed before any regulated activity begins.

## **Workers (paid/unpaid) no longer undertaking a regulated role**

The Highland Council should also notify Disclosure Scotland where an individual ceases to carry out a regulated role, e.g. an employee leaves their Highland Council post or, where someone with PVG membership is no longer available for relief or volunteer work.

## **Relief workers/volunteers and supply teachers**

Managers must inform [HR Transactions](#) or [Recruitment for Teachers](#) where they are aware of any relief/supply workers/volunteers that are no longer undertaking a regulated role with the Highland Council, for example, where an individual(s) with PVG membership is listed on a relief/casual/supply register but is no longer available for work.

Individual(s) should be removed from the relief register and HR Transactions should be informed to notify Disclosure Scotland to remove the Highland Council's registered interest in the individual(s), where there is no reason (e.g. the person is not leaving an additional regulated role, or they are a foster carer) to retain their membership. This would be confirmed prior to removal.

This ensures data protection compliance and prevents the Highland Council from receiving unnecessary information.

## **Highland Council employees**

There is no requirement for line managers to inform HR Transactions directly about an employee leaving their (regulated role) Highland Council post.

A Leaver form should be completed as normal and HR Transactions will ensure there is no reason for an individual to retain their PVG membership (e.g. to undertake relief work or where they are a foster carer), before notifying Disclosure Scotland to remove the Highland Council's registered interest in them.

## Career Breaks and secondments

Where an individual who is normally in a regulated role, is on a career break or seconded to a non-regulated role, the substantive line manager must contact [HR Transactions or Recruitment for Teachers](#) in order that they notify Disclosure Scotland that the individual is no longer undertaking a regulated role with the Highland Council where there is no other reason that requires them to retain their PVG membership.

## PVG Membership Renewal

A PVG renewal will be required on an individual's return to their regulated role with the Highland Council. Individuals may also be required to provide an overseas criminal record check, where they have lived/worked overseas during their absence e.g. during a career break.

A new application must be made for any employee who has returned to the Highland Councils employment after leaving, no matter how brief the break in service.

A new application must also be made for any employee who will be working with a new vulnerable group (i.e. they hold a PVG scheme record for a regulated role with children, but they are moving to a new role which requires the employee to work in a regulated role with protected adults or children and protected adults).

It is a condition of employment and is incorporated into contracts of employment that employees (who have been employed following a satisfactory Disclosure Scotland check or PVG Scheme Membership) must notify the Highland Council if they are either convicted of a criminal offence which may affect their suitability for their current post or, referred onto a list either Disqualified from Working with Children or Protected Adults. Failure to disclose a relevant conviction or referral on to such a list will be classed as gross misconduct under the Highland Council's Disciplinary Procedures.

## Data Handling

The Highland Council uses Disclosure Scotland information solely for the purpose for which it has been provided. The Highland Council processes personal data in line with data protection legislation and only with the express consent of the individual.

The Highland Council recognises that, under section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure Scotland information to any unauthorised person. The Highland Council, therefore, only pass on Disclosure Scotland information to those who are authorised to access it as part of their official duties.

## Access and Storage

The Highland Council does not keep Disclosure Scotland information on an individual's file. The Disclosure certificate number and PVG membership number are held centrally on Resourcelink (HR/Payroll system).

## Retention

Disclosure Scotland releases disclosure information to the Highland Council only after the applicant has given explicit consent. Once accessed, the Highland Council has 14 days to view the information.

The Highland Council does not keep Disclosure Scotland information any longer than is required after a recruitment (or any other relevant) decision has been made. In general, this is no longer than 90 days. This is to allow for the solution of any disputes or complaints.

Information will only be retained for longer than this period in exceptional circumstances and in consultation with Disclosure Scotland. The same conditions relating to secure storage and access will apply during any such period.

Individuals who are required to become a PVG scheme member should ensure that they retain their original Scheme Membership Statement and can produce it upon request.

## Disposal

Once the retention period has elapsed, The Highland Council will ensure that information produced by Disclosure Scotland is immediately destroyed in a secure manner i.e. by shredding it. The Highland Council will not retain any image or photocopy or any other form of the information.

The Highland Council will, however, keep a record of the date of issue of the disclosure/PVG statement, the name of the subject, the type of disclosure information requested, the position for which it was requested and the unique reference number.

## Overseas Criminal Record Checks

An overseas criminal record check is required for any individual applying to undertake a regulated role with the Highland Council who has lived or worked outside the UK, except in the following countries: Germany, Lithuania, Netherlands, Portugal, Romania, Hungary, Greece, France, Ireland, Italy, Spain, Poland;

This applies where the individual:

- Was aged 18yrs or over at the time.
- Lived or worked overseas for a (continuous) period of 3 months or more within the last 5 years.

Applicants are responsible for arranging the overseas check and covering any associated costs.

Where it is not possible to receive a Disclosure Scotland clearance for the periods of time candidates have lived/worked overseas, they must be asked specific questions about this period and whether they had any criminal convictions during this time abroad. In addition, if they have not listed a referee from overseas, they must supply a character or employer reference to cover this period. No decision should be taken to appoint until approval is given by the Service Assistant Chief Executive (ACE) in consultation with the Head of People or delegated officer.

For further information about the process for Lead Officers receiving and verifying overseas criminal record checks (where required), please read Highland Council's Recruitment and Selection guidance ([link](#))

## Roles and Responsibilities

The **Head of People** is the designated Lead Signatory and an appropriate number of counter signatories in the Highland Council are registered to administer the Disclosure Scotland process.

**Service lead officers** are responsible for verifying proof of identity i.e. at least 3 forms of identification should be provided e.g. birth certificate, passport, driving license or utility bill and at least one should be photographic, and one showing the current address dated within the last twelve months. The proof of identity (signed by the member of staff who saw the original I.D.) should be forwarded by the Service to the HR Transactions team for countersigning and processing. When the applicant receives their emailed application link from Disclosure Scotland, the Service should ensure the individual completes their form correctly and timeously.

The **HR Transactions team** are responsible for the administration of the Highland Council's Disclosure Scotland application process. This includes issuing Disclosure/PVG scheme request forms to managers, checking all appropriate identification, countersigning applications and sending them to Disclosure Scotland.



In addition, the HR Transactions team will liaise with HR and Disclosure Scotland where appropriate and will inform the Recruiting Manager of the contents of the PVG Scheme Record or disclosure.

HR Transactions are also responsible for the secure handling, storage, retention and disposal of all Disclosure Scotland information, as outlined above.

The **Recruiting Manager** is responsible for discussing any disclosure of criminal convictions on the Highland Council's application form with the applicant and to determine the next course of action. Managers are also responsible for making any decisions pertinent to their teams based on the information produced by Disclosure Scotland for any applicant.

**Service Assistant Chief Executives** and **HR** are a source of guidance and support for Recruiting Managers in making such decisions.

If there is a delay in receiving the PVG information, for example the applicant has challenged the information stated on their certificate with Disclosure Scotland or has not consented to share their disclosure results with the Highland Council, the manager should consult with HR to establish the impact on the recruitment process.

## Disclosure Application

All applicants will be asked to complete a disclosure or PVG scheme application form at the appropriate stage in the recruitment process.

All applicants will be asked to provide details of their unspent criminal convictions at an early stage in the recruitment process by completing the relevant section on the Highland Councils application form. On receipt of disclosure information from Disclosure Scotland, applicants must consent to viewing and [sharing this information](#) with the Highland Council by clicking on the Share button.

Photographs or copies of the information will not be sufficient to progress the application.

Applicants have up to 10 days to share their information with the Highland Council.

## Approval of Disclosure Certificates

Only once the applicant has consented to share their result with the Highland Council will the counter-signatory receive disclosure or PVG Scheme records for successful candidates.

HR Transactions will inform the Recruiting Manager of the receipt of a clear disclosure or PVG certificate. Should the disclosure or PVG result contain convictions, the counter-signatory will advise the relevant Head of Service to seek approval to proceed with the applicant's employment.

Where an applicant challenges information disclosed on their PVG certificate i.e. within 10 working days of receiving it from Disclosure Scotland, a copy of the certificate will **not** be sent to the Highland Council. The manager should contact the applicant to confirm that a certificate has not been received and request further clarification.

It is illegal for a person to undertake or to apply to do regulated work of the type from which they are barred and it is illegal for an organisation to employ them in such a capacity. Under the 2007 Act, the decision about whether a person is unsuitable to be a member of the PVG Scheme will be made by Disclosure Scotland (who check all applications for regulated work with children and/or protected adults against the lists held by Scottish Ministers and the equivalent lists held in England & Wales and Northern Ireland).

Whilst an individual may be lawfully engaged in regulated work on the basis of PVG Scheme membership, the Recruiting Manager will also need to consider any additional vetting information contained within their PVG disclosure record, which may otherwise be relevant to the specific role itself (for example, conviction for theft where the individual will be unsupervised and working in a vulnerable person's home), when reaching a recruitment decision.

For all internal changes/transfers, confirmation of the appointment will be made once the Highland Council has ensured that a current, satisfactory Disclosure or PVG record is on file. A PVG short scheme record may not be required for all role changes, for example if a teacher moves schools or is promoted to a principal teacher within the Highland Council area.

## Referrals

The Highland Council has a legal duty to report harmful behaviour to Disclosure Scotland. This duty applies whether the person is a member of the [PVG Scheme](#) or not.



This is known as making a “[Referral](#).”

The Highland Council must report harmful behaviour even if it takes place outside of work, or if the Highland Council only finds out about it after the person has left.

The duty also covers organisations who may not employ workers or volunteers directly, such as an employment agency. If the organisation is responsible for removing a person from a regulated role it must make a referral.

Referrals are important because they help protect children and vulnerable adults. When Disclosure Scotland receives a referral, it will consider if the person is unsuitable to work with these groups.

Highland Councils may find evidence of harmful behaviour during child and adult protection investigations. If it involves a person receiving care through self-directed support and no referral has been made, local authorities and health and social care partnerships can make a referral.

The Highland Council must make a referral if a person shows harmful behaviour and they:

- Are dismissed as a result.
- Would or might have been dismissed but left before they could be.
- Are permanently moved away from work with children and/or protected adults.

If any of these actions were taken, the organisation must make a referral to Disclosure Scotland within 3 months of making the decision.

If the Highland Council does not make a referral within 3 months, Disclosure Scotland will report the organisation to Police Scotland.

Please see further information from Disclosure Scotland covering [types of harm and harmful behaviour](#). You may find it helpful to read some [examples to help decide when to refer](#).

**HR must be informed prior to a manager submitting a referral to Disclosure Scotland.**

There is a helpful webinar on the [PVG Scheme Duty to Refer](#).

## Organisations using Highland Council Services for Regulated Activity

Highland Council Services must be satisfied that an organisation has appropriate vetting procedures in place where it:

Is offered free use of the Highland Council premises or open spaces to undertake activities with children and/or protected adults.

Is let premises, hard standing or parkland including sports fields for activities with children and/or protected adults.

All such organisations will be expected to adopt the [Highland Child protection Committee guidelines](#) and to implement an appropriate [Child Protection Policy](#) and procedures in accordance with this guidance.

The Highland Council will require third parties and voluntary groups carrying out activities under the auspices of the Highland Council or supported by the Highland Council, by grant or use of Highland Council premises, which involves significant or substantial contact with, or access to children and/or protected adults, to have in place procedures to record evidence that they have:

- Provided a full description of the activities proposed; A list of adults to be involved in coordinating and supervising activities; A complete personal profile on each person including the names and addresses of 2 referees who know them well and who have testified to their suitability for working with children, and that the appropriate reference checks (including verbal discussion) have taken place
- Confirmed and checked the possession of appropriate qualifications.

Responsibility for monitoring conformance of the above requirements lies with the relevant Service Assistant Chief Executive who will ensure that checks are carried out of the vetting records and procedures of a suitable sample of organisations on a regular basis.

Services should draw up a list of organisations and volunteers who are involved in providing services for children and/or protected adults on behalf of the Highland Council. It will be the responsibility of each Service to ensure its list of voluntary groups who have been vetted is kept up to date.

# Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

[HR Microsite](#)

[Disclosure Scotland](#)

[PVG Scheme](#)

[List of Regulated Roles](#)



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