



PVG Scheme and young people

For young people who are doing regulated work, there is no minimum age for joining the Scheme.

Where young people are being supervised doing work, the situation is slightly complicated (refer to Schedule 2 of the Protection of Vulnerable Groups (Scotland) Act 2007). What follows is an explanation of the activities which constitute regulated work, i.e. PART 2 of Schedule 2.

Under the PVG legislation, a child is under the age of 18. Anyone doing work with under-18s must, therefore, consider whether it is regulated work and therefore whether those doing it should join the PVG Scheme.

However, the legislation has been designed to in some cases exclude those working with children from regulated work where the children are themselves working. This is part of the intention behind the legislation for the protection afforded by it to be “proportionate”. The questions which need to be considered are:

- Is the work paid or voluntary?
- Is the child under 16 or not?
- Is the work “incidental” to work with people who are not children?

The table below summarises the situation for people working with children who are themselves engaged in work. The activities in the table will constitute regulated work.

	People working with children under 16	People working with children aged 16/17
Voluntary work	Caring (*) Teaching, instructing, supervising (*) Being in sole charge Unsupervised contact (2) Providing advice or guidance (*) (3)	No activities constitute regulated work
Paid work	Caring (*) Teaching, instructing, supervising (*) Providing advice or guidance (*) (3)	No activities constitute regulated work

So, someone in sole charge of young volunteers aged 16/17 is NOT in regulated work, but if the volunteers are under 16, regulated work is being done.

1. The activities marked with asterisk are subject to the “incidental test”.
2. Unsupervised contact with children must be under arrangements made by a responsible person, for example a parent or teacher.
3. Providing advice or guidance must relate to physical or emotional well-being, education or training.
4. The “incidental test” asks if the activity is incidental to the same activity being carried out with individuals who are not children. For example, if someone is supervising a group of workers, some of whom happen to be children, this would be incidental.

For further advice and guidance on this and other topics, please phone our Disclosure Services helpline 01786 849777.