

**Urgent Information -Disclosure
checks (PVG) Mandatory from 1st
April 2025**



Please find below important information from Disclosure Scotland **you must share this information with your employees** – If you want to discuss any of the following please contact Encompass.



A new law will come into force in April 2025 that will make it a legal requirement for Personal Assistants (solely in the context of self-directed support arrangements Direct Payments) to join the PVG scheme.

This update gives you everything you need to know to help prepare for the changes.

This is important legal information that impacts you as a Personal Assistant (PA) employer. Please take time to read this information and find out what it means for you.

The PVG scheme – Personal employers

The Protecting Vulnerable Groups (PVG) scheme has existed in Scotland since 2011. It is managed by Disclosure Scotland and helps make sure that people who are unsuitable to work with children and protected adults cannot work with these vulnerable groups.

If you offer someone a job as a Personal Assistant, you may ask them to join the PVG scheme. If they are already in the PVG scheme for another reason, you may still ask them for a statement confirming their PVG scheme membership.

Disclosure Scotland carries out criminal record checks when a Personal Assistant applies to the PVG scheme. It shares the results of these checks with the Personal Assistant and, in some circumstances, with you directly as their employer.

You can use this information to help decide if your prospective Personal Assistant is suitable for the role they are applying for.

What do the changes mean for Personal Assistants?

Currently, many Personal Assistant employers ask potential Personal Assistants to join the PVG scheme as it is good employer practice. Up until 1 April 2025, the PVG scheme is not mandatory.

A new law in Scotland, the Disclosure (Scotland) Act 2020, means that from 1 April 2025, Personal Assistants will be legally required to join the PVG scheme.

This is because Personal Assistants – **from 1 April 2025** - are doing what is called a 'regulated role' in supporting someone who may be vulnerable, for example, an elderly or disabled person, or a child.

It ensures that Personal Assistants who are unsuitable for a 'regulated role' are not given the opportunity to continue working with children or protected adults.

Do all Personal Assistants have to join the PVG scheme?

From 1 April 2025, most people working in Scotland as a Personal Assistant (solely in the context of self-directed support arrangements) will be legally required to join the PVG scheme.

This includes Personal Assistants who are employed by an individual employer, and self-employed Personal Assistants.

The only exceptions are:

- Where the Personal Assistant is carrying out the role as part of a family relationship. A 'family relationship' includes a relationship between two people who live in the same household and treat each other as though they were members of the same family.
- Where the Personal Assistant is carrying out the role as part of a personal relationship and where there is no commercial gain for the Personal Assistant, for example, they are not paid to work as a Personal Assistant.

When do the changes come into force?

It will be a legal requirement for Personal Assistants, who are not exempt, to join the PVG scheme from 1 April 2025. Many Personal Assistants will already be members of the PVG scheme so the change will not affect them.

What happens to me as the employer if my Personal Assistant doesn't join the PVG scheme by 1 April 2025?

It is the Personal Assistant's legal responsibility to join the PVG scheme if they want to continue in a 'regulated role'. As an employer, you cannot be held accountable if your Personal Assistant doesn't join the PVG scheme. If someone continues to work as a Personal Assistant (who do not meet the exceptions) after 1 April 2025 without joining the PVG scheme it is them, and not you as the personal employer, who will be breaking the law. The onus is on the Personal Assistant to ensure that they are a member of the PVG scheme. They will be breaking the law if they work in a 'regulated role' after 1 April 2025 without being a member of the PVG scheme.

Ensuring your Personal Assistant is a member of the PVG scheme confirms that you are not employing someone who has been deemed unsuitable for work with children and/or protected adults. This helps to safeguard you and/or the person receiving care.

Your Personal Assistant must join the PVG scheme by 1 April 2025 to prevent them from committing a criminal offence.

When do Personal Assistants need to apply to join the PVG scheme?

From 1 April 2025, Personal Assistants must be a member of the PVG scheme to carry out this role, unless they are exempt from this requirement due to a family or personal relationship as detailed above.

Personal Assistants should not wait until 1 April 2025 to join the PVG scheme if they are eligible to do so – they can join any time prior to 1 April 2025.

How do Personal Assistants join the PVG scheme or apply as an existing PVG scheme member?

Personal Assistants can apply to join now via the [Disclosure Scotland website](#).

What do I have to do as a Personal Assistant's employer?

You do not have to do anything. A Personal Assistant can join the PVG scheme, or apply as an existing PVG scheme member, without you being involved in the application process.

However, when the Personal Assistant applies for a PVG scheme membership, you can (if you wish) complete a part of the application form to add your own details and countersign the application. This means that you will get a copy of the results from Disclosure Scotland directly. There is no additional cost if you countersign the application.

What results will be shared with the Personal Assistant or me directly?

The Personal Assistant will receive a statement advising if they are barred from doing a regulated role, or if they are under consideration for listing, which means that Disclosure Scotland has been notified that they may be unsuitable for a 'regulated role'.

You will only receive a copy of the results if you have countersigned your Personal Assistant's application to join the PVG scheme or apply as an existing PVG scheme member.

How much does it cost to join the PVG scheme?

Applying to join the PVG scheme costs £59. However, if your Personal Assistant is already in the PVG scheme for another reason, to take on a Personal Assistant role they should apply for a Scheme Membership Statement, at a cost of £18. You can find full details of PVG scheme fees on Disclosure Scotland's website.

Who should pay for the PVG scheme check?

Either the employer or the Personal Assistant can pay Disclosure Scotland. The new law about the PVG scheme does not state who is responsible for paying the fee. If you receive funding from your local authority or Independent Living Fund (ILF) Scotland to employ Personal Assistants, you should discuss with your social worker, or ILF Scotland, whether the cost of carrying out a PVG check on your Personal Assistant is included in your budget.

How long does it take to process a PVG scheme application?

14 days.

What if my Personal Assistant is already a member of the PVG scheme?

If your Personal Assistant is already in the PVG scheme for another reason, you can still ask them for a copy of their Scheme Membership Statement confirming their PVG scheme membership.

Your Personal Assistant can apply for a Scheme Membership Statement via [Disclosure Scotland's website](#).

E: admin@encompassborders.com Website: www.encompassborders.com Borders Direct Payment

Agency trading as Encompass

Registered office as above | Registered in Scotland Company Number: 340729

Scottish Charity Number: SC039514 VAT Registration No: 232 9940 94

Encompass Unit 9 Ettrick Riverside, Dunsdale Road, Selkirk, TD7 5EB T: 01896 759700