



Glasgow Kelvin College

Equality Impact Assessment

**Policy and Procedure for Protection of Vulnerable Groups (PVG) and  
Criminal Record Checks**

**2019**

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**Title of Policy, Procedure or Practice:**

**Policy and Procedure for Protection of Vulnerable Groups (PVG) and Criminal Record Checks**

**Type of Policy, Procedure or Practice:**

New

Existing, Reviewed or Revised

**Team Leading Impact Assessment:**

Human Resources

**Lead Person:**

D Shiels

**Date of Assessment:**

June – November 2019

## Aims and Outcomes

**What are the intended aims / outcomes of the policy, procedure or practice? Who is the target audience and who is it intended to benefit?**

The aim of this Policy and Procedure is to assist the College to make safer recruitment and placement decisions and assess the suitability of applicants, staff, learners and members of the Board of Management, for positions of trust. The College is committed to the promotion of equality of opportunity and will endeavour to treat all staff, applicants for positions (staff and Board) and learners for placements who have a criminal record fairly. It will not discriminate unfairly against an individual on the basis of conviction or other information revealed. Glasgow Kelvin College will ensure fair and appropriate use of information disclosed through a Criminal History check.

## Evidence and Information

**What information has been used as the basis for this EIA?**

The Protection of Vulnerable Groups (Scotland) Act 2007;  
 The Police Act 1997 (Part V);  
 The Code of Practice published by the Scottish Ministers under section 122 of the Police Act 1997 (SG/2011/18) regarding the correct handling, use, storage, retention and disposal of disclosure information;  
 The Equality Act 2010;  
 The Data Protection Act 2018 and the General Data Protection Regulations 2018;  
 The College's Document Retention Policy; and  
 Other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of information

**Which individuals, groups or organisations representing protected characteristics have been involved in the undertaking of this assessment?**

Trade Union Unison  
Trade Union EIS (FELA);  
College Managers and Staff;  
College Legal Advisor;  
Learners;  
Safeguarding Team; and  
Disclosure Scotland

**What does the information indicate about potential positive, neutral or negative impacts for each protected characteristic?**

<b>Protected Characteristics</b>	<b>Potential Impact</b>
<b>Age</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of age. The policy and procedure is applied in accordance with the legislation.
<b>Disability</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of disability. The policy and procedure is applied in accordance with the legislation.
<b>Gender Reassignment</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of gender reassignment. The policy and procedure is applied in accordance with the legislation and is sensitive to the personal data disclosed by staff.
<b>Marriage and Civil Partnership</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of marital status. The policy and procedure is applied in accordance with the legislation.
<b>Pregnancy and Maternity</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective if the woman is pregnant or is/has been absent previously on maternity leave. The policy and procedure is applied in accordance with the legislation.
<b>Race</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of race. The policy and procedure is applied in accordance with the legislation.
<b>Religion or Belief</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of religion or belief identity. The policy and procedure is applied in accordance with the legislation.
<b>Sex</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of gender or gender identity. The policy and procedure is applied in accordance with the legislation.
<b>Sexual Orientation</b>	The Policy seeks to ensure the safety of children, young people and protected adults from harm, irrespective of sexual orientation. The policy and procedure is applied in accordance with the legislation.

**Are you able to reduce any potential negative impacts identified? If so, how?**

NA

**Compliance with General Equality Duty**

**Does the policy, procedure or practice comply with the three parts of the general duty?**

- **Eliminate discrimination, harassment and victimisation and other conduct prohibited by the [Equality Act \(2010\)](#)**
- **Foster good relations between people from different groups - this involves tackling prejudice and promoting understanding between people from different groups**
- **Advance equality of opportunity between people from different groups**

Yes  No

**If no, what arrangements could be implemented to better comply with the duty?**

**What is the EIA outcome?**

A positive impact is likely  A negative impact is not foreseen

A negative impact is likely  A negative impact is probable or certain

Are you able to introduce the policy, procedure or practice without changes? Yes  No

If no, what changes will you make before implementation?

### Action and Monitoring

What action will be taken, by whom and when?

Candidates made aware of requirement to join PVG scheme as part of recruitment campaign;  
 Policy issued to all new and existing staff to raise awareness;  
 Policy issued to all new staff as part of induction process;  
 Policy available on the intranet and internet;  
 Training for staff who handle PVG process for staff, Board of Management, contactors, service providers and learners;  
 Monitoring and reporting PVG process;  
 Partnership working with Disclosure Scotland; and  
 External Audits undertaken by Disclosure Scotland.

Once implemented how the policy will, procedure or practice be monitored?

Monitoring and evaluation lies with HR Team. Processes include:

- Recruitment and Selection procedure;
- Ensuring checks are carried out on staff every three years;
- Assisting with external audit when requested by Disclosure Scotland; and
- Spot checks for learner data by HR with Head of Faculty.

Signed: Doreen M Shiels

Date: 15.11.19

NB: Finalisation of central monitoring & identification of compound impact will be undertaken within Equalities Management. Please return to the EDI manager for approval by the EDI Committee

### Approval –

Signed – Monica McKerlie, Head of Learner Services      Date – 18.11.19

Name – Audrey Miller, Vice Principal HR and OD      Date – 18 November 2019

## **Appendix**

**Equality Act General Duty** requires colleges to have **due regard** to the need to:

**1. Eliminate**

- a) discrimination,
- b) harassment,
- c) victimization; or
- d) any other prohibited conduct

**2. Advance** equality of opportunity by

- a) removing or minimising disadvantage
- b) meeting the needs of particular groups that are different from the needs of others
- c) encouraging participation in public life

**3. Foster** good relations – tackle prejudice, promote understanding

**Protected Characteristics:**

- 1. Age
- 2. Disability
- 3. Gender Reassignment
- 4. Marriage And Civil Partnership (applies only in relation to (1a) discrimination in *employment*, not to students)
- 5. Pregnancy And Maternity
- 6. Race
- 7. Religion Or Belief
- 8. Sex/ Gender
- 9. Sexual Orientation.