



Call for Evidence on the Disclosure (Scotland) Bill

Introduction

Colleges Scotland is the collective voice for the college sector in Scotland, representing its interests and ensuring that colleges are at the heart of a world class education sector that is recognised, valued and available to all. Colleges Scotland, as the membership body, represents all 26 colleges in Scotland, which deliver both further education and around 26% of the provision of all higher education in Scotland.

As an organisation we welcome the call for evidence on the Disclosure (Scotland) Bill and the opportunity to respond to the Scottish Government's consultation on potential improvements.

Background

The Scottish Parliament's Education and Skills Committee is seeking views on the [Disclosure \(Scotland\) Bill](#) introduced by the Scottish Government on 12 June 2019. The Bill will make changes to the system of criminal record checks which is administered by Disclosure Scotland.

Disclosure means sharing sensitive personal information. Disclosure Scotland checks and shares information about people's criminal records. This helps organisations to employ the right people for certain types of work, like working with children or protected adults.

The Committee is considering whether the Parliament should agree to the general principles of this Bill and, if so, what improvements could be made to it.

Consultation Response

Colleges Scotland has consulted with its members on the proposed changes and forms a sector response which is set out below.

- We welcome the reduction in the four main levels of disclosure (basic, standard, enhanced and PVG) to two (Level 1 and Level 2) offered under the 1997 Act and the PBG Act. However, the complexity of the disclosure system lies not only in the number of products available, but in the lack of understanding of the underpinning legislation and difficulty in navigating the system;
- The introduction of a mandatory PVG Scheme for people working with vulnerable groups;
- We welcome the replacement of the concept of 'doing regulated work' with a list of core activities giving rise to 'regulated roles' that trigger mandatory PVG scheme membership (voluntary and paid);
- We welcome the intention to end the lifetime PVG scheme membership and replacing it with a renewable five-year membership, while still preserving scope for

free checks for volunteers in qualifying voluntary organisations who work with children or protected adults;

- We welcome the reforming the provision of police 'Other Relevant Information' ("ORI") to end the current process of disclosures being issued to employers before the applicant has had an opportunity to challenge the disclosure of ORI. Applicants will be given the right to make representations to the police about whether ORI should be included on a disclosure, before it is issued to a third party. This will be followed by a right to apply for review by an independent reviewer if police decide to disclose ORI, and from there an appeal to a sheriff on a point of law;
- We welcome the establishment of clear procedures for the registration of accredited bodies who can countersign Level 2 applications, including provisions to ensure the protection of individuals' criminal history information;

Colleges Scotland
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