

Scottish Parliamentary consideration of the Disclosure (Scotland) Bill

Introduction

This statement has been prepared by the Coordinator of The Ross of Mull and Iona Community Transport Scheme (RoMICTS) and endorsed by RoMICTS Convenor. We welcome the opportunity to inform consideration of the Disclosure (Scotland) Bill by the Education and Skills Committee of the Scottish Parliament, concerned to highlight significant implications for our charitable community enterprise of some relatively minor details of text.

Summary

The wording of some provisions in Part 2 of Schedule 4 of the Bill leaves some scope for doubt as to whether or not mandatory measures proposed would necessarily apply to RoMICTS. We appeal for clarity, with a considered preference for inclusion of our organisation within the scope of revised legislation. The long-term integrity of Safeguarding measures applicable to RoMICTS activities may otherwise depend upon the uncertain capacity and motivation of future Trustees to oversee less formal or discretionary vetting arrangements for fellow Board Members and other RoMICTS personnel. RoMICTS exclusion from provisions of the Bill could be to the potential detriment of consistent high standards of assurance which our service users have come to expect of our organisation.

Context

In 2016, RoMICTS adopted formal policies for the protection of children and vulnerable adults, which specified i.a.: ***No one will be accepted as a volunteer driver unless they are willing for an application to be made to join the PVG scheme.***

As newly appointed Coordinator I was responsible for recruitment of drivers, so sought management support and guidance on options for putting this policy into practice. Before practical steps were approved to implement necessary arrangements, 2 years passed (during which time a complete turnover of Board Members occurred).

Initial advice supplied by Volunteer Scotland Disclosure Services in 2018 concerning PVG checks for RoMICTS volunteer drivers was effectively contradicted by instructions subsequently received from Disclosure Scotland a few months later. Although a few PVG scheme memberships had been processed for some RoMICTS drivers through the Scottish Ambulance Service in 2015, (as an adjunct to an agreement to provide island transport for SAS patients, on occasion) and also by the Mull and Iona Community Trust in 2018, (as an 'accredited umbrella body'), Disclosure Scotland intervened to advise that no further applications should be submitted by RoMICTS. PVG scheme membership was officially deemed unnecessary and inappropriate for RoMICTS volunteers. Disclosure Scotland further advised that it was potentially an offence for RoMICTS to require PVG scheme membership of our prospective volunteers.

RoMICTS policy for protection of children and vulnerable groups thus proved unworkable in practice. An alternative (but weaker) Safeguarding policy (requiring letters of reference rather than PVG scheme membership for vetting purposes) has since been adopted by the RoMICTS Board. Meanwhile, as a matter of good practice

in the circumstances, most RoMICTS driving duties are generally allocated to volunteers who are known or assumed to hold PVG scheme membership. Following Disclosure Scotland's unexpected ruling on the issue, recruitment and induction of new volunteers to participate in RoMICTS work with vulnerable people has generally been on hold for a year. One consequence of this has been that continuing high standards of assurance (as locally expected of RoMICTS) has depended upon a small number of fully approved drivers sharing up to 100 hours of unpaid driving duties per month. Such high levels of personal commitment may prove unsustainable.

Background

Our small charitable community enterprise was established as a SCIO in 2012 to help meet local travel needs throughout our sparsely populated and widely dispersed neighbourhoods, where public bus services are very limited.

Exceptionally committed founding Trustees and other local volunteers assumed unpaid responsibilities to successfully establish safe, legal, friendly, reliable and solvent operations providing affordable Community Transport journeys, bookable on request. Principal beneficiaries have always included isolated residents who might otherwise face challenges getting out and about. Successions of volunteer drivers (operating under Section 19 permits) have facilitated inclusive access to health and medical services, shops, social occasions and community events for over 7 years.

Initially, volunteers used their own cars to provide journeys for individuals (some still do), but early donation of a minibus allowed for development of group travel opportunities. Some elderly residents appreciated shared outings to attend church, coffee mornings, lunch clubs, ceilidhs and podiatry clinics together. The minibus also enabled primary school children to attend swimming lessons, recreational facilities, sports fixtures, films, plays and music lessons, conveniently and economically. Dozens of visiting youth groups have also enjoyed use of RoMICTS (twice replaced and upgraded) minibus in recent years, as well as parties of wedding guests, young naturalists, walkers, choirs, stranded holidaymakers and the local Pipe Band, amongst others.

Capacity to meet all kinds of local travel needs more cost effectively was significantly enhanced in 2015, when our dedicated MPV came into service, purchased new with Scottish Government funding support. This 7-passenger vehicle (or 6 if one is in a wheelchair) has since provided over 1768 requested journeys for almost 5000 passengers, serving as RoMICTS daily 'workhorse'. Around 30% of these trips have been for health-related purposes, benefitting folk who can't drive themselves to fetch prescriptions or attend appointments. In June 2019, eight local residents in their 80's or 90's accounted for 29 community transport bookings, equating to over 70% of all MPV journeys provided during that busy (but not untypical) month.

Elderly, frail and vulnerable people have always been amongst RoMICTS' most frequent passengers. Some, with impaired mobility, ailing faculties or mental health challenges, routinely depend on the service up to three times a week or more. By reliably meeting virtually every request received for a journey which might otherwise be impractical or impossible, community transport positively supports the personal independence of isolated and elderly residents and extends the socially inclusive quality of local island life.

RoMICTS is not, however, exclusively dedicated to this particular group of service users, it being estimated that around 250 residents of south west Mull and Iona have used community transport on at least one occasion in recent years, equating to over a third of the total local population of our operational area.

RoMICTS currently generates income for our charity by offering affordable journeys to all for a suggested donation, if travel would otherwise be impractical. If RoMICTS carried only 'protected' passengers, donations might not always cover fuel costs, let alone vehicle maintenance, insurance, administration, volunteers' expenses etc. RoMICTS capacity for charitable activity (including provision of affordable local journeys for disadvantaged residents) thus depends in practice upon other sources of financial support, including donations from other passengers using the service.

Safeguarding

It was recognised as early as 2011 that prospective volunteer drivers might require 'Disclosure Scotland status' but in RoMICTS' early days, contact details for two Referees willing to vouch for the suitability of candidates for driving duties sufficed to get the organisation up and running on the road. By 2014, however, no such formalities applied to my own recruitment as an occasional volunteer driver, even though associated duties in practice entailed being in sole charge of delivering groups of primary school age children to attend music tuition 45 miles away, and driving them home again, some hours later, on 3 separate occasions.

As a RoMICTS volunteer driver for the past 5 years, I have had regular occasion to enter the homes of a number of vulnerable local residents, and to assist them with preparations for going out. I routinely help some to put on coats and look for their purses, sticks or keys. Some appreciate a supportive arm to assist them to and from the vehicle. I carry bags and fasten seat belts as necessary, and handle cash transactions on their behalf, on request. In practice, RoMICTS volunteer duties can often extend to escorting very frail people through the door at their destination (be it hospital waiting room, shop, church, cafe, ceilidh or a friend's kitchen) and generally serving as a trusted companion. Opportunities to befriend vulnerable people can thus be implicit to the role of RoMICTS volunteers, over time.

A small number of elderly people routinely account for a high proportion of RoMICTS trips, so some physical contact and 'overall control' might reasonably be considered integral (rather than incidental) to the unpaid work of a volunteer driver. In this light, provisions for required vetting of personnel involved in regulated activity, as set out in some clauses of the Bill (notably Schedule 4 Part 2, sub-paragraphs 21 and 22, headed 'Miscellaneous') seem unsatisfactory, on the basis of highlighted text and comments below:

21 Driving or escorting protected adults in connection with transport services provided exclusively or mainly for use by protected adults.

Comment: RoMICTS welcomes this acknowledgement of our specific field of activity (albeit termed 'miscellaneous') but our constitution currently commits our organisation to meeting transport needs of people within a particular geographic area, rather than on the basis of their personal characteristics or legally defined status. In this light, RoMICTS cannot claim to '*exclusively*' nor necessarily '*mainly*' serve protected adults, despite our dedication to routinely meeting journey

requirements of vulnerable people several times every week. RoMICTS trusts that consideration of local circumstances might helpfully inform adjustment of the wording of this policy detail to allow for our volunteer scheme to be included rather than excluded from the scope of the Bill's provisions. Just as the formality of a license check is recognised by volunteers as a perfectly reasonable prerequisite for driving on behalf of RoMICTS, so too were PVG checks readily accepted as sensible and appropriate by prospective RoMICTS volunteers themselves (including some who have only recently arrived to take up residence in our communities and are keen to develop local contacts through RoMICTS).

22 Holding a position of responsibility in an organisation whose main purpose is to provide benefits for or to protected adults (regardless of whether the organisation has an additional purpose of providing benefits for or to another group of persons).

Comment: It might be argued that a primary function of our organisation is to provide benefits 'for or to protected adults' but RoMICTS purposes are set out in our constitution as follows:

- 1 *To meet the transport needs of the people on the Ross of Mull and Iona.*
- 2 *To promote the participation of residents of the Ross of Mull and Iona in activities and events where transport would normally be a barrier.*
- 3 *To promote a reduction in social isolation and exclusion in vulnerable groups in the community of the Ross of Mull and Iona.*
- 4 *To advance the ability of residents of the Ross of Mull and Iona to access medical appointments when transport would normally be a barrier.*
- 5 *To promote a service which will enable community groups to access an affordable vehicle.*

On this basis, provision of 'benefits for or to protected adults' is evidently not the main purpose of our organisation, as defined. Given that driving and escort duties for vulnerable people account for such a high proportion of overall RoMICTS volunteer activity and time, however, it seems incongruous that RoMICTS staff and office bearing Trustees might be excluded from vetting requirements.

It would be regrettable if the small matter of a few words precluded RoMICTS personnel from applying for disclosure of personal credentials commensurate with our respective roles in the organisation. We recognise that RoMICTS volunteers hold positions of responsibility in relation to the wellbeing of all of our passengers, but most especially for 'protected people'.

Conclusion

RoMICTS aspires to excellence as a Community Transport provider and recognises Safeguarding responsibilities as integral to our Duty of Care for the welfare of vulnerable people who regularly depend on our services.

It is unfortunate that implementation of associated policies has been set back and undermined by conflicting guidance received from different authorities regarding PVG checks.

It is very much hoped that the Disclosure (Scotland) Bill will take local circumstances of our small charity into account, and clearly prescribe practical ways forward to keep vulnerable members of our communities safe as 'protected people' in the context of our community transport operations.

Ross of Mull & Iona Community Transport Scheme (SCIO) Charity No: SC043302

