

## **Scottish Parliament Education and Skills Committee Call for Views on the Disclosure (Scotland) Bill**

Connect (SPTC) is a long-standing independent parents' organisation and the only Scottish charity which is dedicated to supporting parental engagement in education and learning. We provide membership services to Parent Councils and PTAs, as well as offering advice and information to individual parents about any aspect of the education of their child, or the wider education system. We support education professionals in developing their skills and understanding around effective partnership working with families and the wider community.

Connect welcomes the opportunity to respond to the Scottish Parliament's Education and Skills Committee's call for views on the Draft Disclosure Bill. As SPTC we were closely involved in the development of the initial legislation, with specific regard to its impact on parents/parent groups in education settings. At that time we expressed concern about the potential for both confusion and misuse, and the impact this would have on the numbers of individuals on the Scheme.

Since the Protecting Vulnerable Groups (PVG) Scheme was introduced we have been providing training, information and advice to our members about the Scheme and effective child protection, and for the last two years Connect has been an Intermediary Body with Volunteer Scotland for those member groups that wish to process PVG applications for entitled volunteers.

### **1. Background**

We have followed the development and implementation of the PVG Scheme and its impact on parent groups from the outset, and found the following issues with the current system:

- Defining Regulated Work is not straightforward and is open to interpretation. This particularly relates to the types of activities parents and parent groups may be involved in.
- Individuals joining the Scheme and the organisations for which they work do not understand the membership nature of the Scheme, resulting in numbers on the Scheme growing steeply and far exceeding the Government's own expectations.
- PVG (as disclosures before them) are perceived as a mechanism which protects children in any and every circumstance, rather than being one part of a raft of child protection measures. This has resulting in over-use and manipulation. For instance, we have worked with parents who have been told by their Local Authority/school that they must join the Scheme if they want any active roll on the parent group. We have also heard of parents being required to join the Scheme by the Local Authority so they could take part in a 'Stay and Play' activity with their child, which was particularly aimed at vulnerable families.

Connect's response to the Scottish Government and Disclosure Scotland 2018 consultation on proposed changes highlighted the following:

- How many parent groups find the concept of Regulated Work difficult to understand within the context of the occasional volunteering/participation roles they may have.

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- Parent groups can be pressured by the school and Local Authority to have all members join the PVG Scheme, even though they are not carrying out Regulated Work
- That any changes should make it clearer who needs to be on the Scheme, and who doesn't; it should be more accessible for everyone who needs to join; and there should be a set term of membership so people are not left on the Scheme for life
- The risk of policy conflict between the risk averse nature of schools and LAs and the drive for greater parental engagement and involvement in the life and work of schools and education settings.<sup>1</sup>

## 2. The Draft Bill

We welcome the intention to simplify the Disclosure process, with PVG Scheme Records and PVG Scheme Record Updates to be combined under the one Disclosure product of Level 2 PVG. In our experience the difference between Scheme Record and Record Update has caused confusion for a number of parent groups. We are also glad to see membership will now require renewal after five years, meaning individuals will not be left unknowingly on the Scheme for life. However, we would like more clarity on the following points.

### 2.1 Regulated Roles as defined in the Draft Bill

We are concerned the concept of Regulated Roles and the corresponding legal test could be as confusing as Regulated Work has proven to be. To us, it appears Regulated Roles are a half way measure between Regulated Work and the list of Protected Roles proposal from the consultation, setting out a legal test where a role is designated as Regulated if it includes one of the activities listed in the Bill as a 'necessary part of the role'.

From the perspective of parents involved with their school or Parent Council/PTA, we see the key phrases which would define Regulated Roles are 'day-to-day supervising' and 'holding significant power or influence over children'. Parent groups are generally representative or fundraising focussed and do not involve day to day supervision of children nor holding significant power or influence over children, so parent group members should not be in a Regulated Role as set out in the Bill.

Where parent groups run dedicated clubs and activity groups for children, such as after-school or sports clubs, it would be mandatory that club volunteers hold PVG. We agree with this, and currently offer our services as a Volunteer Scotland Intermediary Body to support our members with PVG applications for this purpose.

While the activities the Bill defines as being a Regulated Role do not form the core part of parent group activities, many do run occasional activities for the school community including children, so we feel this remains open to interpretation. With the Scheme to become mandatory, this could cause an increase in the current trend where parent groups decide, or are pressured by the school, to have their members join the PVG scheme *just in case*. While these would be caught by the new application process as unsuitable for PVG if the new system works as intended, this would still result in time being wasted by parent groups. Some groups have little admin capacity due to being dependant on a small pool of volunteers and so may be discouraged from holding activities and events due to uncertainty.

### 2.2 Difference between school-led and parent group-led volunteering

There is no explicit mention of volunteering in schools in the Draft Bill or the accompanying memos and notes, or of the difference between establishment and Parent Council/PTA-led volunteering.

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<sup>1</sup> [https://connect.scot/application/files/6915/3192/2088/PVG\\_Consultation\\_Connect\\_response\\_final.pdf](https://connect.scot/application/files/6915/3192/2088/PVG_Consultation_Connect_response_final.pdf)

However, church volunteering, such as for Sunday school or youth church activities, is specifically mentioned. We are unsure why government has chosen to be so specific regarding this type of volunteering when a wide range of community and voluntary groups rely on volunteers, and this is potentially unhelpful as such a blanket application in this scenario may lead others to also adopt a blanket approach.

We believe it is important the Bill recognises the difference between parents volunteering in the classroom/school establishment on behalf of the school (and so under school authority) and that done on behalf of the parent group, which is independent from the school.

### **3. In Conclusion**

We understand Disclosure Scotland will evaluate role descriptions according to the activities listed in the Bill and will maintain a list of Regulated Roles. We would argue this evaluation process should be as transparent as possible, with explanations as to why a role has been deemed to be Regulated or not qualifying.

It is also of utmost importance Local Authorities act consistently with regard to parent groups and volunteers and receive support and guidance from Disclosure Scotland and COSLA to do so. Most importantly, PVG must be recognised as only one aspect of child protection. It can only identify an individual unsuitable to work with children if they have been identified by the system, and so must be accompanied by robust and common-sense child protection policies and practices.

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Executive Director

20 August 2019