

East Lothian Council written Submission to Education & Skills Committee: Disclosure (Scotland) Bill Ref SP Bill 50-LC Session 5 (2019)

Level 2 Disclosure:

The proposed level 2 Disclosure covers the current PVG scheme and incorporates Disclosure checks beyond Basic i.e. Standard or Enhanced.

As there are 2 products in this level and one is a 'one off' product, the other a membership scheme. ELC would highlight the benefit and clarity of grouping all one off products under Level 1 Disclosures. With Level 2 the 'PVG membership' product, as this would make it clearer to employers and members.

38 Regulations about review procedure (p22)

ELC welcome the option of a review procedure through Disclosure Scotland and feel that this will enable and encourage individuals to make application and are hopeful that this will deliver the spirit of the legislation by removing barriers to employment.

- ELC would highlight that the time period for review requests and for reviews to be conducted will be a consideration to potential employers where the individual is making application to modify disclosure information, as such these applications should be a priority and timescales kept to a minimum so as not to discourage applications from individuals or loss of offer of employment.

62 Fees (p39)

ELC understand that the provision of this service is vital to protect our vulnerable individuals but would highlight the need for this to be balanced with the impact on those individuals whose chosen career requires membership of a 'PVG scheme' and the cost to manage the service.

- Under the current scheme the individual is a lifetime member of the scheme. However, going forward if this scheme is to be a time limited membership this could see an individual paying for membership 11 times during their career (from study to retirement) Whilst this may not be an issue for those within higher paid roles, this will be a significant impact on those within the part time workforce and / or those on the lower salary / national minimum wage, who will predominately be female workers. ELC would recommend that consideration be given to offering a repayment scheme to members
- ELC would recommend that there is an option for employers to pay by invoice to allow them to be able to support employees in times of financial hardship
- ELC would welcome a review of : The 2010 Regulations prescribe fees for applications for scheme membership and disclosure requests under the Protection of Vulnerable Groups (Scotland) Act 2007 but provide for the waiver of the fees payable by certain qualifying voluntary organisations. Regulation 2 amends the definition of qualifying voluntary organisation in regulation 7(2) in order to exclude from the definition any voluntary organisation which falls within the definition of school under the Education

(Scotland) Act 1980 (c.44) but which solely provides early learning and childcare within the meaning of Part 6 of the Children and Young People (Scotland) Act 2014. As this exclusion means that all qualifying parent helpers and host parents require PVG membership to be paid by the Local Authority and is contrary to the English DBS service which is free of charge to parent helpers in schools - <https://www.gov.uk/guidance/dbs-check-requests-guidance-for-employers#volunteer-applications>

72 Duration of Scheme membership (p44 - 45)

ELC understand the need for the management of membership numbers to ensure that only those involved in 'regulated roles' are members and under constant monitoring to ensure the privacy of individuals and the ability of Disclosure Service to provide a quality service.

- The duration of the scheme should be such that consideration of cost to the individual is key and a recognition that membership will be required of those in part time and minimum wage which will predominantly be female workers over their entire working lifespan.
- The introduction of a membership duration has considerable impact on employers as it will require the introduction of the management and tracking of memberships along with the enforcement of HR policies where membership renewal is delayed.
- 'Real Time' membership information must be available in order to ensure that employees are not negatively impacted where renewal is on or around the membership renewal date.

73 Failure to apply for renewal of Scheme membership (p45)

ELC are supportive of the continued monitoring of individuals who do not renew membership. However, it should be made clear that whilst this 'discretionary membership period' is in place the individual is not legally able to work with vulnerable groups and escalation of non-payment is made to all interested parties.

77 Conditions imposed on scheme members under consideration for listing (p49 - 50)

ELC welcome the introduction of conditions and would encourage a clear communication regarding those who can work under supervision and consideration is given to smaller organisations / charities where this option may not be possible.