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Clare Adamson MSP  
Convener  
Education and Skills Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

19 September 2019

Dear Convener,

Thank you for your letter of 5<sup>th</sup> September 2019 regarding the Disclosure (Scotland) Bill.

The Committee has asked if Scottish Ministers can at this stage indicate which option (Model 1 or Model 2) they are minded to endorse. As stated in paragraph 39 of the Financial Memorandum, a final decision has yet to be made in relation to fees for Level 1 and Level 2 (non-scheme membership) disclosure checks. It was explained there are a number of factors which will determine the final level fee, for example efficiencies from digital delivery could result in changes to the fees. The Scottish Government will carry out a formal consultation on fees and it is therefore not possible to indicate which option Scottish Ministers are minded to endorse.

As requested an equivalent table to “Summary of Income Relating to Part 1 of the Bill” (pages 18-19 of the Financial Memorandum) for Model 1 is provided as Annex A.

The Committee has noted that paragraph 120 of the Financial Memorandum sets out three illustrative examples of costs for one scheme member over a 20-year working period, depending on how they use the current scheme and a five year membership with current fees, and asked (for illustrative purposes) for estimated income for each of the examples.

The suite of proposals in the Bill are intended to make the disclosure system in Scotland more individually focused, allowing individuals more control over their own information and how and when it is shared. Time limited membership may be linked to a recurring fee but not necessarily so. The policy idea around this approach is that individuals could accrue significant personal benefits such as being able to use the disclosure system as many times as they need during the five year period of membership with multiple different employers if they so desired, a saving to both employee and, where they would have previously paid, the employer. As stated in paragraph 121 of the Financial Memorandum, we know that individuals who pay for their own PVG disclosures tend to be worse off, therefore a revised structure along these lines would have significant benefits for individuals who pay for their own PVG disclosures.

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As stated on page 28 of the Financial Memorandum, it is not possible to estimate income for Part 2 of the Bill because further stakeholder engagement is necessary to help determine appropriate fees and payment methods, in which we will explore options which might provide more flexibility in how people can pay for their disclosure. This point was reiterated by officials when providing evidence to the Committee on 4 September. My officials are carrying out early engagement with stakeholders, including trade unions, and will launch a formal consultation in due course. The Bill requires the Scottish Ministers to lay regulations for the charging of fees before the Scottish Parliament, subject to the negative procedure.

The Scottish Ministers will provide an update in writing about the process and anticipated timescales for the making of regulations concerning conditions imposed on scheme members under consideration for listing, at the earliest possible opportunity.

Yours sincerely

**MAREE TODD**

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Level 1 disclosures (Model 1)	(£6,335,222)	Income shown is an estimated average over a five-year period based on Model 1 in para. 39, commencing in Financial Year 22/23. The final amounts generated will be dependent upon fees payable and demand for services.
Level 2 (non-scheme) disclosures (Model 1)	(£495,251)	
Accredited bodies	(£484,000)	
Review applications	(£6,000)	
<b>Total Income Estimate</b>	<b>(£7,320,473)</b>	

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