

Scottish Volunteering Forum

Disclosure Bill: Submission to Education and Skills Committee

The Scottish Volunteering Forum is a collaborative group of cross-sector organisations that are committed to developing and improving volunteer participation in Scotland. We exist to influence the strategic landscape and champion innovative approaches using our collective intelligence and expertise. Our members were heavily involved in the development of the 'Volunteering for All' National Framework that was launched by the Scottish Government in early 2019.

Volunteering plays a significant role in society, and is estimated to contribute over £2 billion to the Scottish economy. In her foreword to the aforementioned National Framework, the Cabinet Secretary for Local Government and Communities stated that:

'volunteering is key to us achieving our shared ambition of a fairer and more prosperous country with equality of opportunity for all – a country where everyone has the chance to participate and make a difference.'

26% of the Scottish population regularly volunteer in formal roles, whilst 36% volunteer more informally in their communities. As such, it is vital that the needs and experiences of volunteers are acknowledged when considering the Disclosure Bill.

We largely welcome the proposals in the Disclosure Bill to make the system simpler and more efficient. We also welcome the proposal to maintain free PVG membership for volunteers given the vital contribution volunteers make to society. The current system can be complicated for individuals to understand and lengthy to process, and therefore can often act as a barrier for people who wish to volunteer. However, we have several concerns about the proposals which are detailed below.

1. Free membership for all Volunteers

Given the significant contribution that volunteers make to Scottish society, we feel it is appropriate to extend free Disclosure checks to all volunteers, not just those undertaking regulated work. A 'State of the Sector' report published by SCVO in October 2018 highlighted that the financial situation of many voluntary organisations is 'tepid', with smaller organisations in particular struggling generate income.

Given that so many voluntary organisations are reliant on the contribution of volunteers, the cost of Disclosure applications for volunteers who often only contribute a few hours a week can be a significant burden. One of our members, Chest Heart and Stroke Scotland, said that 'it is a great financial burden for charities to undertake, especially when resources are limited'. Similarly, Volunteer Glasgow highlighted that 'any fee could be prohibitive and, given the lower

levels of volunteering in areas of lower affluence, it would create another barrier for an already under-represented group of potential volunteers.'

2. Digitisation

Whilst we welcome proposals to simplify the system and to move to a digital platform, it is vital that paper application options remain. We have concerns that a wholly digital system could exclude volunteers who have significant barriers to participation. A report published by Citizens Advice Scotland in February this year found that a third of their clients who responded to a survey had difficulty using a computer, or cannot use one at all. In addition, one in five respondents who accessed the internet only did so using a smartphone. Given that volunteer participation is significantly lower in areas of multiple deprivation, where digital literacy is likely to be lower, it is important that a paper application form remains in place.

It is also vital that provisions are made for representatives from organisations to provide support to individuals whilst completing digital applications. Providing evidence of identity or address history is a challenge for many, particularly students, people who do not originate from the UK or people with recent experience of homelessness. One of our members, Shelter Scotland, provides significant support to applicants and estimate that upwards of 1 in 5 applications forms is currently submitted incomplete or lacking appropriate evidence. They have also had to pay for volunteers to get a copy of their birth certificate to progress their application on several occasions. We believe that, without this support, many prospective volunteers would fail to progress into volunteering.

3. Volunteering with Convictions

For many people, volunteering is part of a recovery journey where they are in the process of turning their lives around and/or using their experience to support others. Having convictions can pose a huge barrier for many people who want to move on with their lives, and as such we welcome the proposal to reduce the disclosure period for some convictions.

However, uncertainty surrounding an individual's eligibility to work with vulnerable groups can have an impact on their motivation and confidence. One Shelter Scotland volunteer, who has significant relevant personal experience to support people experiencing homelessness, was barred from working with vulnerable groups when she first considered volunteering. She successfully appealed this with the organisation's support, but experienced significant anxiety and found the process very intimidating due to the complicated language used in correspondence. As such, the process for considering an applicant for barring, and the subsequent appeals process, need to be both quick and easy to understand.

Several volunteers have also suggested that the computerised system provides an opportunity for applicants to provide some personal commentary on their convictions before they share it with organisations. Community Justice Scotland have some powerful case studies on their website highlighting the strain on people who continuously have to share the details of their convictions. In one, Kim McGuigan, stated 'why do I still have to justify and explain events that take me back to the night of that conviction? Why do I have to revisit the trauma?'. The inclusion of an open text box at the stage before a volunteer shares conviction information with an organisation might be helpful in providing context.

4. PVGs for Under 16s

We have significant concern about the proposal to remove PVG membership for individuals under the age of 16. Young people often volunteer in roles such as befriending, sports coaching or peer support which usually require a disclosure check or PVG membership.

Research completed by Volunteer Scotland in 2014 demonstrated that more than half of young people aged 11-18 volunteered in the previous 12 months. The Scottish Government is committed to improving volunteering rates with young people, and commissioned a national youth volunteering design team to contribute to the implementation of the Volunteering for All National Framework.

To confirm this, several of our members highlighted examples of young people volunteering in their organisations. CHAS regularly involve school age volunteers in their hospices, and Befriending Networks shared examples of youth and elderly befriending schemes that are heavily reliant on young volunteers. To presume that young people are incapable or unlikely to fulfil roles where a PVG is required greatly underestimates the potential of young people, and does not reflect the current reality.

With this in mind, removing criminal records checks for young people may decrease the likelihood of volunteer involving organisations to recruit young people due to added safeguarding risk, thus undermining the Scottish Governments commitment to encourage volunteering from 'the earliest possible age'.

5. Definition of Regulated work

We have concerns that the proposed definition of 'regulated roles' for individuals working with vulnerable groups, as opposed to 'regulated work' currently, may make it more challenging to determine who needs a PVG, particularly for those in voluntary roles. The vast majority of volunteer roles are unlikely to be included on the list of regulated roles, leaving it open to interpretation.

The 'incidental' principle, whereby an individual is only deemed to be doing regulated work if work with vulnerable groups is part of their 'normal duties', is helpful when determining whether an individual is completing regulated work. The proposed removal of this could again make it more challenging to define regulated voluntary roles.

The proposed definition of vulnerability when identifying protected adults is also problematic because it focuses primarily on health, and doesn't reflect other common vulnerabilities such as asylum seeker status, homelessness or old age. It also doesn't take into consideration the vulnerability that arises when an individual comes into contact with certain types of regulated role, particularly advice roles. The imbalance of power resulting from knowledge, and the potential to exploit people, creates a vulnerability in individuals who might not otherwise be considered vulnerable.

Conclusion

To conclude, there are a number of proposals in the Disclosure Bill which have the potential to undermine the Scottish Government's ambitions regarding volunteering in Scotland. The Volunteering for All Outcomes Framework outlines the need to improve equality of participation for volunteering, and provide opportunities for people to get involved from a young age. Given the significant number of applicants for Disclosures or PVG membership who are volunteers, it is vital that these concerns are considered carefully.