



The Scottish Parliament
Pàrlamaid na h-Alba

EDUCATION AND SKILLS COMMITTEE

Maree Todd MSP
Minister for Children and Young People

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22nd November 2019

Dear Minister,

Thank you for appearing before the Committee on Wednesday on the Disclosure (Scotland) Bill. As you know this was the final evidence session of the Committee's Stage 1 scrutiny of the Bill. The Committee will now move to its consideration of a draft report in the coming weeks.

There were a number of issues raised with you today where you suggested that further consultation with stakeholders or other work was required to establish the detail of how elements of the bill will work in practice, for example work on associated guidance and fees. The Committee impressed upon you and your officials the importance of ensuring progress in these areas is shared with the Committee, and the Parliament as a whole, at the earliest opportunity to inform scrutiny of the Bill.

In order to undertake its scrutiny function effectively the Committee also needs sufficient information that confirms how this bill, the Management of Offenders (Scotland) Act (2019), the Age of Criminal Responsibility (Scotland) Act (2019) and the Rehabilitation of Offenders (Scotland) Act (1974) will interact. The Committee raised with you the potential for Scottish Government amendments to ensure this legislation and legislation which received Royal Assent in 2019 can complement and coordinate with each other.

The Committee seeks a clear timescale from you as to when it will be provided with detail on the policy intention of amendments that seek to ensure this, and other legislation work in the cohesive way you envisage. The Committee may take evidence on such amendments or seek to consult the parliamentary committees that scrutinised the relevant Acts, at Stage 2. On that basis it is crucial these amendments and the policy intention behind them is made available as early as possible and certainly in advance of the beginning of Stage 2. The Committee seeks this detail from you in advance of the Stage 1 debate in January at the latest.

Finally, in July I wrote to you on behalf of the Committee seeking details of required Scottish Government amendments to the Bill. I attach the letter and your reply for ease of reference. On behalf of the Committee I would like to request an updated list of all of the amendments you are currently aware of that the Scottish Government will lodge at Stage 2. The Committee assumes all such amendments will be lodged at Stage 2 to maximise opportunities for scrutiny but if there are any amendments that will not be ready until Stage 3 please also include details of these.

Yours sincerely

A handwritten signature in black ink that reads "Clare Adamson". The signature is written in a cursive, flowing style.

**CLARE ADAMSON MSP
CONVENER**



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22nd July 2019

Dear Ms Todd

I am writing on behalf of the Committee in anticipation that scrutiny of the Disclosure (Scotland) Bill will be referred to the Committee following the Summer Recess. As you will be aware the Committee has issued a call for views on the Bill and will seek a briefing from Scottish Government officials in September. To aid the Committee in its Stage 1 scrutiny of the Bill, keeling schedules reflecting how the Bill seeks to amend existing legislation would be much appreciated. In addition, the Committee would request that the Scottish Government informs the Committee as close to the start of Stage 1 scrutiny as possible of any amendments that the Government will lodge at Stage 2. This enables the Committee to consider the policy intention of any substantive amendments during Stage 1. In addition, once Stage 1 commences it would be useful to receive any further updates of the Government's intention to lodge amendments as and when the Government becomes aware of the need for further amendments.

I should be grateful for an initial response by Monday 19 August.

Yours sincerely

CLARE ADAMSON MSP
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Clare Adamson MSP
Convener
Education and Skills Committee
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16 August 2019

Dear Convener,

Thank you for your letter of 22nd July 2019 regarding the Disclosure (Scotland) Bill.

A keeling schedule reflecting the amendments which the Bill seeks to make to the Protection of Vulnerable Groups (Scotland) Act 2007 has been provided to the Committee's clerk under separate cover.

The Committee has requested that the Scottish Government informs the Committee as close to the start of Stage 1 scrutiny as possible of any amendments that the Government will lodge at Stage 2. The Government understands this will enable the Committee to consider the policy intention of any substantive amendments during Stage 1.

The Bill will require consequential amendments to be made to other legislation and the Government intends to address this at Stage 2. For instance, we intend to lodge amendments to the Bill in relation to the Rehabilitation of Offenders Act 1974. This Act provides for a system of protection to individuals with previous convictions not to have to self-disclose their convictions in certain circumstances. The 1974 Act will need to be amended to ensure there is consistency between 'self-disclosure' and 'state-disclosure' regimes, particularly in relation to the treatment of childhood convictions. In addition, the Age of Criminal Responsibility (Scotland) Act 2019 and the Management of Offenders (Scotland) Act 2019 make changes to the self-disclosure system. There are currently no provisions in the Bill to make necessary consequential amendments to those Acts, as neither had received Royal Assent at the time of the Bill being introduced. Work on implementing those Acts is ongoing, as is the Government's consideration of how to ensure the Bill operates alongside them effectively to ensure consistency between the self-disclosure and state-disclosure regimes.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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More generally, the Government's position on the existing provisions in the Bill will be shaped by stakeholder views and the Committee's scrutiny of the Bill, and we will ensure that the Committee is aware of the Government's plans for any further substantive amendments in sufficient time for the Committee to consider the policy intention behind them.

There will also be other technical and minor amendments lodged and the Government will make them known to the Committee in due course.

Yours sincerely



MAREE TODD

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