

# **Invitation to give evidence to the Education and Skills Committee of the Scottish Parliament**

## **Introduction**

The Safeguarding Committee of the Church of Scotland welcomes the opportunity to give evidence to the Scottish Parliament on the Disclosure (Scotland) Bill and would also like to thank staff and MSP's for considering this written submission.

The Safeguarding Committee provides governance for the work of the Church's Safeguarding Service and is responsible for formulating policy and strategy.

One of the key objectives of the Safeguarding Service is to prevent people from coming to harm in Church communities by promoting safer recruitment practices. It is the policy of the Church that paid staff and volunteers who undertake regulated activity become members of the Protecting Vulnerable Groups (PVG) Scheme.

Since the implementation of the Scheme in 2011, the Safeguarding Service has processed in excess of 38,000 PVG applications-most of these being for a volunteer population.

## **Disclosure (Scotland) Bill**

The Church of Scotland's Safeguarding Committee welcomes the proposal to modernise and improve the proportionality of the disclosure system in Scotland.

Our understanding is that there are a number of key proposals relating to the Bill but we have considered the most relevant to the Church of Scotland in brief detail below:

## **Mandatory PVG Scheme**

We welcome the fact that anyone doing work with vulnerable groups would now be required to be a member of the PVG Scheme and also welcome the proposal that applicants renew their membership of the scheme every five years.

However, the proposal does have the potential to have a negative impact on the volunteering population given that it would become an offence for an individual to work in

a regulated role without being a member of the PVG Scheme, and an offence for organisations to employ someone in a regulated role who is not a PVG Scheme member.

Some volunteers might think that this would present too great a risk of harm to them and withdraw their goodwill.

The Church will seek to assist volunteers to maintain their role by ensuring that individual members are notified of the requirement to renew their membership in good time, thereby minimising the risk to the individual and the Church of committing a criminal offence.

In addition, the success of retaining some volunteers in role will also be dependent on Disclosure Scotland having robust mechanisms in place for notifying individuals of the need for renewal and notifying organisations when the individual has not renewed their membership by agreed timescales. The Church welcomes the suggestion of an extended membership period of 4 weeks and a discretionary membership period of 6 months. Hopefully this will allow us to renew all of our members in good time and terminate the membership of those who are no longer doing regulated work for the Church.

Another important aspect of the introduction of the mandatory scheme is the transitioning of individuals who are already members onto the new scheme. The Church of Scotland has in excess of 38,000 individuals registered with Disclosure Scotland. It is unlikely that all of these people are still undertaking regulated work but the final number is likely to run into the thousands. We would ask that there is a significant 'lead in' time for the transition and that the transition is staggered so as to be manageable in the first instance and for subsequent renewal of registration.

We would also ask that the transition time frames be included within subordinate legislation as is customary, allowing a more manageable change to time frames should it be required.

### **Regulated Role as opposed to Regulated Activity**

The Church of Scotland would like to see distinct roles relating to religious institutions published by Disclosure Scotland and included more comprehensively in Annex B Schedule 3 and 4—Regulated roles with Children/Adults. At the moment religious institutions are mentioned in Schedule 3 and 4 Part 2 under Leisure Activities. While some people might recognise that a particular role carried out within a religious institution could 'fit' under the headings of e.g. child protection, care health and accommodation, education and training, childcare etc. some might not easily identify with these activities.

The concept of regulated roles and the wider concept of ‘positions of trust’ may see more people from the Church becoming a Scheme member than less.

The Church of Scotland would be happy to work with Disclosure Scotland on the production of a separate section in Annex B which is tailored to the needs of this sector.

### **Digital System**

Overall, the Church believes that a move to a digital system for the processing of disclosure products is a positive step. We anticipate that it will be a more efficient and secure process which is less open to error. It would allow applicants to have greater control of who has access to their information.

However, moving to a digital system will not necessarily negate the need for another system of application. Some of our volunteers do not have easy access to appropriate technologies or indeed the necessary skill to utilise some of the new technologies. We would support the retention of a paper option so as to remove any unnecessary barrier to the full participation of all members of society, regardless of age, income or technical skills.

### **Fees**

At the present time volunteers in the Church have their PVG application fees waived. It would be helpful to have absolute clarity on whether this is going to continue and to hear what the definition of a qualifying voluntary organisation is going to be.

### **Imposing Conditions on Individuals Considered for Listing**

It would be helpful to have further information about how this might work in practice if employers are at odds with the conditions imposed by Ministers.

### **List of Regularity Organisations with Power to make Referrals to Disclosure Scotland**

We suggest that it may be appropriate to add to the list of regulatory organisations the Office of the Scottish Charity Regulator.

## **PVG Scheme members working overseas**

The Church of Scotland welcomes the strengthening of safeguards in overseas work by ensuring that overseas work which would be regarded as a regulated role if done in Scotland will be a specified regulated role so that such work benefits from the same level of safeguarding as regulated roles carried out in Scotland. This would allow clearer expectations of management of safeguarding from Scotland of overseas projects, carrying over the robust principles of safeguarding in Scotland to overseas projects managed by Scottish organisations.

Church of Scotland  
Safeguarding Committee