

**Protection of Vulnerable Groups and
the Disclosure of Criminal Information**

Response from the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and for individuals and families who live outwith any Jewish community or are not connected with any Jewish communities, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups.

In preparing this response we have consulted amongst representatives of the various Scottish Jewish communities, in particular those who are involved in PVG administration.

Question 1: Do you agree that reducing the disclosure products will simplify the system?

Yes

It is clear from our own experience that there is confusion between the residual “Disclosures” and PVG checks, whether there is a single “Scheme membership” for children and for protected adults or two, etc, none of which is assisted either by the terminology or by the relevant forms.

Question 1a: If you have answered no, what do you think will simplify the system?

n/a

Question 2: As we are trying to simplify the system, do you have any views on what this product should be called?

Basic

The different levels of check should have names that are consistent and clear, so either all descriptive or all numerical, not a mix. Descriptive is preferable because “Level 1” could be either the top (like a First Class degree), or the bottom (as in GCSEs).

In addition, “product” is an inappropriate term: Disclosure Scotland is not a factory producing products; you provide a service to the public and your terminology should be appropriate for its users.

Question 3: As an applicant, do you have any concerns with this approach?

No

Question 4: Which fee option do you prefer for the level 1/Basic disclosure? And why?

Option 2.

However, there is no reason for the cost of a first application to be higher than for Option 1, since no more work is involved at that stage.

Question 5: Do you agree that it is appropriate to regulate registered bodies in relation to B2B applications?

Yes

Question 6: What impacts, if any, do you foresee from moving from a paper based system to a digital system?

In our view, this would be entirely positive – the whole system from application to certification should be online, using identity checks from other government services (as for passport and road tax renewals); members of the scheme should own their own data, and be able to provide employers with a one-time code to access their record.

In particular, moving to a web-based form would eliminated many of the difficulties users have with the current forms: it would not be possible to confuse tick-boxes to the left and right of the answer, or to leave fields blank, for example, and it should also be possible to include live links to detailed explanatory information.

Questions 7: Do you agree with our proposed fee for the apostille service?

We are not able to answer this question.

The proposed fee seems low by comparison with the Basic Disclosure itself, and is very much lower than the UK Government apostille service which costs £30 per document. However, it is not clear from the consultation paper whether the £10 charge is actually for an apostille, or only for Disclosure Scotland’s own confirmation that a disclosure is genuine. Although from 19 February 2019, a new EU regulation will abolish the need for an apostille within the EU, Britain will no longer be an EU member from 29 March 2019. Furthermore, the Regulation will not, of course, affect the requirements of non-EU countries. As pointed out on the Scottish Government Disclosure website (<https://www.mygov.scot/get-disclosure-verified/>) some countries are not satisfied with Disclosure Scotland’s own verification, and require an apostille in the full legal sense of that term. Disclosure Scotland should, therefore, clarify whether the proposed £10 charge is for their own verification only, and that some Scheme Members may therefore need to pay an additional £30 in order to receive an apostille through the usual channels, or whether Disclosure Scotland intends to subsidise the cost of an apostille for Scheme Members.

We are interested to read in the consultation paper that the “standard template [by which means Disclosure Scotland will provide verification], which will be attached to the basic disclosure, will be translated (by Disclosure Scotland) into the language of the requesting authority”. We emphasise that such translations must be provided by authoritative sources and not simply by someone who happens to speak the relevant language – or only to have studied it for a short time at school. This is particularly important for languages that do not use the Latin alphabet such as Russian, Chinese, Hebrew, Urdu, and Arabic.

Question 7a: If not, what do you think the fee should be?

Because of the ambiguity discussed in the previous answer, we are not able to answer this question.

Question 8: Are there any professions/roles for the Level 2 disclosure that are not included that should be on the list?

Yes – undoubtedly!

There should not be a list, but a set of criteria. The names and roles of professions change over time; for example, is an “accountant” a CA, or any book-keeper? A list of this sort is therefore a recipe both for loopholes and for litigation.

Question 8a: If you have said yes, please note what these are.

For the reason stated in the previous answer, it is not possible to provide a definitive list. There should instead be a set of criteria that reflect the risks that the system is designed to mitigate.

Question 9: Are there any professions/roles you think should be removed from the list?

For the reason stated above it is not possible to answer the question.

Question 9a: If you have said yes, please note what these are.

n/a

Question 10: Do you agree with the proposal to remove certain kinship carers and all foster carers from a membership scheme?

No

It seems irrational to require people who have only very occasional contact with a child to be members of the scheme, but not carers who have virtually full-time contact.

Question 11: Do you think that the two types of kinship arrangements should continue to be treated differently under the future arrangements?

No

Question 12: Do you agree with this proposal that any member of the fostering/kinship household aged over 16 will require a level 2 check?

Yes

Question 13: Do you agree with the proposal that a level 2 check should be undertaken by anyone in the foster/kinship carers network who supervises the children?

Yes

Question 13a: Do you think that anyone else in the foster/kinship carer's network needs to be checked? If so, who and why?

Any person who could have more than incidental unsupervised contact, or who could appear to the child or anyone in the foster/kinship carer's network to have the authority to do so.

Question 14: It is currently not possible for individuals over the age of 16 residing in a residential school setting (for example, spouses of house parents), but who do not have specific responsibilities, to obtain an enhanced disclosure. We believe that they should be subject to a Level 2 disclosure, do you believe that this is the correct approach going forward?

Yes

For reason stated above.

Question 15: Which option should be the content of the Level 2 disclosure product be based upon? Please provide the reason for your choice.

Option 2b

Under the current legislation, the only thing that is prohibited is the employment of someone on a barred list in a regulated role, and in fact the only reason for obtaining a PVG check is to ensure that he or she is not barred. It seems perverse therefore to omit this information from the new scheme.

Question 16: Which price option do you prefer for the Level 2 product?

Option 2

(The consultation paper appears to confuse the options 2a and 2b in the previous question with option 2 here.)

See our response to Q4: there is no reason for the cost of a first application to be higher than for Option 1, since no more work is involved at that stage.

Question 17: Is it proportionate that the free checks should continue for volunteers who obtain Level 2 disclosures?

Yes

In our experience, volunteers tend to undertake a number of roles either serially or at the same time, and there is considerable objection to having to complete new applications for each different role, to the point of some saying that it's not worth the trouble. Adding a fee would be a very significant disincentive to an activity from which society as a whole benefits hugely, and which the government wishes to encourage.

Question 18: What issues, if any, do you foresee with a move to a digital service?

None provided appropriate security protections are in place.

Question 19: How should a mandatory PVG Scheme be introduced and how should it work?

The introduction of a mandatory PVG Scheme is long overdue.

Precisely as stated in the consultation paper, membership of the scheme at the appropriate level should be mandatory in that it should be a criminal offence both for the individual and the employer to work in a regulated role without the required scheme membership.

Question 20: Do you agree with the proposal to replace the “regulated work” definition with a list of roles/jobs?

No

As we have already stated in response to Q8, a list of this sort is a recipe both for loopholes and for litigation. The names and roles of professions change over time, and there are many roles today that did not exist at the time of the 2007 Act. If the new legislation is to stand the test of time without the need for constant revision by SSI, there should not be a list, but a set of criteria.

Question 21: Do you foresee any challenges for organisations from this proposed approach?

Yes

See previous answer.

Question 22: Are there any roles/jobs not within the list in Annex B that you think should be subject to mandatory PVG scheme membership?

Yes – inevitably

For reasons stated in previous answers, it is not possible to provide a definitive list.

Question 22a: If so, please provide more detail on why.

See previous answers.

Question 23: To avoid inappropriate membership, what criteria do you think should be used to decide if an individual is in a protected role?

The criteria for membership should focus on whether the individual is able to have access to protected individuals, or is in a position of authority with regard to such individuals.

We agree that those whose contact is “fleeting or incidental” should not be required to be members of the scheme, but it should not be an offence for someone to be in the scheme unnecessarily; the risks the scheme is designed to protect against relate to those who should be in it but are not. For the avoidance of loopholes and litigation, “fleeting or incidental” contact should be defined in the new legislation.

Question 24: Do you think that the decision about whether someone who is in a protected role meets an exception which makes them ineligible for the PVG Scheme should be taken by Scottish Ministers?

This should certainly not be left to either the individual or the employer to determine, so should be taken by an independent authority, whether a Minister or an independent reviewer as envisaged in Q71.

Question 25: Are there roles that would not be protected roles and therefore ineligible for membership to the new scheme, that should, however, be eligible for a level 2 disclosure?

See our response to Q23: No roles should be “ineligible”; membership should merely not be mandatory.

Question 26: Are there any welfare services that provide support to individuals with particular needs that should be added, or are there any services that should be removed?

Yes – inevitably

Question 26a: If yes, please state what these are

For reasons given in previous answers, it is not possible to provide a definitive list, and this approach is not appropriate – see our responses to Q. and Q.20.

Question 27: There is the question of the extent to which someone has to be involved in the delivery of a service to bring them within the scope of doing regulated work. At present, the front-line member of staff or volunteer whose normal duties require them to carry out certain activities with an adult, such as ‘caring for’, means that staff member is doing regulated work. Is this appropriate?

Yes

Question 28: Should the immediate line manager of that member of staff is also able to become a scheme member?

Yes

Not only the immediate line manager – any person in a position of authority (or perceived to be), who could plausibly order the member of staff to leave him or her alone with the protected person, or who the protected person would be likely to regard as having authority to be alone with him or her, or to ask for sensitive personal and financial documents.

Question 29: Outwith the activities, a person can be doing regulated work with adults if they work in certain establishments, namely, a care home; or in residential establishment or accommodation for people aged 16 or over.

Do you think these are the correct facilities, or should any be added or removed?

A list may be misinterpreted. See our response to the following question.

Question 29a: If yes, please state what these are

Any analogous situation – once again criteria are required, not a list, or, if there is to be a list, then there should also be a catch-all for any other establishments that fulfil particular criteria.

Question 30: There are also certain exclusions that apply to work in such establishments. A person whose normal duties involve working in such a place will only be doing regulated work if doing something permitted by their position gives them unsupervised access to adults, and where that contact with the adults is not incidental. Do you think this approach is clear and helpful?

Yes

However, any person in a perceived position of authority, even if his or her “normal duties” are entirely behind a desk should be included in the scheme.

Question 31: the appointment of a person into certain positions in relation to services for adults means that membership of the PVG Scheme is possible. The positions are:

- member of a council committee or council sub-committee concerned with the provision of education, accommodation, social services or health care services to protected adults
- the chief social work officer of a council, and
- charity trustee of a charity whose—

(a) main purpose is to provide benefits for protected adults, and

(b) principal means of delivery of those benefits is by its workers doing regulated work with protected adults.

Do you think that list of positions is correct?

No

Job titles, job descriptions, roles, and responsibilities are all subject to significant change over even short periods of time, so once again a list is a recipe for manipulation and evasion, and more generally uncertainly and so litigation. As stated in response to previous questions, this issue should be addressed by a set of criteria that relate to the risk that the legislation is intended to address.

Question 31a: Should it be amended either by adding to it, or by taking away from it?

See previous answer. This question presupposes that a list is appropriate; it is not.

Question 32: How long should scheme membership last in a mandatory scheme?

- a) 5 years
- b) 3 years
- c) 1 year

There is no reason for a single standard length of membership. An individual should be able to choose how long to remain a member in the first instance. A teacher or doctor, for example, who might reasonably expect to be doing regulated work for very many years, should be able to choose a long membership period, whilst someone who expects to coach a youth football team for a single season should be able to choose to be a member for only one year. It is, however, also important that someone who stops doing regulated work before the end of their Scheme membership period should be able to withdraw from the Scheme following confirmation from their employer (or former employer) that they are no longer employed in a relevant capacity.

Question 33: Do you think a membership card would be beneficial to you as a member of the PVG scheme?

Yes, provided that the card includes a photograph, and an expiry date, and possibly also another form of identification such a National Insurance number.

Question 34: Do you think a membership card would be beneficial to you as an employer?

Yes

See previous answer. It is, however, obviously essential that it should be a criminal offence to retain a membership card after its return is requested for whatever reason.

Question 35: Do you agree with the proposals to review the conditions for registered bodies as set out in the Code of Practice and Police Act 1997 and to develop a scheme that can be delivered digitally, that includes registered body duties where possible?

Yes

This is long overdue. See previous answers.

Question 36: What is your preferred option for membership and costs for PVG level disclosure?

See our response to Q32: There is no reason for a single standard length of membership. The individual should be able to choose the desired duration and pay whichever fee is appropriate.

Question 37: Are you in favour of being able to interact with Disclosure Scotland online to manage PVG scheme membership?

Yes – very much so.

Question 38: Are you in favour of using electronic payment method for fees?

Yes

Question 39: Do you have an electronic payment method that you prefer?

Yes

Question 39a: If you have answered ‘yes’ please say what it is:

Direct debit from the bank account nominated by the organisation or individual.

Question 40: Do you have any proposals on how the transitional arrangements for moving away from a life-time scheme membership should work?

Members of the present scheme should be rolled into the new scheme for the maximum period permitted under Q32 above.

Question 41: Should volunteers continue to receive free membership?

Yes

In our experience, volunteers tend to undertake a number of roles either serially or at the same time, and there is considerable objection to having to complete new applications for each different role, to the point of some saying that it's not worth the trouble. Adding a fee would be a significant disincentive to an activity from which society as a whole benefits hugely, and which the government wishes to encourage.

Question 41a: If no, should they be subject to a reduced fee?

n/a

Question 42: Do you agree that voluntary organisations seeking to benefit from a reduced fee or the fee waiver should be subject to a public interest test?

Yes

Provided that charities, which already have to satisfy HMRC and OSCR in this regard, do not have to do so again.

Question 42a: If so, how should that test be defined?

As in the Charities and Trustee Investment (Scotland) Act 2005.

Question 43: Do you agree that employees and employers alike (including volunteers and volunteering bodies) who work or allow an individual to work in protected roles without joining the PVG Scheme or to stay in protected roles after membership has expired should be subject to criminal prosecution?

Yes

However, Disclosure Scotland should be required to notify both Scheme Members and any employers (including volunteering bodies) with a registered interest, one month before Scheme membership is due to expire so that both have the opportunity to make appropriate arrangements to renew membership or to move the employee from regulated work.

Question 44: Do you agree that any scheme member who fails to pay the relevant fee to renew their PVG Scheme membership and where there are no employers (or volunteering bodies) registered as having an interest in them in a protected role should exit the PVG Scheme automatically at the expiry of their membership?

Yes

Where, however, there are employers (including volunteering bodies) with a registered interest, these should be advised by Disclosure Scotland that the employee concerned is no longer a member of the Scheme.

Question 45: Should a person who joined the Scheme as a volunteer and benefitted from free entry later try and register a paying employer against their volunteer membership then the full fee would become payable and a new 5 years of membership would commence. Do you agree with this?

Yes

Question 46: Do you agree with our proposals to dispense with the current court referral procedure under section 7 of the 2007 Act?

Yes

Question 47: Are there offences missing from the Automatic Listing Order that you think should be included? You can access the order [here](#)

No

Question 47a: if you answered yes to question 47, please list the offences you believe are missing

n/a

Question 48: Do you agree with proposals to create new referral powers for the Police?

Yes

Question 49: Do you agree these powers should be limited to when police have charged a person with unlawfully doing a Protected Role whilst not a scheme member or where a referral has not been made by a relevant organisation?

No

The police should be required to refer any person charged with an offence that might lead to him or her being listed as barred.

Question 50: Do you think this proposal, to extent the powers of referral currently available to regulatory bodies to local authorities/health and social care partnerships, closes the safeguarding gap in terms of self-directed support?

We have no view on this question.

Question 51: Do you think that this list of regulatory organisations with powers to make referrals should be amended?

- Healthcare Improvement Scotland
- The Registrar of Chiropractors
- The registrar of dentists and dental care professionals
- The registrar of the General Medical Council
- The registrar of the General Optical Council
- The Registrar of health professionals
- The Registrar of nurses and midwives
- The Registrar of Osteopaths
- The registrar of pharmacists
- Social Care and Social Work Improvement Scotland (the Care Inspectorate)
- The General Teaching Council for Scotland
- The NHS Tribunal
- The Scottish Social Services Council

Yes

Question 52: If you think the list should be amended, please give details of additions or removals.

To avoid the need for constant revision by SSI, we suggest the addition of “any other analogous body”

Question 53: Do you agree with the proposal to provide Disclosure Scotland with powers to impose standard conditions on individuals under consideration for listing?

Yes

This enhances the proportionality of the scheme.

Question 54: If yes, how long should the conditions last before lapsing?

- a) 3 months
- b) 6 months

No fixed maximum – until the matter has been determined.

Question 55: Under what circumstances do you think Disclosure Scotland should be able to impose standard conditions and why?

As envisaged in the consultation paper, the conditions should extend to all relevant work (paid or as a volunteer) undertaken by the individual, and not only to work for the organisation that has referred the individual. Similarly, Disclosure Scotland should also be able to impose conditions in the case of a relevant police investigation, even if that is not directly related to any regulated work undertaken by the individual. The individual should, however, have a right of appeal.

Question 56: Do you agree that it should be a criminal offence if an individual and employer/voluntary body failed to comply with standard conditions?

Yes.

Otherwise there is no point in imposing them.

Question 57: Do you agree the age threshold for the shorter prescribed period for a removal application from inclusion on the list(s) to be made should be raised?

No

Question 58: Which option do you prefer?

- a) no change to the age threshold
- b) raise the age threshold to under 21 years
- c) raise the age threshold to under 25 years

Option A

Question 59: Do you think it's appropriate that organisations, irrespective of where the regulated work is to be carried out, should be informed of a listed individual's barred status?

Yes

Question 60: Do you agree with our approach for PVG Scheme Members in a protected role overseas or organisations employing PVG members to do a protected role, such as providing aid services?

Yes

Question 61: We are proposing that there should be criminal offences in relation to organisations who employ barred persons overseas. Do you think that we should also consider introducing criminal offences in relation to barred individuals offering to undertake a protected role overseas?

Yes

There should be no difference between how an individual is treated in Scotland, the rest of the UK, and the rest of the world.

Question 62: Are there any offences missing from either list, those being schedule 8A or schedule 8B, that you think should be included? If so what are they, on what list should they appear and why?

We do not feel qualified to answer this question.

Question 63: Are there any offences on schedule 8A that you think should be on schedule 8B? If so, please list them and explain why.

We do not feel qualified to answer this question.

Question 64: Are there any offences on schedule 8B that you think should be on schedule 8A? If so, please list them and explain why.

We do not feel qualified to answer this question.

Question 65: Do you agree with the categorisation of the new offences included in Annex C?

We do not feel qualified to answer this question.

Question 65a: If no, please state how they should be categorised.

n/a

Question 66: Do you believe the rules for disclosure in the current form of 15 years and 7.5 years provide appropriate safeguarding and privacy protections?

Yes, subject to our response to Q.67

Question 67: Do you agree that a reduction in the disclosure periods from 15 & 7.5 years is appropriate considering the changing policy on rehabilitation of offenders?

No

There is no reason why the reduced period must be half of the standard, particularly since as the standard period is reduced the shorter period becomes too short to be of any significance.

Question 68: What period between 11 and 15 years do you think is appropriate for disclosure?

We have no view on this question.

Question 69: Do you think the application process to seek removal of a spent conviction should be reviewed?

We do not feel qualified to answer this question.

Question 70: At present, an individual has three months from the date of notification of an intention to appeal to make an application to a Sheriff. Do you think this time period is:

Correct

Question 70a: If you indicated that the time period is too long or too short, what do you think the time period should be?

n/a

Question 71: Do you think any of the options set out above, those being the *introduction of an administrative process stage prior to application to a sheriff, the introduction of an independent reviewer or making an application to a tribunal*, offer viable alternatives to an application to a Sheriff?

Yes

Question 71a: If yes, which one?

Independent reviewer

Question 71b: If not, do you have any other suggestions?

n/a

Question 72: Do you agree that Ministers should have a power to issue statutory guidance to Police Scotland on the processes governing the generation and disclosure of ORI, including seeking representations from the individual before issuing it for inclusion on an enhanced disclosure or PVG scheme record?

Yes

The system must be seen to operate fairly, and so not to be influenced by the views of individual officers.

Question 73: Do you agree with Ministers proposals to allow for representations to the chief constable before disclosure of ORI to a third party and for providing the individual with the option to appeal to an independent reviewer before ORI is disclosed?

Yes

Question 74: Do you agree that the independent reviewer being appointed under the ACR Bill should be used for reviewing ORI?

Yes

This would seem a sensible use of resources.

Question 75: Should there be specific provisions reducing the possibility of the state disclosure of criminal convictions accrued by young people 12 years or older on all types of disclosure?

Yes

These should take into account the age of the individual at the time the offence was committed; in general, an offence committed at the age of 17 should be regarded as more liable to disclosure than one committed at the age of 12.

However, this should not solely have reference to age. Some young people who have grown up with childhood abuse or domestic violence, or who have lived in settings with

adults who abuse alcohol or drugs, display serious developmental delays, acting like young teenagers into their 20s.

Furthermore, while a young person who is convicted of a single minor offence may deserve a second chance, one who commits a major offence, or accrues a number of more minor offences should have that fact disclosed.

Question 75a: If there should, what age range should the special provisions apply to?

12-21; as noted above factors other than chronological age may be relevant.

Question 75b: Please tell us why you have selected an age range or given your answer.

See our response to Q.75.

Questions 76: Should there be a presumption against the disclosure of all convictions accrued between 12 and a specified upper age, with the only possibility being police disclosure as ORI after ratification by the Independent Reviewer on the Level 2 and PVG Level disclosures?

No

There should not be a presumption either for or against disclosure. Each case should be considered individually to ensure an appropriate balance between safeguarding protected groups, and providing appropriate protection for those young people who wish to work with those groups.

Question 77: Should there be no state disclosure of any conviction between the age of 12 and the specified upper limit, except where the conviction is for an offence listed in schedule 8A or 8B?

No

See our response to Q75.

Question 78: If there is a disclosure of an 8A or 8B conviction(s) should all other unspent convictions be disclosed even if the other unspent convictions are for offences not listed in schedule 8A or 8B?

Yes

A single, even though very serious, offence may have occurred due to particular unique circumstances, but the additional accrual of a number of other, even if more minor, offences indicates a course of behaviour that should be disclosed.

Question 79: Should disclosure applicants with 8A and 8B convictions be able to apply immediately to a sheriff (or other authority) to have those treated as protected regardless of the passage of time?

Yes

This seems to be an appropriate protection given the potential seriousness of disclosure.

Question 80: When including ORI on any disclosure about conduct between the age of 12 and the upper age limit should the police only be able to refer to matters they reasonably considered to be serious?

Yes, and they should be required to give a written explanation.

We are aware of cases in which a young person denied an accusation, was referred by a Children's Hearing to the Sheriff, who found the allegation not proven, but the police retained the information in order to be able to include it in ORI. It should be expressly stated in the regulations that the Sheriff's finding in such a case closes the matter, and it should not be disclosed (unless of course there is new evidence and a new prosecution).

Question 81: Do you agree with the proposal to place a lower age limit on applicants for criminal record checks?

No

It is normal for young people in youth groups to act as leaders for younger members, and as near peers, these leaders may in some cases, have a potentially greater influence over group members, and therefore, potentially greater opportunities for abuse, than would an adult.

Question 82: In what circumstances should a criminal record check for a child under 16 be permitted?

When appropriate to the role undertaken, as above, for example. If an individual under the age of 16 is mature enough to undertake any form of regulated work, they may also be sufficiently aware to be able to exploit that opportunity to the detriment of the protected persons concerned. All individuals undertaking such work should, therefore, be subject to a criminal record check, regardless of age.

Question 83: Do you have any concerns with the proposal to introduce a minimum age of 18 years for people who want to become registered person or those who are nominated to be countersignatory in connection with Level 2 and PVG Level disclosures?

No

Question 84: Do you think a supported person arranging self-directed social care should have access to vetting information which could include details about previous convictions relating to a prospective carer?

Yes

Question 84a: If you responded 'No' to Q84 , do you have any suggestions about how Disclosure Scotland checks could be structured to assist a supported person making their own arrangements for self-directed social care?

n/a

Question 85: Do you think this approach for private individuals working with children or protected adults is correct?

Yes

Question 86: Do you think that specialised interpreters whose assistance may be needed to allow a person to participate in day-to-day life it should be regulated work?

Yes

Question 87: Should vetting information be available if the arrangements are being made by a private individual?

Yes

Question 88: Do you agree that the law be changed to sort this anomaly that a charity must have one main purpose only, that is work with children or work with protected adults, for a trustee to be able to join the PVG Scheme and if a charity has as its main purpose services directed at both vulnerable groups then trustees cannot apply to join the PVG Scheme?

Yes

Question 89: Do you think that provision should be made to bring into force the amendment at section 78(1) of the 2007 Act that would have allowed information about a notification requirement under the 2003 Act made following an application by a chief constable to be included on a basic disclosure?

Yes

Question 90: Please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on any particular groups of people?

We are not aware of any differential impacts.

Question 91: Please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups?

These proposal do not impinge on community relations.

Question 92: Please tell us about any potential impacts you think there may be to particular businesses or organisations?

There is clearly a cost to individuals and organisations, but the proposals for internet-based delivery should reduce some of the costs. The main new cost is for renewing membership after the initial period of 1, 3, or 5 years, but renewal is essential to the integrity of the scheme. However it is right that volunteer services should be exempt because the social value of volunteering far outweighs the cost to the public purse.

Question 93: Please tell us about any potential impacts you think there may be to an individual's privacy?

There is no question but that disclosure is intrusive, but that is inevitable in order to mitigate the risk it is designed to address. However the intrusion has to be proportionate, so disclosure should be legally mandatory when the activity undertaken gives rise to any relevant risk, and should not be required (but should not be prohibited) when it does not. In our opinion, the proposals for different levels of disclosure and for

protections and other safeguards adequately address the concerns about proportionality.

Question 94: Please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on children?

The key objective of the legislation is to enhance protection of children and others, and insofar as these proposals strengthen the current regime, they are to be welcomed.