



**Disclosure (Scotland) Act 2020: Accredited body fees
and proposals for discounting in relation to the PVG Scheme**

Response from the Scottish Council of Jewish Communities (SCoJeC)

Background information

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 widely among members of the Scottish Jewish community, and this response reflects the views of all branches of Judaism that have communities in Scotland.

Introduction

The Scottish Council of Jewish Communities has been a registered body on behalf of the Scottish Jewish Community for the PVG Scheme and its Disclosure predecessor since 2010. We therefore have considerable experience of the various schemes, and also of the needs and experiences of Jewish communal organisations that work with children and/or protected adults.

1. Do you agree with the proposal to increase the accredited body registration fee to £120, with additional countersignatories continuing to be £15 per addition?

- Yes
 No
 Don't know

2. What information do you think we need to consider in relation to the accredited body registration fee?

The Scottish Council of Jewish Communities, like many other organisations in the

voluntary sector, carries out a wide range of work critical to the wellbeing of our community, but does so on a shoestring, often unsure whether we will be able continue services beyond the end of our current funding. Whilst miniscule in the context of large businesses, and indeed of Disclosure Scotland's cashflow, an increase of £45 to the annual registration fee, on top of the not insignificant additional administrative costs involved in managing the new system, including the requirement – with which we strongly agree – to repeat checks every five years, would constitute substantial extra expenditure for many voluntary sector organisations. In some cases it may even force organisations to relinquish accredited body status. At best this would result in a very large number of additional PVG applications submitted through Volunteer Scotland (which would result in not insignificant cost implications for Disclosure Scotland, and in turn, the Scottish Government), and at worst, a loss of services to the most vulnerable in society if some organisations fear to confide applications to a body outwith their own community – or even a reduction of compliance if some organisations decide not to bother and hope to get away with it).

3. Do you agree with the proposal to introduce an account upgrade fee?

- Yes**
 No
 Don't know

We are concerned that the introduction of an account upgrade fee may encourage accredited bodies to register at the outset for disclosure types that may not currently be appropriate to their needs, in order to avoid an additional fee in case these may later become relevant to them.

4. Do you agree with the proposal to move to a fee discount structure for volunteers in QVOs?

- Yes**
 No
 Don't know

5. What information do you think we need to consider when proposing moving to a fee discount for volunteers in QVOs?

NB: This answer relates to Q4 as well as Q5, but the form does not permit a text response to that question. Note also that Q4 is question-begging; we have taken it to mean “Do you agree with the proposal to move to a fee structure (albeit with discounts for volunteers in QVOs)?”

We are absolutely opposed to fees for vols, whether discounted or not.

PVG Scheme membership is, rightly, a legal requirement for everyone who undertakes regulated work with children and/or protected adults. If such work is to be carried out, whether by paid employees or volunteers, PVG Scheme membership must be obtained.

The initial consideration should, therefore, be whether, in terms wider than just the Disclosure Scotland budget, it is economically sensible to introduce a fee for volunteers who carry out regulated work in QVOs. If fees are unaffordable for the volunteers themselves and also for the QVO, volunteers may be forced to stop volunteering, and

the QVO may be forced to stop providing relevant services, or, regrettably, some organisations and individuals may put their head in the sand, and simply ignore the requirement to carry out checks. In the words of one Jewish community organisation that provides essential welfare services, “we have around 30 volunteers so this cost would be significant for us and could be better spent elsewhere”. This potential detriment to the wellbeing of children and protected adults is simply not worth the financial saving to Disclosure Scotland and the Scottish Government.

The most recent data, from the Household Survey 2022, bears out what our own experience indicates, namely that, for a variety of reasons, it is already the case that fewer people now volunteer than previously. The percentage of people involved in formal volunteering fell from 30% in 2011 to 26% in 2019, and still further to only 22% in 2022¹. As a result, QVOs and volunteers are already struggling to continue to provide services, and unaffordable PVG Scheme membership fees may probably be the last straw for some.

The majority of services provided by QVOs are not just nice optional extras. Most are essential to their recipients, who are often among the most vulnerable in society. If these services were no longer to be provided by QVOs, they would have to be provided by the state at a very much higher cost than that of PVG scheme membership – always assuming that the public sector has the capacity to take over the work and not leave erstwhile recipients to fall through the gap in provision.

Furthermore, whilst many volunteers may not be able to afford to pay a fee every five years in order to be permitted to give their time freely to assist others, there is ample evidence to show that volunteers receive significant benefits in terms of improved mental and physical health. If their volunteering were to become unaffordable, a significant number of former volunteers might find themselves in a position of needing support from public sector organisations, including from the hard-pressed NHS.

1. Do you agree with the proposal to proposal to create a fee discount structure for people in receipt of certain benefits?

- Yes**
- No**
- Don't know**

2. What information do you think we need to consider when looking at a fee discount for people in receipt of certain benefits?

We agree with the principle of assistance for those for whom a PVG Scheme membership fee would be prohibitive. We are, however, concerned at how a discount would operate. Many people in receipt of benefits may not wish their employer, whether a business or a QVO, to know their personal financial position. And if organisations may be required to ask for personal financial details, they will need to implement stringent safeguards in the form of additional legally enforceable privacy policies.

The alternative of requiring applicants to apply to Disclosure Scotland for a discount, presumably in the form of a refund on a fee already paid with difficulty, would, however,

¹ Scottish Household Survey 2022: Key Findings (Scottish Government, December 2023)
<https://www.gov.scot/publications/scottish-household-survey-2022-key-findings/pages/10/>

set up a new layer of bureaucracy, making it more difficult for people to gain employment or volunteer their time.

Financially disadvantaged people should not be placed in a position of inequality and further disadvantage by having to reveal details of their financial situation that are not required of other applicants.

3. Do you agree with the Option 1 proposal to provide a fee discount for care experienced young people?

- Yes
- No
- Don't know

4. Do you agree with the Option 2 proposal to provide a fee discount for care experienced young people?

- Yes
- No
- Don't know

5. What information do you think we need to consider when proposing a fee discount for care experienced young people?

We agree that care-experienced young people often face significant barriers in accessing employment and training opportunities, but these difficulties are not only related to cost. A requirement to reveal to a potential employer that they are care-experienced in order to access a reduced fee may create an additional barrier both in obtaining employment or training opportunities, and in receiving equal treatment and respect if these are obtained.

The alternative of requiring care-experienced applicants to apply to Disclosure Scotland for a discount, presumably in the form of a refund on a fee already paid with difficulty, would set up a new layer of bureaucracy, making it harder for them to gain employment or volunteer their time.

Care-experienced young people should not be placed in a position of inequality and further disadvantage by having to reveal personal details that are not required of other applicants.

6. What information do you think we need to consider for the Business and Regulatory Impact Assessment?

A link to the draft impact assessment should have been provided either from the consultation webpage or document – preferably from both – to enable all respondents to respond effectively to this question.

In addition to the information already included, the draft impact assessment should cover the likelihood of loss of important services to vulnerable people if small businesses and third sector organisations are forced to close or limit service provision as a result of increased costs, including the impact this would have on public services, and the possibility of reduced compliance (perhaps even to the extent of the penalty regime being unenforceable and the entire system falling into disrepute). It should also

cover the increased administrative costs, both time and financial, involved in these proposals, as well as the impact on staff relations if employees have to reveal personal and financial information that they would prefer to keep private.

7. What information do you think we need to consider for the Equality Impact Assessment?

A link to the draft impact assessment should have been provided either from the consultation webpage or document – preferably from both – to enable all respondents to respond effectively to this question.

The draft impact assessment focuses on financial issues, which are indeed important. However, more intangible issues should also be considered, including, amongst others, the likelihood that people who do not feel comfortable to reveal highly personal details about their background or financial situation may self-exclude from regulated work in order to keep this information private, and also the possibility of reduced compliance (perhaps even to the extent of the penalty regime being unenforceable and the entire system falling into disrepute).

8. What information do you think we need to consider for the Fairer Scotland Duty assessment?

A link to the draft impact assessment should have been provided either from the consultation webpage or document – preferably from both – to enable all respondents to respond effectively to this question.

Socio-economic disadvantage includes many factors that prevent or obstruct people from being able to improve their financial position. The impact assessment should also consider whether the requirement to reveal highly personal background and financial information in order to access regulated work, and the possibility of self-exclusion to avoid that necessity, constitutes such an obstruction, as well as the possibility of reduced compliance (perhaps even to the extent of the penalty regime becoming unenforceable and the entire system falling into disrepute).

9. What information do you think we need to consider for the Children's Rights and Wellbeing Impact Assessment?

A link to the draft impact assessment should have been provided either from the consultation webpage or document – preferably from both – to enable all respondents to respond effectively to this question.

The impact assessment focuses on financial issues, but should also consider factors such as opportunities for young people to acquire new skills, and to feel that they are making a contribution to the wellbeing of another person and to society more generally – as well as more intangible matters such as the development of self-confidence and wellbeing that these engender. Part of this consideration should be the potential impact of self-exclusion from these opportunities if young people do not want to reveal highly personal background or financial information about themselves, and also the possibility of reduced compliance (perhaps even to the extent of the penalty regime becoming unenforceable and the entire system falling into disrepute).

10. What information do you think we need to consider for the Island Communities Impact Assessment?

A link to the draft impact assessment should have been provided either from the

consultation webpage or document – preferably from both – to enable all respondents to respond effectively to this question.

In common with the other impact assessments, this should consider not only more easily quantifiable financial information, but also intangible issues relating to the wellbeing of residents in island communities.

Conclusion

We are very concerned that these proposals, in particular the introduction of fees for volunteers, may, for both financial and privacy reasons, force individuals and charities to withdraw from the provision of services that include regulated work with children and/or protected adults or else to ignore the regulations entirely. This would have serious cost and service implications for the public sector, and even more so for the often very vulnerable recipients of these services. **We therefore urge that the proposals should be reconsidered in their entirety.**

In particular, the cost of PVG Scheme membership for volunteers should continue to be centrally funded – not least for economic reasons, since additional public sector provision to cover for lost voluntary services would inevitably be more expensive. In addition, more thought should be given to the implementation of mitigations for people in receipt of benefits, and for care-experienced young people, in order not to raise additional barriers to their participation in regulated work whether paid or as a volunteer.