



## **PROTECTION OF VULNERABLE GROUPS SCHEME (SCOTLAND)**

### **IMPLEMENTATION PROGRAMME**

**UPDATE  
SEPTEMBER 2008**

#### **1. PURPOSE**

The purpose of this bulletin is to inform stakeholders of progress with implementation of the new vetting and barring scheme (PVG scheme) introduced through the Protection of Vulnerable Groups (Scotland) Act. It includes a brief description of the scope of each of the projects that make up the overall implementation programme and highlights recent implementation activities.

#### **2. BACKGROUND**

**The PVG scheme will:**

- **ensure that those who have regular contact with vulnerable groups through the workplace do not have a history of harmful behaviour,**
- **deliver a fair and consistent system that will be quick and easy for people to use and end the need for multiple disclosure applications.**

A strengthened and robust vetting and barring scheme contributes directly to the Scottish Government's objective - to help local communities flourish and become stronger, safer places to live.

The scheme will stop people who, on the basis of their past behaviour, are unsuitable from working with children and/or protected adults – either paid or unpaid – and detect those who become unsuitable while in the workplace.

It builds on what has been learned from the current disclosure system to deliver a streamlined service for people who work with vulnerable groups.

For more background to the PVG Scheme go to [www.scotland.gov.uk/pvglegislation](http://www.scotland.gov.uk/pvglegislation)

#### **3. IMPLEMENTATION PROGRAMME**

The PVG implementation programme includes many diverse components and it affects a wide and varied range of stakeholders. The programme is being managed using the Managing Successful Programmes methodology devised by the Office of Government Commerce.

This update breaks the programme down into its constituent projects, setting out briefly the purpose of the project and progress to date. It then summarises the work scheduled over the next few months.

As yet it has not been possible to finalise either a go-live date or a scheme membership cost. Both of these are dependent on decisions yet to be taken following the consultation on policy proposals for secondary

legislation, as well as final definition of the IT functionality required for go-live.

#### 4. PROJECTS

The programme is broken down into a series of 14 individual projects, each with a project manager. (Two projects, five and 15 have been closed down, either because the work is complete or has been integrated into other projects. The project numbers have been retained for continuity purposes).

1. Secondary legislation
2. Cross-Border legislative and functional integration
3. Process design and system development
4. Determination process design and development
5. (Project closed)
6. Information flows – police
7. Information flows – courts
8. Information flows – regulatory bodies
9. Information flows – local authorities
10. Staff recruitment and training
11. Establish Executive Agency
12. Guidance and training
13. Transition plan
14. Stakeholder engagement, consultation and communication
15. (Project closed)
16. Central Registered Body in Scotland

#### Project 1 - Secondary legislation

The purpose of this project is to manage the delivery of the extensive range of secondary legislation required to implement the provisions of the Act. There will be further consultation on some of the more significant Scottish Statutory Instruments and the bulk of the secondary legislation is expected to be laid before the Scottish Parliament during 2009.

Four SSIs have come into force:

- first commencement order (SSI 2007/385) (September 2007)
- staff transfer order (SSI 2007/417) enabling transfer of Disclosure Scotland staff to the Scottish Government (October 2007)
- second commencement order (SSI 2007/564) (January 2008)
- Police Act Amendment Regulations (SSI 2008/006) (February 2008)

#### Project 2 – Cross-Border legislative and functional integration

If unwanted cross-border loopholes are to be avoided, the PVG Act must allow for a degree of interaction with the Safeguarding Vulnerable Groups Act 2006 (SVG Act) which makes similar provision for the rest of the UK.

To ensure that both schemes operate effectively, aspects of secondary legislation are required to be laid before both Parliaments, ensuring that both Acts recognise each other's jurisdiction. Significant progress has been made in mapping out the detail of this and Ministers from the Scottish and UK Governments have agreed, in principle how the two schemes will interact. This will be reflected in forthcoming secondary legislation.

It is also necessary to ensure that the two schemes are able to effectively exchange information about scheme members and barred people, despite the fact that the two schemes will work in subtle, but quite different ways.

A set of principles has been agreed on how the two schemes should work together and a cross-border working groups has been established. Work is progressing on a technical solution to support the exchange of information

about scheme members and barred individuals.

### Project 3 - Process and system development

This is the biggest of the projects and, together with the secondary legislation project, is effectively the programme spine, to which each of the other projects contribute and connect. BT is the Scottish Government's private partner in the delivery of the current Disclosure Scotland service. Development work has so far continued, in partnership with BT, allowing us to build on their extensive knowledge and current service.

The purpose of the project is to develop the necessary processes and systems required to deliver the PVG scheme.

The development of this project started with a set of high level business requirements and a blueprint drawn from the provisions of the PVG Act. It has been taken forward using industry standard best practice:

The Open Group Architecture Framework (which is an industry standard architecture framework) has been used to look at the whole architecture of the business – what does it need to do; who will it need to relate to outside of the organisation; and what roles and functions will be required within the organisation.

The Rational Unified Process is an approach to designing and building major IT systems that minimises the risk of failure by identifying the highest risk areas and focusing on developing those first. This is being used in the system development stages of the project.

The project is being managed in a series of discrete stages which enables the Scottish Government to decide, at the end of each stage, whether to proceed to the next stage. Stage 1b was completed at the end of March 2008. This delivered a complete model that defines everything that the scheme will do and an outline system requirement specification that defines what is required from the IT system.

### Project 4 - Determination process design and development

The purpose of this project is to define the detail of the decision making process about who should be barred. The need for consistency, fairness and transparency is paramount. The work on this project is based on the existing good practice from the Scottish Government team that manages the Disqualified from Working with Children List. However, it is recognised that there will be a difference in scale and that taking listing decisions based purely on conviction history will not lend itself to the detailed panel discussions required for referrals. A three stage process has been designed:

**Stage One** is based on the application of **rules**. This will allow the system to identify any offences that should lead to automatic listing or consideration for listing. It will also rule out of a consideration, any offences, such as driving offences, which would never, on their own, lead to listing.

**Stage Two** is based on the skilled application of **guidance** by a case worker using a decision support system to look at patterns of offending behaviour and apply risk management techniques.

**Stage Three** is based on the application of **judgement** where a decision cannot be reached from stages one and two. At this level, a specialist panel would consider the case.

This approach was outlined in the recent consultation on policy proposals for secondary legislation.

More detailed work sits behind this in modelling conviction behaviour using a database of anonymised disclosure records. This work is well advanced and will inform the development of the decision support system. To help ensure that learning is shared and that a consistent approach is developed, good links will be developed with the Risk Management Authority which has significant expertise in this area and with the Independent Safeguarding Authority which will take listing decisions for the rest of the UK.

### **Project 6 - Information flows – police**

The police information flows project aims to establish an effective means of exchanging information with police systems, both to ensure that the PVG scheme has up-to-date information on its members, from Scottish and other UK police forces, but also to enable Scottish police forces to find out whether an individual is either a scheme member or barred from regulated work.

Over the last six months, agreement has been reached with the Association of Chief Police Officers (ACPOS) and Scottish Police Services Authority (SPSA) that the Scottish Criminal History System can be used to facilitate the exchange of information between Scottish forces and the scheme. More recently SPSA has

confirmed that this is technically possible and the model for data exchange has been incorporated into the ongoing monitoring business model. This provides a sound basis for future development and a project board has recently been established to oversee this work. In addition, agreement has been reached with ACPOS to co-fund a secondee to help drive this work forward. This will also allow the Scottish Government to continue work with Scottish forces, to improve the quality and relevance of non-conviction information disclosed.

### **Project 7 – Information flows – courts**

The courts project aims to establish effective communications between the PVG scheme and Scottish courts. This will be essential to ensure effective referral mechanisms from courts as well as ensuring that there is a means to seek additional information from courts to inform listing decisions.

Agreement has now been reached with Scottish Courts Services on prescribed information to be provided when an individual is convicted of a prescribed offence or where the court exercises its discretion to refer. The possibility of transferring court referrals electronically is also being explored in line with other work on security requirements.

The Scottish Government continues to work with Crown Office policy officials on access to non-conviction information held by Procurator Fiscal offices which may be relevant to listing an individual on the child or adult list, or both.

### **Project 8 - Information flows – regulatory bodies**

The PVG Act allows for vetting information on PVG scheme members to be provided by regulatory bodies. This may be, for example, where the body has removed an individual from their register and reasons are such that the person may not be suitable for regulated work.

Regulatory bodies can make referrals for contemporary cases but the use of vetting information would allow the scheme to consider the relevance of information from historical cases. Discussion with Scotland's three regulatory bodies and the eight UK wide health regulators has indicated that they are content to share relevant information with the PVG scheme. The analysis of the consultation on policy proposals for secondary legislation suggests that stakeholders are comfortable with regulatory body information being used by the scheme.

Work is ongoing between officials, regulatory bodies and colleagues implementing the Safeguarding Vulnerable Groups Act to determine the exact way in which regulatory bodies will interact with the scheme.

### **Project 9 - Information flows – local authorities**

The PVG Act also allows for vetting information on PVG scheme members to be provided by local authorities. The consultation findings suggest that stakeholders believe local authorities hold relevant information, but further work is required to define that information and establish the means to share it effectively.

Discussions are ongoing with stakeholders to determine how to take this forward. In order to ensure that this very sensitive information is properly defined, information from

local authorities will not be included in the scheme when it goes live, but will be a subsequent enhancement to it.

### **Project 10 - Staff recruitment and training**

The focus of this project is to ensure that the right staff are in place at the right time, with the right skills, to deliver the PVG scheme as well as the existing disclosure services. The main focus of this project to date has been the transfer of Disclosure Scotland staff from the employment of Strathclyde police into the employment of the Scottish Government.

The transfer took place on 1<sup>st</sup> October 2007 on existing terms and conditions under TUPE regulations. Since then, work has focused on the harmonisation of terms and conditions with those of the Scottish Government.

### **Project 11 – Establish Executive Agency**

The purpose of this project is to establish the necessary infrastructure, in line with Scottish Government policies and procedures, to enable Disclosure Scotland to become an executive agency in April 2009.

In the last few months, financial management has been transferred onto Scottish Government systems and work is well advanced to bring human resources procedures in line with Scottish Government procedures. The Disclosure Scotland governance structure has been reviewed; and a business plan for 2008/9 has been developed.

### **Project 12 - Guidance and training**

This project will deliver guidance and training for users of the PVG scheme.

There is widespread stakeholder interest in this area, which is reflected in responses to the recent consultation on policy proposals for secondary legislation.

Work has commenced to scope out the guidance required. A Guidance Advisory Group that represents a wide range of stakeholders' interests has been set up and had its first meeting. This group will work with the Scottish Government to ensure that the guidance is clear, concise and fit for purpose. When the guidance is drafted, the Scottish Government will publish it for consultation.

A training package will flow from the guidance although it is expected that training will not commence earlier than six months prior to the go-live date (which has still to be determined).

### **Project 13 - Transition plan**

The Transition Plan identifies and manages the changes required to enable both the disclosure service and the Disqualified from Working with Children List to move from the "current state" or service provision to the "future state", without any disruption to current service standards.

It will identify critical processes and put measures in place to monitor and track progress. This area is often neglected in project and programme management, with the result that the expected benefits are only partially realised. A Change Board has been set up to drive and manage the changes required to existing business processes.

### **Project 14 – Stakeholder engagement, consultation and communication**

The PVG Scheme will affect directly up to 800,000 people who deliver an extremely wide range of care and welfare services (across the statutory, voluntary and private sectors) for vulnerable groups across Scotland. It will affect a broad range of service providers – large employers such as local authorities, and NHS Boards, medium sized employers such as housing associations and some charitable organisations and small organisations and groups such as local children's football team or a small care home for older people.

More indirectly, the scheme affects the Scottish population who wish to be assured that those providing care and welfare services are not unsuitable to work with vulnerable groups.

Effective and timely engagement of stakeholders is therefore critical to success and a communications strategy and plan of activity are in place to deliver this.

A Voluntary Sector Issues Group was established prior to the legislation receiving Royal Assent. This group has wide representation across the voluntary sector and meets every two months to assist on a range of issues relating to implementation of the PVG scheme.

Forthcoming activities will include the development of information materials and a series of information events.

Recent activities have included the publication of Frequently Asked Questions and of a detailed analysis of the consultation on policy proposals for secondary legislation required to deliver the PVG scheme. This document analyses 199 written responses and draws on the views of over 1000 people who attended a

series of consultation events held to complement the consultation process.

Scottish Ministers expect to publish a response to the analysis shortly after the summer Scottish Parliamentary recess.

## **Project 16 - Central Registered Body in Scotland**

The Central Registered Body in Scotland (CRBS) is an umbrella body for small voluntary sector organisations and is the main means by which voluntary organisations gain access to free checks for volunteers. It is wholly grant funded by Scottish Government and is part of Volunteer Development Scotland.

This project is reviewing the role, functions and governance of CRBS to ensure that it is equipped to provide the necessary support to its clients to deliver the requirements of the PVG Act. Recently, the focus has been on looking at potential efficiencies achievable through closer working with Disclosure Scotland as well as starting to promote the PVG scheme to the sector. This will be developed further over the coming months.

### **5. NEXT STEPS**

Here is a summary of the activities planned over the coming months.

- Work will continue on drafting the Scottish Statutory Instruments required to implement the PVG Act.
- Detailed information on system requirements for cross-border information exchange will be finalised.

- The main IT system components for the scheme will be tested to ensure the system concept works.
- A model for informing barring decisions will be developed.
- The framework for the content and broad style of the guidance will be agreed with the Guidance Advisory Group.
- The transition plan to enable Disclosure Scotland to become an executive agency will be agreed.
- The Scottish Government will publish its response to the analysis of the consultation on policy proposals for secondary legislation
- CRBS will commence its capacity building programme.
- Work to develop information materials for the PVG scheme will begin.

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