

Chapter 7: Responding to the Consultation

7.1 Response form

We are inviting responses to this consultation by 12 February 2008.

It is possible to respond to this consultation online at www.scotland.gov.uk/pvglegislation. Alternatively respondents may remove chapter 7 from the consultation paper itself and send it to:

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Space has been provided in the form for responses to be written. Please feel free to continue your answers/comments on additional pieces of paper. If doing so, please ensure that answers can be clearly associated with the questions.

Background

In analysing your response, it would be help us to know what your background is. Please indicate using the boxes provided below the area which best describes your involvement with vulnerable groups. Feel free to add any further comments in the box provided.

Early years	<input type="checkbox"/>	Education	<input type="checkbox"/>	Health	<input type="checkbox"/>
Justice	<input type="checkbox"/>	Parent/carer	<input type="checkbox"/>	Police	<input type="checkbox"/>
Social Work	<input type="checkbox"/>	Sport and Leisure	<input type="checkbox"/>	Voluntary Org	<input type="checkbox"/>
		Other (please specify)	<input checked="" type="checkbox"/>		

Catholic Church

Section 2.2: Regulated work with children

Q 1: Do you have any comments on the content and structure of guidance on the scope of regulated work with children as discussed in section 2.2?

Regulated work with children should include members of a management team and charity trustees where those organisations manage child care services.

Section 2.3: Regulated work with adults

Q 2a: Do you believe an individual should be a protected adult if they are in receipt of any health service (NHS or private)?

Yes No Don't Know

Space is provided below if you wish to give reasons for your decision.

Q 2b: Are there any health services that should not be included? If so, please specify them as precisely as you can and explain why they should not be included.

Q 3a: Should the definition of welfare services be based upon: (Tick one box only)

- the nature of service provided?
- an explicit list of prescribed services?
- the personal characteristics of the individual receiving care?
- an alternative proposal? Please specify below.

Please explain the reasons for your preferred option.

Where the service is provided on behalf of or in the name of the Organisation i.e. pastoral support, on behalf of a church, provided to members of a congregation, parish community would be defined as a welfare service.

Q 3b: Should the definition of welfare services be expanded to include commercial (i.e. for profit) organisations who provide services similar to those provided by the statutory and voluntary sector?

Yes No Don't Know

Space is provided below if you wish to give reasons for your decision.

Section 2.4: Contractors and disclosure

Q 4a: Do you believe that disclosure information should be shared with third parties?

Yes No Don't Know

Space is provided below if you wish to give reasons for your decision.

Q 4b: If you answered yes above, in which of the following circumstances should disclosure information be shared with a third party? (Tick as many boxes as you feel appropriate)

- Where a third party is contracting a transport provider for the purposes of transporting children or protected adults.
- Where a third party is contracting a provider for the purposes of maintaining premises in which services are delivered predominantly to children and/or protected adults and where the maintenance will take place whilst these individuals are on the premises.
- Where a council is offering direct payments in return for the delivery of care to a protected adult.
- Where a council is letting premises to individuals and the intended use of the premises involves regulated work.

Please expand on your answers by explaining your choice(s). Alternatively please suggest other situations in which sharing disclosure information with a third party would be appropriate.

The third party concerned must have expertise in the area of work concerned. Safeguards should be in place to ensure adequate appeals processes and to take account of work both to adequately supervise and rehabilitate offenders.

Section 2.5: Changes to registration of registered bodies

Q 5a: Should there be a minimum threshold number of applications per annum from a registered body as a condition of registration?

Yes No Don't Know

Q 5b: If so, should the threshold be

- 50 per annum?
- 100 per annum?
- 200 per annum?
- a higher or lower level (please specify)?

Space is provided below if you wish to give reasons for your decision.

Q 5c: Approximately how many disclosure applications does your organisation make in a typical year (if applicable)?

3,000 - 3,500 average in the past two years - looking to reach these figures this year.

Section 3.2: Making Referrals

Q 6a: Is the proposed list of prescribed referral information set out in 3.2 acceptable and proportionate?

Yes No Don't Know

Space is provided below if you wish to give reasons for your decision.

The Catholic Church would not routinely collect national insurance numbers and/or a record of past addresses. However, this information would be collected for Disclosure Scotland purposes.

Q 6b: Would providing any of this information (if you hold it) be problematic for your organisation?

Yes No Don't Know

Space is provided below if you wish to give reasons for your decision.

Q 6c: Should any further information be added to the list to help establish identity or background to the case?

Yes No Don't Know

If yes, please specify below.

Section 3.4: Automatic Listing

Q 7a: What offences listed in Annex 3 should lead to automatic listing: (tick one box only)

- None
- Group 1A on the children's list and group 2 on the adults' list only
- Groups 1A and 1B on the children's list and group 2 on the adults' list only; or
- All groups lead to automatic listing on both lists.

Space is provided below if you wish to give reasons for your decision.

Q 7b: Are there offences which should be added to or removed from these groups?

Yes, added Yes, removed No Don't Know

Please give reasons for your answer below.

Section 3.5: Automatic consideration for listing (children's list only)

Q 8a: Should the list of relevant offences against children set out in schedule 1: (tick one box only)

- remain as set out in the Act?
- be expanded to include those set out in annex A4 group 2?
- be expanded to include those set out in annex A4 group 3?
- be expanded to include those set out in annex A4 groups 2 and 3?

Please give reasons for your choice.

It seems appropriate to bring together all the relevant offences to support the aim of having a proportionate and easily understood vetting and barring scheme.

Q 8b: Are there any offences identified in the Act which should not be relevant offences?

Yes No Don't Know

If yes, please specify below.

Section 3.6: Listing Decisions

Q9: Do you have any comments on the approach to making listing decisions set out in 3.6?

No.

Section 3.8 Removal from lists

Q10: Should the age threshold for the shorter minimum no-review period be set at:

- 18
- 25

Space is provided below if you wish to give reasons for your decision.

To be consistent with the amendment going through in England and Wales.

Q 11a: Should the minimum no-review period start:

➤ always from the date of listing?

Or for historic offences should it start from

➤ the date of the incident/offence or

➤ from the date of dismissal/conviction?

Space is provided below if you wish to comment further on your decision.

Q 11b: Do you have any other comments on the proposals for applications for removal from the lists?

Section 4.2: Regulatory Bodies and Councils

Q 12a: Is there any regulatory body information other than that set out in 4.2 that should be regarded as relevant vetting information?

Yes No Don't Know

If yes, please specify.

Q 12b: Would there be any circumstances where sharing this type of information would not be appropriate? If so, please describe these circumstances.

Q 13a: What information do councils hold that might be relevant when considering an individual's suitability to do regulated work with children or adults?

Child Protection Register.
Child removed from parents care.
Children's Hearing pending.

Q 13b: Do you have any suggestions on how council vetting information could be gathered?

Human Resources departments gather information, retrieve and share relevant

information.

Section 4.3 Handling sensitive information from regulatory bodies and councils

Q 14a: Should it be possible for vetting information from regulatory bodies and councils be withheld from disclosure certificates?

Yes No Don't Know

Space is provided below if you wish to give reasons for your decision.

Where information is held about child abuse or neglect concerns in the family setting and the information makes it clear that the concerns related to the other parent and did not concern the scheme applicant.

Q 14b: If you answered yes above, in which circumstances should such information be withheld?

See 14 (a)

Section 4.4 Civil Orders

Q 15a: Which civil orders should be disclosed on scheme records: (tick as many as you find appropriate)

- none
- Risk of Sexual Harm Order (and any interim order)
- Sexual Offences Prevention Order (and any interim order)
- Notification Order (and any interim order)
- Foreign Travel Orders

Space is provided below if you wish to give reasons for your decision.

Q 15b: Which civil orders should be disclosed on standard and enhanced disclosures: (tick as many as you find appropriate)

- None
- Risk of Sexual Harm Order (and any interim order)
- Sexual Offences Prevention Order (and any interim order)
- Notification Order (and any interim order)
- Foreign Travel Orders

Space is provided below if you wish to give reasons for your decision.

Q 15c: Should any other civil orders be routinely included on:

➤ Scheme record disclosures?

Yes

No

Don't Know

➤ Standard and enhanced disclosures?

Yes

No

Don't Know

If yes, please specify below.

If considered relevant.

Section 4.5: Other possible vetting information

Q 16a: Should details of previous competent referrals be included on scheme record disclosures?

Yes

No

Don't Know

Space is provided below if you wish to give reasons for your decision.

Q 16b: Is there any other vetting information beyond that from the police, regulatory bodies, councils and the civil orders identified in 4.4 that should be included on disclosures?

Yes

No

Don't Know

If yes, please specify below.

Section 5.2 : Retrospective checking: whether and how?

Q 17a: Should scheme membership be phased in through:

➤ natural turnover?

➤ a managed process of retrospective checking?

Please explain your preference.

Essential to introduce a managed process to ensure a realistic timescale for all appropriate checking to be progressed.

Q 17b: If natural turnover was selected as the most appropriate option, would your organisation:

- make arrangements to expedite scheme membership for your staff; or
- allow turnover to complete this process over time?

Space is provided below if you wish to give reasons for your decision.

Q 18: Should the period of retrospective checking be delayed until such time as a proportion of the workforce have joined by natural turnover?

Yes No Don't Know

If yes, how long should this delay last and why?

Q 19: If retrospective checking is to be undertaken, which of the options for prioritising retrospective checking of individuals do you prefer? (tick one box only)

- by date of last disclosure
- by sector
- by random personal characteristic
- other (please specify)

Please explain your preference.

Q 20a: If there is to be a period of retrospective registration of the regulated workforce onto the scheme, which of the following options would you prefer: (tick one box only)

- retrospective checking over three years
- retrospective checking over four years
- retrospective checking over five years
- retrospective checking over six years
- three years delay followed by three years retrospective checking
- four years delay followed by two years retrospective checking

Please explain your preference.

We felt that a mid-way point between 3 - 6 years was a realistic option.

Q 20b: What impact would a quick programme of retrospective checking have on your organisation?

The Church could not cope administratively with such a requirement. Also, it is essential that our workforce understand the process, have time to reflect on our requirements. then they will willingly become involved.

Q 20c: What difference would it make if the phasing-in period was significantly extended?

A significantly extended period would not give a sufficient sense of urgency and importance.

Section 5.3: Fees levels and charging regime

Q 21a: Which of the charging regimes do you prefer? (tick one box only)

- Two Tier
- All subsequent checks at lower tier
- Annual Subscription
- Other (please specify)

Please explain your preference.

Free.

We also feel that if the free fee is not acceptable we would require some figures before suggesting our choice.

Q 21b: What do you feel the maximum acceptable level for the higher tier fee should be (to keep the lower tier as low as possible or free)?

No more than what a disclosure check costs at the present time.

Q 21c: To what extent does the level of fee affect your answer to question 21a? (E.g. you prefer a subscription model if it's less than £x / year.)

Q 22: Should individuals who become scheme members through volunteering be required to pay a fee for joining the scheme if and when they join the paid workforce?

Yes No Don't Know

Space is provided over the page if you wish to give reasons for your decision.

Chapter 6: Connecting with the rest of the UK

Q 23: Do you have any comments about proposed cross-border arrangements with the rest of the UK set out in chapter 6?

Church members move to and fro around the UK and across Europe and the rest of the world.

Clear guidance on where responsibility rests for scheme membership and good systems for sharing vetting information with appropriate safeguards is considered vitally important for an increasingly mobile work force.