

Disclosure (Scotland) Act 2020 - Accredited body fees and proposals for discounting under the PVG Scheme consultation

Children's Rights and Wellbeing Impact Assessment

March 2024

Disclaimer

This **draft** document is an **initial assessment** of the impact of Disclosure Scotland – Fee discounting proposals. The Scottish Government will continue to review and update this document where required during the strategic decision-making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

Introduction

Disclosure Scotland is consulting on options on its future approach to the discounting or waiver of Level 2 with PVG disclosures under the Disclosure (Scotland) Act 2020 and the Protection of Vulnerable Groups (Scotland) Act 2007.

The Disclosure (Scotland) Act 2020 (the Disclosure Act) introduces new types of disclosure. The Disclosure Act will also make the Protecting Vulnerable Groups (PVG) Scheme mandatory, and the lifetime PVG scheme membership will end and be replaced with a five-year membership period. This means the Scottish Government needs to lay new regulations on fees payable for each type of disclosure and registering as an accredited body.

Disclosure Scotland's fees and fee structure have not changed since 2011. This is the longest period disclosure fees in Scotland have been frozen. The Public Sector Finance Manual sets out that fees should be set at full cost recovery. This means there will be limited scope to adjust the fee levels proposed.

However, the Scottish Government is also considering several other factors, including:

- the ability of customers to pay for disclosures they need
- where efficiencies can be made at Disclosure Scotland
- what models best supports the transition to the new time-limited Scheme
- the level of central subsidy which can be provided

Work is still ongoing to scope what fee model and levels can most appropriately balance the above duties when setting fees.

Disclosure Scotland is consulting on three main proposals around Level 2 PVG fee discounting for under any changes to fee modelling and levels:

- moving from a fee waiver to fee discount for volunteers in Qualifying Voluntary Organisations (QVOs)
- introducing a fee discount for people in receipt of certain benefits
- introducing a fee discount for care experienced children and young people aged 16 to 25 years old.

Volunteers (Qualifying Voluntary Organisations waiver)

There is currently a fee waiver for PVG Scheme disclosures for those doing regulated work in a voluntary and unpaid capacity for a Qualifying Voluntary Organisation (QVO).

The Scottish Government recognises the immense value volunteers bring to the Scottish economy and life and will continue to subsidise disclosures for volunteers with QVOs. However, with the ongoing pressure on household finances across UK,

we are looking at how to provide a broader package of support to households on low incomes. This broader support will only be achievable if costs can be balanced.

The proposal is to move to a fee discount for volunteers doing regulated roles in QVOs. The suggested discount would be a 60% reduction of the full fee-payment. For example, for the current £59 fee this would be £24 for a volunteer. This would bring in an estimated £745,704 to contribute towards the sustainability of discounting under the PVG Scheme. Another price point example would be a £70 PVG Scheme join fee would be £28. This would bring an estimated £869,988 towards supporting discounting under the PVG Scheme.

People in receipt of certain benefits

Disclosure Scotland has not previously taken an income-based approach to setting fees. However, with an increase in fees likely required to assist with cost recovery, we are exploring the feasibility of offering discounting for people who would be most affected by any increase.

Disclosure Scotland is considering providing a discount based on the individual being in receipt of certain benefits. The benefits suggested for eligibility to the proposed fee discount would be:

- income-based jobseeker's allowance
- universal credit
- personal independence payment under Part 4 of the Welfare Reform Act 2012
- adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022

Disclosure Scotland's proposal is to provide a 50% fee reduction for people in receipt of these benefits. For example, for a £59 fee this would be £29, or for a £70 fee this would be £35. This approach would set the fee below what individuals are currently paying for their PVG level disclosures. It is set higher than the proposed discount for volunteers as this is a new policy which is difficult to assess the uptake of in advance. Disclosure Scotland would keep the effectiveness and uptake of this discount under review to establish whether it is helping those it is intended to.

Care experienced young people

Scottish Government research has found that young people who were looked after are consistently less likely than school leavers generally to be in positive destinations one year after leaving school.

Additional costs to access employment or training opportunities can be a significant barrier to already disadvantaged groups in seeking and obtaining work. Past engagement with care-experienced young people also found that some young people self-excluded from roles which require higher level disclosure due to uncertainty over whether interaction with the youth justice system might remain on their record. Reforms under the Disclosure Act will provide them more certainty over what a disclosure will show before it is received by an employer. However, there may still be a reluctance to apply for a role and access their new rights to review under

Version 4 February 2023: Stage 2 Assessment of Impact and Compatibility

the disclosure system if they feel they may need to withdraw after paying the initial fee.

Disclosure Scotland is considering two versions of this proposal, one based in the existing statutory council tax exemption and one based on the Student Awards Agency Bursary.

Option 1: Disclosure Scotland is considering providing a fee discount of 50% to care experienced young people. For example, the £70 PVG Scheme join fee would be £35. In this proposal, Disclosure Scotland propose defining a care experienced young person as a person who:

- is over 16 years of age and under 26 years of age,
- has been looked after by a local authority at any time from their sixteenth birthday onwards, and
- is no longer looked after by a local authority.

Disclosure Scotland will require the applicant to provide confirmation from a local authority, who can confirm the applicant's circumstances, to establish eligibility for the care experienced fee discount. This option has narrower eligibility than Option 2 on the basis that a care experienced young person in this position is even more vulnerable to financial hardship due to lack of familial support and upheaval in later childhood than a broader cohort and therefore at a minimum targeted support should be made available to this group.

Option 2: Disclosure Scotland is considering providing a fee discount of 50% for care experienced young people. For example, the £70 PVG Scheme join fee would be £35. For this option, eligibility would mirror the criteria for the Care Experience Student Bursary meaning the young person must be aged between 16 to 25 years and have been looked after under one of the following arrangements:

- foster care,
- kinship care (arranged by a local authority),
- kinship care (although not arranged by local authority, the young person must have had engagement/contact with local authority or social work contact during the arrangement),
- looked after at home or looked after away from home under a Compulsory Supervision Order
- residential care.

Disclosure Scotland will require an applicant seeking to benefit from the fee discount to provide confirmation from an appropriate professional person that can confirm their circumstances to establish eligibility for the discount. In relation to Option 2, a SAAS award letter could also be used as evidence. This option has a broader eligibility than Option 1 (and includes those in Option 1), recognising that care experience is a lifelong issue, affecting those who were in care at any age, and that a wider support package would bring more benefits to care experienced young people. It would also streamline the process for any young people also applying for the SAAS award, permitting them to use the same evidence or their award letter for both systems.

CRWIA Stage 2 – Assessment of Impact and Compatibility

1. What evidence have you used to inform your assessment? What does it tell you about the impact on children’s rights?

This impact assessment considers the possible impact of the proposals made in the consultation on Disclosure Scotland’s fee waivers and discounting on the rights of children. In doing so, we are considering official statistics and surveys, evidence from Disclosure Scotland’s systems, past consultation and stakeholder engagement.

From 1 April 2025, Level 2 with PVG scheme membership disclosures will not be available to children aged under 16 years old. Any fees and fee discounting therefore only has a direct impact on children aged 16 and 17 years old.

Qualifying Voluntary Organisations (QVO) fee waiver and discounting

Disclosure Scotland’s data indicates that 19% of PVG applications will be eligible as QVO volunteer applications. Forecasting indicates annually this accounts for 311,027 applications. No more than 15,000 are estimated to be from 16 and 17 year olds.

Volunteer Scotland’s Young People in Scotland Survey 2022, which intended to obtain more detailed analysis on youth volunteering than provided via the Scottish Household Survey, found 48% of 16 year olds had formally volunteered (against overall adult level of formal volunteering at 22% in the Scottish Household Survey 2022¹) and 68% of young people aged 17 or 18 had formally volunteered. Young people living in the least deprived areas had the highest formal youth participation rate (38%), while those living in the most deprived areas had the lowest formal youth participation rate (28%).

While youth engagement in volunteering generally is higher than other groups, we do not see a significantly higher proportion engaged in regulated roles than other age groups.

There is limited-to-no evidence looking at whether a fee on PVG scheme membership would affect youth volunteering. Volunteer Scotland’s research did indicate 7% of existing formal volunteers would undertake more volunteering if they “knew [they] would be fully supported during [their] volunteering” but it is not clear whether this is on-the-job support or referring to, for example, travel or other expenses such as paying for disclosures. This evidence gap is similarly lacking for adult volunteers, a literature review undertaken in 2019 found there is less evidence and less quality evidence around barriers to volunteering compared to motivations. There is some evidence in the adult cohort that travel expenses for attending volunteering was a concern. Disclosure Scotland previously consulted on introducing a nominal fee for volunteers in QVOs in 2018. We received over 300 responses but no qualitative or quantitative evidence covering this aspect was provided.

People in receipt of certain benefits

¹ [8. Volunteering - Scottish Household Survey 2022: Key Findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/information/8-Volunteering-Schottish-Household-Survey-2022-Key-Findings)

In most cases, a person must be 18 years old or over to claim Universal Credit. They may be able to claim Universal Credit when they are 16 or 17 years old if they:

- do not have parental support and are not under the care of a local authority
- are the carer of a disabled person
- are the main carer of a child
- have a child with a partner who can get Universal Credit
- are pregnant and will have their baby in 11 weeks or less, or
- have limited capability to work due to health.

As would be expected, the Scottish Household Survey 2022 found households relying mainly on benefits were the most likely to say they were not managing well financially (17%), compared to households relying on earnings (7%)². There is little evidence related to 16 and 17 year olds, however, there is an indirect impact on children in relation to this proposal. Benefits such as Universal Credit are often insufficient to keep children out of poverty, even when their parents are also in work³. Evidence has shown a correlation between the roll-out of Universal Credit and increased homelessness⁴ and demand for food banks⁵.

Official statistics are not available on how many 16 and 17 year olds are in receipt of benefits across Scotland. However, it is anticipated from national statistics on benefits uptake and Disclosure Scotland's application levels that 149,617 scheme members could be eligible for discounting based on being in receipt of certain benefits across the working age population. The upper estimate of applications from 16 and 17 year olds who may be eligible for this proposal is 9,500 applicants. Work is ongoing with statistical partners to increase confidence in eligibility figures.

Care experienced young people

In Scotland, the average age for leaving care is between 16 and 18 years old, but the average age for leaving home is 25. Care-experienced young people are less likely to have familial financial support in accessing education and employment opportunities. Corporate Parents in Scotland have a duty to take action to support care-experienced children and young people in accessing services and opportunities.

Scottish Government research has found that young people who were looked after are consistently less likely than school leavers generally to be in positive destinations⁶ one year after leaving school. Over the last ten years, the proportion of leavers looked after within the year who were in a positive destination after leaving school has increased. However, in 2021/22 looked after leavers continue to be less

² [3. Finance - Scottish Household Survey 2022: Key Findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-household-survey-2022-key-findings/pages/3-finance.aspx)

³ [Child poverty where parents are doing what the social security system expects of them | Joseph Rowntree Foundation \(jrf.org.uk\)](https://www.jrf.org.uk/child-poverty-where-parents-are-doing-what-the-social-security-system-expects-of-them)

⁴ [Homelessness and Universal Credit: research report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/homelessness-and-universal-credit-research-report/pages/1-introduction.aspx)

⁵ [Universal Credit and Foodbank Use - The Trussell Trust](https://www.trusselltrust.org/universal-credit-and-foodbank-use/)

⁶ School leavers who are engaged in higher education, further education, training, voluntary work, employment or are undertaking personal skills development are classified as having a 'positive destination'. Other destinations include unemployed seeking, unemployed not seeking, and unknown. ([School leavers post-school destinations - Education Outcomes for Looked After Children 2021/22 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/school-leavers-post-school-destinations-education-outcomes-for-looked-after-children-2021-22/pages/1-introduction.aspx))

likely to be in a positive destination (70.4% after nine months), particularly Higher Education, than all school leavers (93.5% after nine months).

Additional costs to access employment or training opportunities can be a significant barrier to already disadvantaged groups in seeking and obtaining work. There are other initiatives in place designed to address economic concerns faced by care leavers. These include:

- a council tax exemption which provides a dwelling occupied by one or more care leavers, or a care leaver sharing with one or more students (or other specified persons), are exempt from Council Tax
- a Student Awards Agency Scotland Care Experienced Bursary which provides a £9,000 non-repayable bursary to any individual who was looked after by their local authority in any capacity before the age of 18.

Policy colleagues within the Scottish Government directed Disclosure Scotland to the work that has been done in relation to the Council Tax Exemption and the Student Awards Agency Scotland (SAAS) Care Experience Bursary. This included sharing feedback on the issues care-experienced people have experienced in evidencing their eligibility for waivers or bursaries offered by public sector bodies. Disclosure Scotland is keen to ensure any proposal and the implementation of any operational process is as simple as possible and reduces the need for people to duplicate work to evidence their care experience. Best practice advice on supporting the implementation of the Council Tax Exemption from CELCIS (Centre for Excellence for Children's Care and Protection) has also been shared.

Disclosure Scotland has spoken with colleagues in SAAS about their Care Experience Bursary and work undertaken with children, young people and their advocates to improve the provision of this service. Disclosure Scotland is considering the possibility aligning with SAAS eligibility to permit the use of a SAAS award letter as evidence of care experience.

Work between the Scottish Government and partners is ongoing to gather the views of care-experienced people on what is required for The Promise to be kept. This programme includes the 100 Days of Listening led by the Scottish Throughcare and Aftercare Forum (STAF) and work undertaken across the Scottish Government's Children and Families Directorate to engage on this priority work. Disclosure Scotland will continue to engage with colleagues to assess what further support can be provided.

Disclosure Scotland's initial analysis is that around 1400 care experienced young people (aged 16 to 25) would be eligible annually on the broader proposal, that would mirror the SAAS eligibility. Disclosure Scotland do not take equality information on disclosure applications. Therefore, we do not hold true figures on how many annual applications come from care leavers or care experienced people. Work is ongoing with statistical partners to increase confidence in eligibility figures.

2. Evidence from stakeholders/Policy Colleagues

Relevant content from evidence provided by colleagues, partners and stakeholders is set out above.

Qualifying Voluntary Organisations fee waiver and discounting

Volunteer Scotland have provided research and analysis on national volunteering in Scotland, those used to inform this and other impact assessments for this consultation are:

- [Young People in Scotland Survey 2022 - Volunteer Scotland](#)
- [Youth Volunteering in Deprived Areas - Volunteer Scotland](#)
- [OSCR Charity Survey 2022 - Key Findings V2 - Volunteer Scotland](#)
- [Scottish Household Survey 2020 - Volunteer Scotland](#)
- [The Cost of Living and Wellbeing Crisis: Quarterly Bulletins - Volunteer Scotland](#)

Scottish Government colleagues provided:

- [8. Volunteering - Scottish Household Survey 2022: Key Findings - gov.scot \(www.gov.scot\)](#)
- [Volunteering for All: national framework - literature review - gov.scot \(www.gov.scot\)](#)
- [Supporting documents - Volunteering action plan - gov.scot \(www.gov.scot\)](#)
- [SAAS Corporate Parenting Plan 2021](#)

People in receipt of certain benefits

Statistics were shared by colleagues working on social security to assist in making estimates of uptake. The Scottish Household Survey 2022 also provided useful context. Evidence from Scottish Government colleagues, the Joseph Rowntree Foundation and The Trussell Trust on poverty was used to inform the broad development of these proposals. There is a gap in relation to 16 and 17 year olds who would directly be affected by any change in policy in this respect.

- [3. Finance - Scottish Household Survey 2022: Key Findings - gov.scot \(www.gov.scot\)](#)
- [Child poverty where parents are doing what the social security system expects of them | Joseph Rowntree Foundation \(jrf.org.uk\)](#)
- [Homelessness and Universal Credit: research report - gov.scot \(www.gov.scot\)](#)
- [Universal Credit and Foodbank Use - The Trussell Trust](#)

Care experienced young people

Policy colleagues within the Scottish Government directed Disclosure Scotland to the work that has been done in relation to the Council Tax Exemption and the Student Awards Agency Scotland (SAAS) Care Experience Bursary. This included sharing feedback on the issues care-experienced people have experienced in evidencing their eligibility for waivers or bursaries offered by public sector bodies. Disclosure Scotland is keen to ensure any proposal and the implementation of any operational process is as simple as possible and reduces the need for people to duplicate work to evidence their care experience. Best practice advice on supporting the implementation of the Council Tax Exemption from CELCIS (Centre for Excellence for Children's Care and Protection) has also been shared.

Disclosure Scotland has spoken with colleagues in SAAS about their Care Experience Bursary and work undertaken with children, young people and their advocates to improve the provision of this service. Disclosure Scotland is considering the possibility aligning with SAAS eligibility to permit the use of a SAAS award letter as evidence of care experience.

3. Evidence from children and young people

We are seeking views from children and young people and children's rights and advocacy organisations through the formal consultation process on these proposals. Disclosure Scotland is arranging specific engagement events with stakeholders in this sector.

Analysis of the evidence

Using evidence detailed above, please answer the following questions on how this relevant proposal will impact children.

4. How have the findings outlined in questions 1-3 influenced the development of the relevant proposal?

Qualifying Voluntary Organisations fee waiver and discounting

While Disclosure Scotland is consulting on a move to a fee discounting model, we recognise that this would introduce a new cost on voluntary organisations or their volunteers. The continuation of the existing fee waiver remains an option.

People in receipt of certain benefits

There has been limited influence on the development of this proposal from this impact assessment work. The primary change is for the general adult/working age population.

It is anticipated there will be an indirect positive impact on children cared for by people in receipt of these benefits as the intent is to support people on very low or no income when looking for work or applying for new roles that require Level 2 with PVG disclosure.

Care experienced young people

The original proposal was only looking at mirroring the eligibility for council tax exemptions, which applies to care leavers aged 18 and over. Discussions with colleagues in Children and Families and the Student Awards Agency Scotland (SAAS) led to the development of a second option which would include 16 and 17 year olds and broaden eligibility.

5. Assessing for compatibility against the UNCRC requirements

UNCRC Articles

Please click on the triangle to expand and collapse the text for a full definition of each article.

What impact does/will your relevant proposal have on children's rights (Please tick positive, negative or neutral)

	Positive	Negative	Neutral
Article 1 Definition of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 2 Non-discrimination	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 3 Best interests of the child	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 4 Implementation of the Convention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 5 Parental guidance and a child's evolving capacities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 6 Life, survival and development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7 Birth registration, name, nationality, care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 8 Protection and preservation of identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 9 Separation from parents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 10 Family reunification	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 11 Abduction and non-return of children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 12 Respect for the views of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 13 Freedom of expression	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 14 Freedom of thought, belief and religion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 15 Freedom of association	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 16 Right to privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 17 Access to information from the media	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 18 Parental responsibilities and state assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 19 Protection from violence, abuse and neglect	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 20 Children unable to live with their family	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 21 Adoption	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Version 4 February 2023: Stage 2 Assessment of Impact and Compatibility

Article 22 Refugee children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 23 Children with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 24 Health and health services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 25 Review of treatment in care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 26 Social security	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 27 Adequate standard of living	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 28 Right to education	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 29 Goals of education	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 30 Children from minority or indigenous groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 31 Leisure, play and culture	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 32 Child labour	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 33 Drug abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 34 Sexual exploitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 35 Abduction, sale and trafficking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 36 Other forms of exploitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 37 Inhumane treatment and detention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 38 War and armed conflicts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 39 Recovery from trauma and reintegration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 40 Juvenile justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 41 Respect for higher national standards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 42 Knowledge of rights	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
First optional protocol	Positive Negative Neutral		
Article 4	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Second Optional Protocol			
Article 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 2	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 4	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 8	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 9	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 11	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. Impact on children and young people

Article 3: Best interests of the child

Article 20: Children unable to live with their family

Care experienced children are structurally disadvantaged when leaving school compared to non-care experienced peers. The Scottish Government has several measures in place to assist with the transition from care to adulthood. The proposal in relation to care experienced young people is intended to supplement these measures. Currently, care experienced young people can access support in completing their application with Disclosure Scotland but there is no financial support. Statutory fees are charged at the same level for all applicants, regardless of circumstances or background, except those volunteering with QVOs.

7. Negative Impact/Incompatibility

No negative impact has been identified in relation to UNCRC articles.

Children aged 16 and 17 may be negatively impacted by a move to a fee discount in relation to volunteering with QVOs where the organisation was not covering the discounted fee for them. Disclosure Scotland is seeking views from volunteer involved organisations and young volunteers working in regulated roles on what the change from a waiver to discount would mean for youth volunteers.

8. Options for modification or mitigation of negative impact or incompatibility

The retention of the current fee waiver in relation to volunteers in QVOs remains an option that would mitigate against changes for such volunteers, including 16 and 17 year olds.

9. Positive impact: Giving better or further effect to children's rights in Scotland

The proposals in relation to care experienced young people recognise the structural disadvantage faced by this group and make the process of applying for regulated roles, including both paid employment and where college or university courses require PVG scheme membership for learning placements, more affordable for this cohort.

10. Impact on Wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.2)

Wellbeing indicator: Will there be an improvement in wellbeing in relation to each indicator? **Yes/no.**

Safe - Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect. **No.**

Healthy - Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices. **No.**

Achieving - Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community. **Yes.**

Nurtured - Growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity. **No.**

Active - Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community. **No.**

Respected - Being involved in and having their voices heard in decisions that affect their life, with support where appropriate. **No.**

Responsible - Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision. **No.**

Included - Having help to overcome inequalities and being accepted as part of their family, school and community. **Yes.**

Post Assessment Review and sign-off

11. Communicating impact to children and young people

Officials are planning engagement with stakeholders, including organisations whose focus is promoting children and young people’s rights and wellbeing. The narrow scope of these proposals and that PVG scheme disclosures will only be available to 16 and 17 year olds has meant there is limited opportunity to engage with the general population of 16 and 17 year olds impacted by the proposals. Going via organisations providing support to them has been identified as the most productive route.

A simplified CRWIA has been drafted and is included at the end (“Annex”) of this document.

12. Planning for the review of impact on child rights

We will monitor the impact of proposals where there is a specific, measurable impact on children following implementation of any changes to Disclosure Scotland’s fee structure. This would specifically relate to the proposal for a fee discount to be provided to care experienced young people. There is also potentially scope to monitor the impact of any discounting in relation to people in receipt of certain benefits. Disclosure Scotland will monitor uptake and feedback if the proposals are progressed to an operational policy.

Disclosure Scotland will conduct an annual review of its fees and discounting commencing 2026, as per best practice in the Scottish Public Finance Manual. Review of the operation of any of the proposals made in this consultation or, where they are not progressed at this time, the feasibility of revisiting the proposals will be incorporated into those reviews.

13. Compatibility sign off statement

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Policy Lead Signature & Date of Sign Off: Ewan Coull, 20 December 2023

Deputy Director Signature & Date of Sign Off: Gerard Hart, 1 February 2024

SGLD Sign Off: Yes No

Once signed off, please send to CRWIA@gov.scot and publish on gov.scot or relevant Executive Agency website.

Annex – Children’s Rights and Wellbeing Assessment (child-friendly version)

Introduction

Disclosure Scotland is asking the public for opinions on whether it should make changes to fee discounts offered in relation to membership of the Protecting Vulnerable Groups (PVG) Scheme. You might have to join the PVG Scheme if you are 16 and over and doing certain work with children or vulnerable adults.

The Scottish Government is considering changes to discounting because fee levels may need to increase for the first time in 13 years. It is important that we consider how those who might struggle most to pay a changed fee can be supported.

Disclosure Scotland is looking for views on three main options around PVG fee discounting:

- moving from free disclosures to a discount for volunteers in Qualifying Voluntary Organisations (QVOs)
- introducing a discount for people who get certain benefits from the government
- introducing a discount for care experienced children and young people aged 16 to 25 years old.

Volunteers (Qualifying Voluntary Organisations waiver)

Currently, many volunteers get free PVG checks. This is because volunteers bring a huge positive impact to Scotland and we want to help encourage people to volunteer. We are not proposing removing the discount entirely because this would make volunteering in certain roles harder.

The proposal is to move to a fee discount for volunteers. The suggested discount would be a 60% reduction of the full fee-payment. For example, for the current £59 fee this would be £24 for a volunteer. For an increased £70 fee this would be £28.

People in receipt of certain benefits

Disclosure Scotland does not currently provide this discount. As we are exploring the need to increase fees, we are also looking at whether it would be possible and helpful to offer a discount for people least able to pay.

We are suggesting that we would offer a 50% discount (for a £59 fee, this would be £29 or for a £70 fee this would be £35) for people who get these benefits:

- income-based jobseeker's allowance
- universal credit
- personal independence payment
- adult disability payment

Care experienced young people

Version 4 February 2023: Stage 2 Assessment of Impact and Compatibility

Disclosure Scotland is a responsibility of Scottish Ministers (the Scottish Government) which means it is a Corporate Parent. We have a duty to consider how we can support care experienced children and young people in accessing our services.

When we've spoken to care experienced young people in the past, they told us they didn't apply for roles which require PVG Scheme membership because they didn't know what might appear on their certificate. The Disclosure Act changes the system so you will see your disclosure information before it's sent to an employer. However, we know that care experienced young people are less likely to have financial support to apply to college or university courses or work that requires disclosure. The additional expense of the PVG scheme membership may still stop some people from applying for jobs or courses they would like to do.

Disclosure Scotland is considering two versions of this option. One is based on the council tax exemption. This would be to provide a 50% fee reduction for care leavers. For a £59 fee this would be £29. A care leaver is a person who:

- is over 16 years of age and under 26
- has been looked after by a local authority any time from their sixteenth birthday onwards
- is no longer looked after by a local authority.

Disclosure Scotland would need the young person to provide confirmation from the local authority that they are eligible as a care leaver. We are also considering whether we could accept a confirmation letter of council tax exemption from the local authority.

The second option developed following reflecting on the evidence below and talking to the Student Awards Agency Scotland (SAAS). It would mean more young people are eligible. Disclosure Scotland would provide a 50% fee reduction for care experienced young people aged 16 to 25 years. Eligibility would match the SAAS Care-Experience Bursary, that the young person would have been under:

- foster care
- kinship care (arranged by a local authority)
- kinship care (no local authority involvement – past local authority contact required)
- looked after at home or looked after away from home under a Compulsory Supervision Order
- residential care

Disclosure Scotland would require the young person to provide confirmation from an 'appropriate professional person' that they are eligible. Disclosure Scotland is thinking about matching the SAAS eligibility criteria so that a SAAS award letter could also be used as evidence.

CRWIA Stage 2 – Assessment of Impact and Compatibility with the UN Convention on the Rights of the Child (UNCRC)

1. Evidence gathered

Disclosure Scotland have looked at data from surveys, evidence from our own systems, spoken with other parts of the Scottish Government and looked what young people have told us in the past.

From 1 April 2025, PVG scheme membership will not be available to children aged under 16 years old. Any fees and fee discounting therefore only has a direct impact on children aged 16 and 17 years old.

Volunteers (Qualifying Voluntary Organisations waiver)

We got evidence from Volunteer Scotland who recently did a survey about children and young people's volunteering. They found young people were generally more likely to volunteer than adults. They also told us that young people living in the most deprived areas were less likely to be able to volunteer than young people in the more deprived areas.

While young people were more likely to volunteer generally, it does not appear from our systems that they are much more likely to need a PVG disclosure than other age groups.

We do not have information on whether needing to pay for PVG scheme membership would make 16 and 17 year olds less likely to volunteer in roles working with other children or with vulnerable adults. We are hoping that young volunteers in these roles and organisations working with them will be able to provide us with more information on how it would affect them.

People in receipt of certain benefits

The Scottish Household Survey 2022 asked about whether people in different types of household were managing well financially. Households relying on benefits are much more likely to tell us they aren't managing well.

There is not much evidence in relation to 16 and 17 year olds on benefits, as usually you need to be 18 to claim these. Children may be able to claim Universal Credit when they are 16 or 17 years old if they:

- do not have parental support and are not under the care of a local authority
- are the carer of a disabled person
- are the main carer of a child
- have a child with a partner who can get Universal Credit
- are pregnant and will have their baby in 11 weeks or less, or
- have limited capability to work due to health.

Care experienced young people

In Scotland, the average age for leaving care is between 16 and 18 years old, but the average age for leaving home generally is 25. Care experienced young people are less likely to have financial support to start work or further education.

Scottish Government research has found that young people who were looked after are less likely than school leavers generally to be in work, further education or undertaking volunteering one year after leaving school.

Costs to access employment or training opportunities can make it harder for them to get jobs.

Disclosure Scotland has talked to colleagues who work regularly with care experienced young people and their advocates, including in Scottish Government Children and Families and SAAS. They have shared feedback they received on work in this area, particularly around the difficulties and delays many young people experience in trying to evidence their care history.

We are seeking views from children and young people and children's rights and advocacy organisations through the formal consultation process on these options. Disclosure Scotland is arranging specific engagement events with organisations in this sector.

2. Analysis of evidence

Qualifying Voluntary Organisations fee waiver and discounting

While Disclosure Scotland is consulting on a move to a fee discounting model, we recognise that this would introduce a new cost on voluntary organisations or their volunteers. Children aged 16 and 17 may be negatively impacted if the current free PVG disclosure for volunteers is replaced by a fee discount. The Scottish Government wants to hear from young volunteers and the organisations they volunteer with about what this would mean for them.

People in receipt of certain benefits

There is not much evidence relating to this proposal from this impact assessment work. The primary change is for the general adult/working age population.

It is anticipated there will be an indirect positive impact on children cared for by people in receipt of these benefits as the intent is to support people on very low or no income when looking for work or applying for new roles that require Level 2 with PVG disclosure.

Care experienced young people

The original proposal was only looking at mirroring the eligibility for council tax exemptions, which applies to care leavers aged 18 and over. Discussions with colleagues in Children and Families and the Student Awards Agency Scotland (SAAS) led to the development of a second option which would include 16 and 17 year olds and broaden eligibility.

UNCRC

These proposals are currently compatible with the UNCRC children's rights. We will continue to review this as we progress and get further feedback.

Post Assessment Review and sign-off

3. Communicating impact to children and young people

We are planning engagement with both voluntary groups and organisations whose focus is advancing children and young people's rights and wellbeing. The narrow scope of these proposals and that PVG scheme disclosures will only be available to 16 and 17 year olds has meant there is limited opportunity to engage with the general population of 16 and 17 year olds impacted by the proposals. Going via organisations providing support to children is considered the best way to obtain views on this topic.

4. Planning for the review of impact on child rights (Stage 3)

We will monitor the impact of proposals on children following implementation of any changes to Disclosure Scotland's fee structure. This would specifically relate to the proposal for a fee discount to be provided to care experienced young people. Disclosure Scotland will gather information on uptake and feedback from young people using the process if the proposals are progressed to an operational policy.

Disclosure Scotland will conduct an annual review of its fees and discounting commencing 2026, as per best practice. Review of the operation of any of the proposals made in this consultation or, where they are not implemented, revisiting introducing the proposals will be incorporated into those reviews.

5. Compatibility sign off statement (Guidance Section 2.2)

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Policy Lead Signature & Date of Sign Off: Ewan Coull, 20 December 2023

Deputy Director Signature & Date of Sign Off:

SGLD Sign Off: Yes No



© Crown copyright 2024



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83601-015-9 (web only)

Published by The Scottish Government, March 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1421014 (03/24)

W W W . g o v . s c o t