AGENDA ITEM NO 6
REPORT NO 224/11

ANGUS COUNCIL
STRATEGIC POLICY COMMITTEE – 15 MARCH 2011
INTRODUCTION OF THE PROTECTION OF VULNERABLE GROUPS SCHEME
REPORT BY CHIEF EXECUTIVE

ABSTRACT
This report advises of the introduction of the Protection of Vulnerable Groups Scheme, and its implications for the council and recommends that payment of costs associated with the scheme be met by the council.

1 RECOMMENDATION
The Committee note the terms of this report and agree that the council meets the costs of checks required by the Protection of Vulnerable Groups Scheme.

2 BACKGROUND
The arrangements for vetting individuals who work or wish to work with vulnerable groups changed significantly on 28 February 2011 as a result of the terms of the Protection of Vulnerable Groups (Scotland) Act 2007. The previous system of checking through disclosure certificates has now largely disappeared and been replaced by the Protection of Vulnerable Groups (PVG) Scheme. Management of the PVG Scheme is overseen and administered by Disclosure Scotland.

The PVG Scheme was originally scheduled for introduction in November 2010 but was delayed because of uncertainty over some aspects of the scheme. The revised implementation date was announced in January.

3 OVERVIEW OF THE PVG SCHEME
The scheme sees the introduction of a list of individuals considered unsuitable to work with vulnerable adults. This supplements the ‘disqualified from working with children’ list which was introduced in 2005.

Any individual who wishes to take up ‘regulated work’ ie work with children or vulnerable adults, is required to become a member of the PVG Scheme and thereby be subject to ongoing ‘vetting’. No one who is on either of the proscribed lists can be a member of the scheme and is therefore barred from ‘regulated work’. An individual’s name is placed on one of these lists, by Disclosure Scotland, on the basis of information about convictions or other conduct gathered by Disclosure Scotland from a range of sources.

It is an offence for an organisation to employ anyone to work with children or vulnerable adults who is barred from ‘regulated work’.

Scheme Membership
Although the scheme is referred to in the singular, the two lists – for work with vulnerable adults and for work with children – are operated independently. This means that generally an individual will apply for scheme membership on the basis of seeking to work with one of the two groups. Someone who will be working exclusively with children cannot apply for membership in respect of vulnerable adults and vice versa. Should they, later in their career, wish to work with the ‘other’ group they will need to re-apply for membership in respect of the second group. Individuals are prohibited from seeking membership in respect of both groups on a ‘just in case’ approach.
Once an individual is a scheme member, their record will be updated continuously and membership will be for life, unless they request that they be removed from the scheme.

It costs £59 for an individual to become a member of the scheme.

Scheme membership in itself does not entitle individuals to work with children / vulnerable adults. Employers, or potential employers, need to seek and assess information about an individual to decide whether they are suitable for a particular job. Assessment can be on the basis of two levels of check:

i) **A scheme record update**, which costs £18.

   This will indicate whether any new vetting information has been added to the person’s record since the individual joined the scheme (although specific details will not be disclosed) and what information was on file when membership was originally granted. Where the update check indicates that new information has been added it will be necessary to seek a full scheme record (Disclosure Scotland estimate that over 90% of update checks will show no new information).

ii) **A full scheme record** which costs £41 if a request is made within 30 days of a scheme record update request, or £59 thereafter.

   This will provide all vetting information on the scheme member and will indicate whether the person is under consideration for barring, or barred, from work with the relevant group.

The council has become a Registered Body which means we can access information about scheme members.

**Phasing in the Scheme / Migrating Existing Employees**

The scheme is being phased in over a period of four years. In year one which commenced on 28 February 2011 membership and the related checks are only required for new employees and for existing employees who change their job.

Over a 36 month period commencing 28 February 2012 the council is required to arrange for all existing employees who carry out ‘regulated work’ to join the PVG Scheme.

During the initial stages of the scheme’s operation few, if any, applicants for regulated work will be scheme members. Consequently the £59 membership fee will be required to check potential appointees. As the scheme matures, and certainly after the fourth year, most of those applying for such jobs will be scheme members and only the scheme record updates will be needed, in the first instance at least.

**Volunteer / Contractors Etc**

The Education Department acts as an ‘umbrella body’ for disclosure checking of volunteers. Many of these individuals fall within the terms of the PVG Scheme.

A further group affected is contractors who provide school transport. Individuals involved in providing this service are already subject to enhanced disclosure checks and as agreed by the Education Committee on 3 March 2011 will now require migration to the PVG Scheme.

**Elected Members / Children’s Panel Members**

Members of council committees / sub committees concerned with the provision of education, accommodation and social services to children and protected adults fall within the ambit of the scheme as do members of the Children’s Panel, the Children’s Panel Advisory Committee and ‘safeguards’ appointed by a Children’s Panel.

Currently all those associated with the Children’s Panel have been subject to enhanced disclosure checks. While new panel members will require to be members of the scheme, others will be migrated during years two, three and four. All elected members have been subject to enhanced disclosure checking so councillors will not be required to undergo re-checking until local government elections in May 2012 when all councillors will require to become members of the scheme.
The Head of Law and Administration currently oversees the necessary enhanced disclosure checking for members of the children’s panel etc and will carry out the necessary work in respect of these individuals and elected members.

Rechecking

The PVG Scheme allows for periodic rechecking of existing members. This would involve seeking, initially, a scheme record update and, if this revealed that new information has been added, a full record check to obtain full details. There is therefore an option for the council, at a cost, to introduce systematic rechecking following the full implementation of the scheme.

However Disclosure Scotland will automatically notify an employer when they add an employee’s name to one of these proscribed lists therefore barring them from the relevant regulated work. Consequently the only new information which an employer would receive through a recheck would be of a nature which Disclosure Scotland had decided did not merit barring.

The council currently has the facility to recheck through the enhanced disclosure system but has chosen not to do so.

Clearly there are issues to consider in deciding whether wholesale or specific rechecking is undertaken but this does not need to be considered until all current employees are members of the scheme ie 1 March 2014.

4 PROPOSAL

While appropriate steps have been taken by officers to ensure implementation of and compliance with the PVG Scheme with effect from 28 February 2011 it is for this committee to decide whether the council or the individuals involved will pay for scheme membership and/or record checking.

There are a variety of options in this regard including:

i) The council pays all membership fees / checks for potential and existing employees.

ii) The council pays the membership fee for existing employees but potential employees are required to meet their own costs.

iii) Both potential and existing employees are required to meet the cost of scheme membership and/or checking.

A similar decision is required in relation to volunteers.

A survey of Scottish councils suggest that most are choosing to meet the cost of scheme membership / checking for both new and existing employees and volunteers, including Dundee City and Perth and Kinross Councils.

It is proposed that option i) be adopted and the council pay all membership fees / checks for potential and existing employees and volunteers.

5 FINANCIAL IMPLICATIONS

The estimated additional cost of the scheme is detailed below.

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<tr>
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<th>Year 1 £</th>
<th>Year 2 £</th>
<th>Year 3 £</th>
<th>Year 4 £</th>
<th>Total £</th>
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<td>Education*</td>
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<td>Social Work and Health</td>
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<td>38,000</td>
<td>125,400</td>
</tr>
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<td><strong>TOTAL</strong></td>
<td><strong>49,542</strong></td>
<td><strong>115,582</strong></td>
<td><strong>113,600</strong></td>
<td><strong>110,555</strong></td>
<td><strong>389,279</strong></td>
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</tbody>
</table>

* This figure includes the cost of checking volunteers who will be included in the scheme.
These figures reflect planned changes to the approach to employing certain staff and a reallocation of duties – hence the ‘frontloading’.

This cost recognises that enhanced disclosure checks, which had cost £23, will no longer be required for jobs within the scheme ie the costs above are the estimated net additional costs to the council.

The costs associated with the scheme in 2011/12 will be contained within departments’ revenue budgets. Funding in future years will require to be considered through the normal budget setting process.

6 HUMAN RIGHTS IMPLICATIONS

There are no human rights implications associated with this report.

7 EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

8 CONSULTATION

All directors have been consulted on and have agreed the proposal for the implementation of the PVG Scheme. The Director of Corporate Services, Head of Law and Administration and Head of Finance have been consulted on the terms of this report.

RICHARD STIFF
CHIEF EXECUTIVE

HMR

NOTE No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.