

# SPEAKING NOTE

## **Introduction**

Good morning.

I am delighted to be here today and to have the opportunity to speak to you about the Protection of Vulnerable Groups (Scotland) Act 2007. I'm particularly pleased to see such a wide range of people with an interest in the strengthened vetting and barring scheme it introduces.

I'd like to thank Holyrood Events for arranging this conference. I am sure the day ahead will be informative, interesting and challenging as we explore the detail of the new scheme and debate the wider issue of proportionate protection.

Before I go on to talk about the vetting and barring scheme, I would like to take a moment to reflect on why the current system must change.

The PVG Act responds to recommendation 19 of Sir Michael Bichard's Inquiry into the tragic murders of two schoolgirls in Soham in 2002.

In his inquiry, he noted that Ian Huntly had come to the attention of Humberside Police in relation to allegations of **eight** separate sexual offences. This information had not emerged during the vetting check carried out at the time of his appointment to Soham Village College in 2001.

As a result, the Bichard Inquiry recommended that new arrangements should be introduced requiring those who work with children or vulnerable adults to be registered.

The thinking that underpinned this recommendation was to:

- Build on what we have learned from the current disclosure system
- Correct elements of the system that we know don't work so well – such as ending the need for repeat disclosure checks
- Join up and strengthen the two separate systems of vetting and barring.
- Recognise that adults also require additional safeguards

### **Consultation on secondary legislation**

This conference is timely. On ?? we will launch our consultation on the secondary legislation required to implement the scheme. The Act itself creates the framework for a new vetting and barring scheme. The secondary legislation will fill in the detail of how it will work.

Detail that I know, from the passage of the Bill, is of great interest to many of you.

This consultation focuses on a range of policy questions and choices. In particular, it asks:

- What should come within the scope of regulated work?
- How should we define a protected adult?
- How we should go about getting the regulated workforce registered in the scheme?
- How long should scheme membership last? and
- Should certain offences lead automatically to someone being barred?

It is comprehensive and deals with many challenging issues, which I know you will want to discuss. We are committed to ensuring that all the key issues associated with the scheme are properly explored and your views taken account of as we develop the detail of the scheme. After all, the vetting and barring scheme will affect more than 800,000 Scottish workers – paid and unpaid. More importantly, the protection it affords will touch all of us at some point in our lives, so it's in all our interests to get it right.

Your views are vital in helping us to shape the secondary legislation and the underpinning policies. It is your experiences with the existing

system and your knowledge of what works in providing services that will inform the new scheme and help to make it as efficient as possible.

There is a great deal of detail still to be determined and many decisions are still to be taken. With your help, I am confident that we will choose the right path.

I would like to encourage you and your colleagues to respond to the consultation and to participate in the open events that will be held around the country towards the end of this year. However, I would also encourage you to use today as an early opportunity to float ideas and new thinking about the way forward.

### **Aims and Aspirations**

I was asked today to outline the Scottish Government's aims and aspirations for the new vetting and barring scheme.

I would like to begin by emphasising one of this Government's five strategic objectives.

That is, to help local communities flourish and become stronger, safer places to live, offering improved opportunities and a better quality of life.

A strengthened and robust vetting and barring scheme will contribute to this objective. Communities will become safer and stronger if those who would inflict harm on children and protected adults are excluded from working, paid or unpaid, in the services and amenities they rely on.

We have learned a great deal since the tragedy in Soham. There is no doubt that an effective vetting and barring scheme will help to minimise the risk of future tragedies.

My aspirations are:

For a scheme that stops, in their tracks, those who would do harm to vulnerable groups.

A scheme that responds swiftly to new information that suggests a change in an individual's suitability.

A scheme that is fast, efficient and easy to use.

A scheme that is fair and recognises that the vast majority of the workforce are caring and responsible individuals.

And a scheme that dovetails with developments in the rest of the UK. To ensure that cross-border loopholes don't develop, which could be exploited by those who would do harm.

We are working closely with colleagues across the UK to ensure that cross border vetting information is exchanged smoothly and effectively. We are exploring with them how best to make and share listing decisions between the different schemes. And we are in the process of determining how best to manage scheme membership for those individuals who work across borders.

I would like to stress that the vetting and barring scheme will help us to identify those who are **unsuitable** to work with vulnerable groups.

It will not assess whether or not a person is **suitable** for a specific post. That decision can only be taken by a prospective employer. Safe recruitment decisions must still be made using the range of measures available.

Measures such as clear and concise child and adult protection policies.

Measures such as seeking robust references from previous employers.

And measures such as appropriate, ongoing supervision and training for staff and volunteers.

The Scottish Government's guidance - *Safer recruitment, through better recruitment* - aims to help employers examine the competencies, experiences, qualifications and attitudes of potential staff in relation to work with vulnerable people.

Organisations, across the statutory, voluntary and private sectors are finding that safe recruitment practices not only produce benefits in terms of safety. They produce benefits in terms of the quality of staff.

I would urge you, if you haven't already done so, to take account of this guidance as you develop your recruitment policies and methods of practice.

I hope that employers will come to value the vetting and barring scheme as a reliable recruitment tool.

Reliable because it introduces a scheme membership system that is updated continuously, making it easier to identify and respond to people who become unsuitable during their employment.

Reliable because it assesses all relevant information in deciding whether an individual is unsuitable to enter the workforce, then

provides that information to employers to decide whether they are suitable for the particular post.

And reliable because it creates, for the first time in Scotland, a list of individuals who are unsuitable to work with protected adults.

For personal employers, the Act provides a **new** tool. It introduces a Statement of Scheme Membership. This will enable, for example, an older person buying a care service through direct payments, to check that the person they are employing is not unsuitable.

This is an important, additional safeguard that should be welcomed and used by both personal employers and employees.

The new scheme will be more streamlined and easier to use than the current system.

We will establish a new Central Barring Unit to work within Disclosure Scotland. The unit will manage a list of those who are barred from working with children. This replaces the current Disqualified From Working With Children List. The unit will also manage the new adults' list that I mentioned earlier.

The role of the Central Barring Unit will be to take all decisions, on behalf of Scottish Ministers, about those individuals who may be unsuitable to work with children or protected adults.

This joins up two systems that are currently separate:

- The disclosure system, which provides employers with information from an individual's criminal record; and
- The barring system for children, which works purely on the basis of responding to referrals from either courts or employers.

This will improve information sharing and decision making.

Once implemented, I am confident that the new vetting and barring system will be quicker and easier for employers, employees and volunteers to use.

It ends the need for multiple form filling every time someone changes, or takes on a new post. I know this is particularly frustrating for those who may have different roles – perhaps as an employee and as a volunteer.

Instead, an individual will apply to join the scheme. Assuming that the person is not unsuitable, they will become a scheme member. Thereafter, their record will be updated when their employment situation changes or if any new vetting information is referred.

Once that person is a scheme members it will be easier, quicker and overall cheaper for a new employer to view that scheme record. For the 90 per cent or so of people on whom no information is held this will be available instantly on line.

In the vast majority of cases, this will help to speed up recruitment decisions, reduce bureaucracy and reduce costs.

I mentioned earlier the scheme's ability to continuously update scheme records. I also mentioned that it will enable employers to take into account relevant vetting information to help them to make informed recruitment decisions.

This can only be achieved if we enable public bodies to refer relevant vetting information quickly and simply to Disclosure Scotland. Making this work is a major component of the implementation programme, with information potentially flowing from police, courts, regulatory bodies and local authorities..

This will help us to ensure that important vetting information is not missed because it is scattered across different systems. It is vital, as Soham has proven, that disparate pieces of intelligence that might highlight an individual's unsuitability, are brought together and fairly and consistently considered.

## **Proportionate protection**

I am alert to the concerns, expressed very eloquently during the Bill's passage that we are in danger of becoming overly protective. That we are denying children their childhoods. And that people, especially men, will shy away from working with vulnerable groups.

My Ministerial colleagues and I are open to further debate around how we should manage risk to vulnerable groups. The vetting and barring scheme is only one part of our strategy towards developing a safer, stronger Scotland.

We have asked our officials to consider how we can strengthen our capacity to deliver flexible policies for managing risks. We are also considering how to move that internal policy debate forward in the coming months. Your views on proportionate protection are most welcome.

But we must remember that tragedies, such Soham, occur because there are unscrupulous people in positions of trust who would betray that trust we place in them.

So this is not simply an either/or situation. Of course we want our children to be free to enjoy their childhood. We want protected adults

to be able to assess and manage risk for themselves rather than being insulated from it.

But that does not mean that people, who have demonstrated through their past behaviour that they pose an unacceptable risk to vulnerable groups, should be afforded positions of trust.

Vetting is a necessity. The new scheme will provide that service in a consistent, proportionate and efficient manner.

### **To conclude**

The PVG Act delivers a scheme that will eliminate the gaps in the current system. A scheme that will identify and remove people who are unsuitable. A scheme that will keep vulnerable groups safe from harm. And a scheme that strikes the balance between protection and over regulation.

I hope this overview has been helpful. There is still a long way to go. But a great deal of progress has been made. The framework for a fair, robust and efficient scheme is now in place.

I look forward to publishing our consultation on the secondary legislation.

I look forward to engaging further with all those who have an interest in the scheme as we put in place the nuts and bolts.

And I very much look forward to the scheme going live which we hope will be by the summer of 2009.

Thank you.

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