

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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Children, Young People and Social Care Directorate
The Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

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 checked="" 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 type="checkbox"/> | | |

WE ARE A SUPPORT GROUP FOR ALL VOLUNTARY PRE-FIVE GROUPS OPERATING IN THE SOUTH LANARKSHIRE AREA. THERE ARE CURRENTLY 105 TODDLER GROUPS AND 36 PLAYGROUPS.

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?

NO

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.

THERE ARE LOTS OF PEOPLE IN RECEIPT OF HEALTH SERVICES THAT ARE NOT CLASSED AS 'VULNERABLE', SUCH AS MIGRAINE SUFFERERS, ASTHMATICS ETC.

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.

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.

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.

WE WANT TO PROCESS OUR OWN DISCLOSURES NOT HAVE AN UMBRELLA GROUP DO IT ON OUR BEHALF. WE ONLY SUBMIT A SMALL AMOUNT OF DISCLOSURES BUT DO NOT THINK IT IS ONEROUS TO KEEP UP TO DATE WITH DISCLOSURE SCOTLAND'S CODE OF PRACTICE AND OTHER REQUIREMENTS. INITIALLY WHEN WE REGISTERED IT WAS TIME CONSUMING BUT NOT NOW. IT WOULD ALSO LESSEN THE CONTROL WE HAVE OVER OUR RECRUITMENT PROCESS.

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

1

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.

THREE MONTHS TO MAKE A REFERRAL SEEMS SENSIBLE.

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.

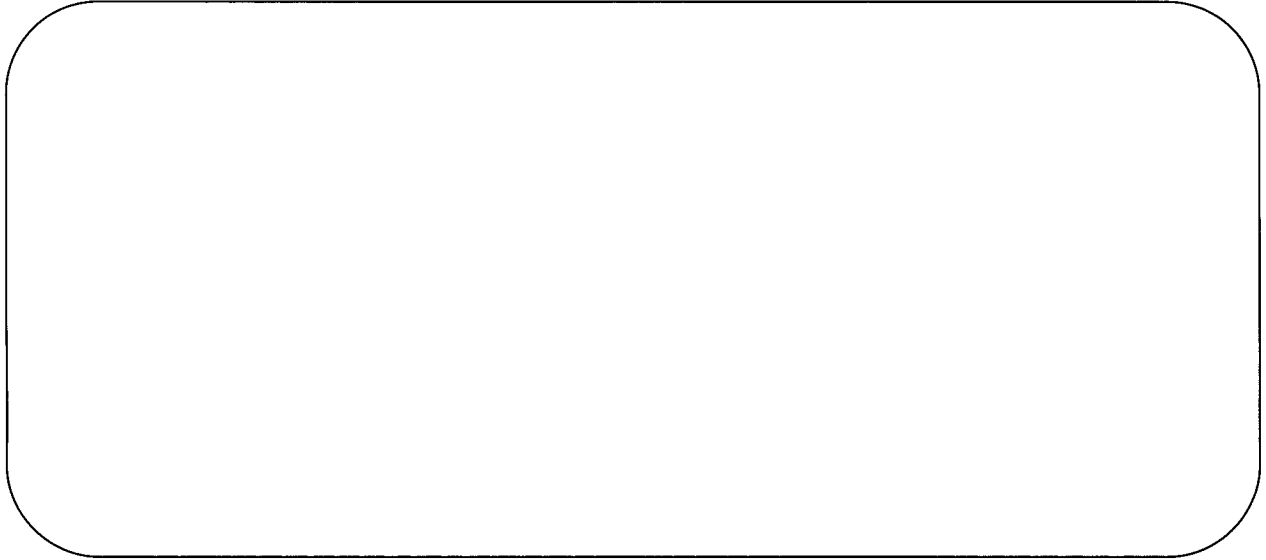
Q 8b: Are there any offences identified in the Act which should not be relevant offences?

Yes

No

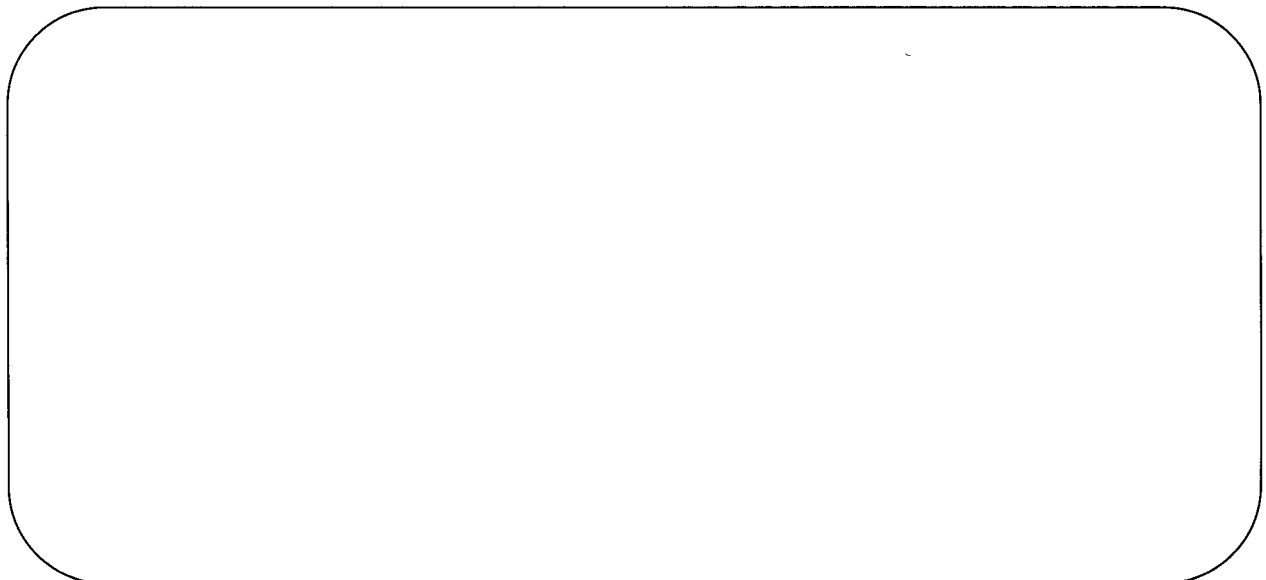
Don't Know

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?



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.

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?

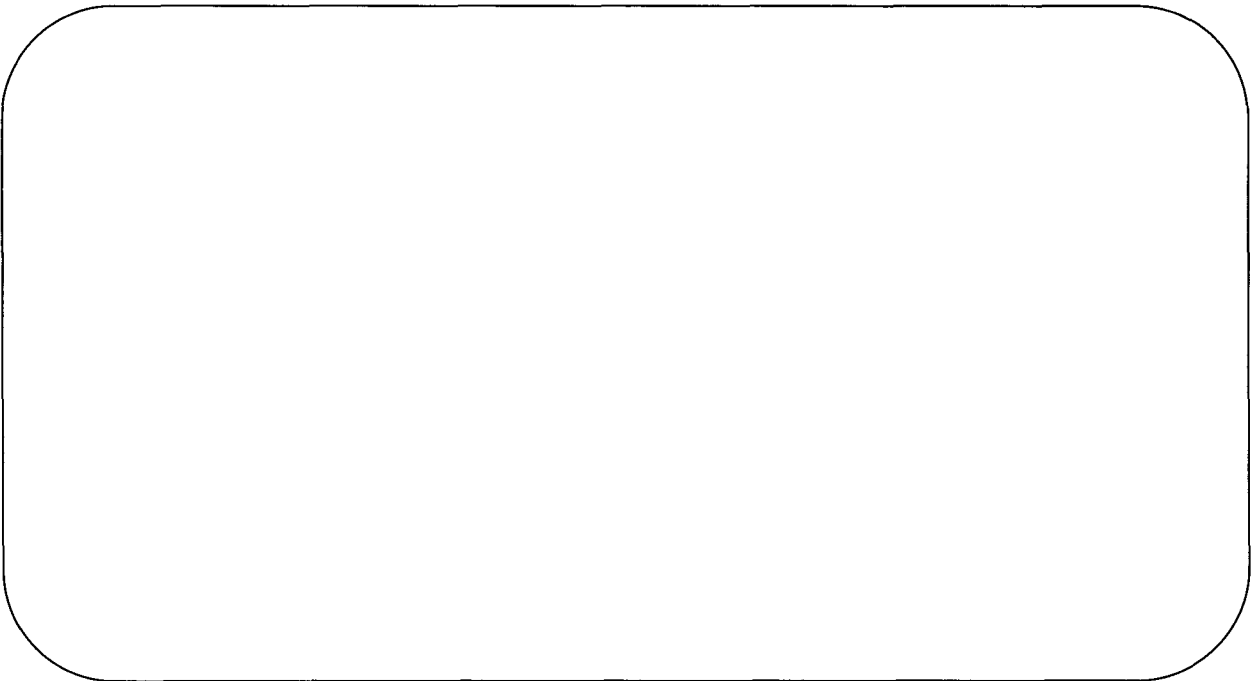
Yes

No

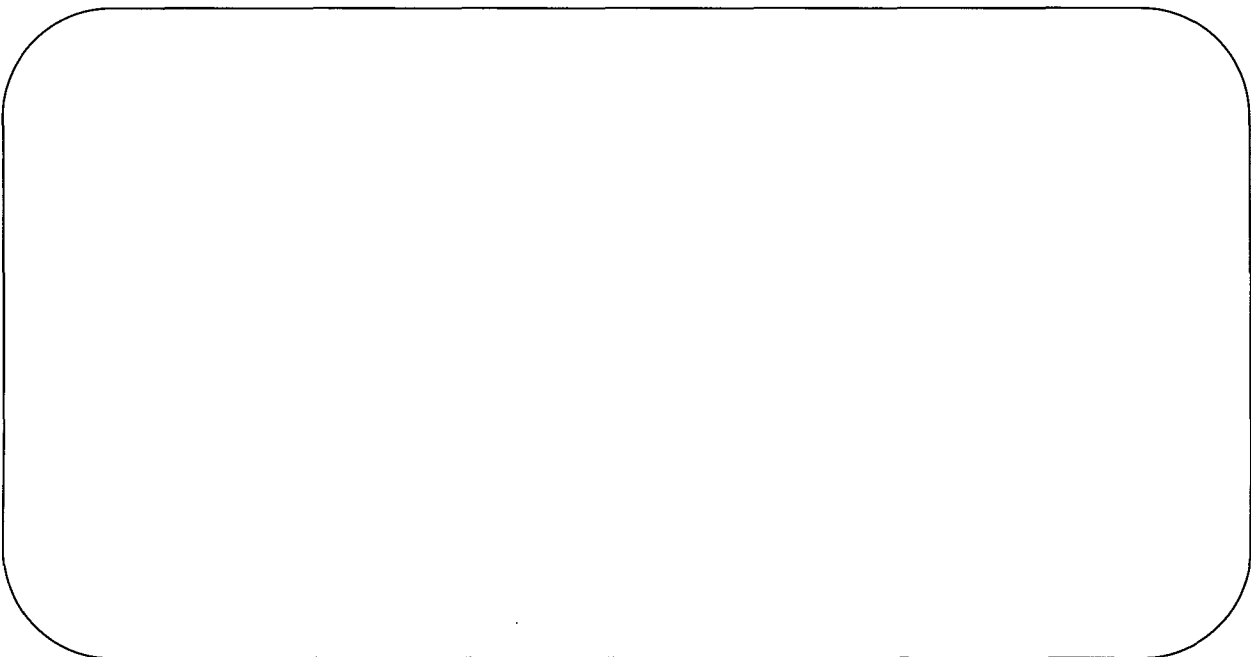
Don't Know

If yes, please specify.

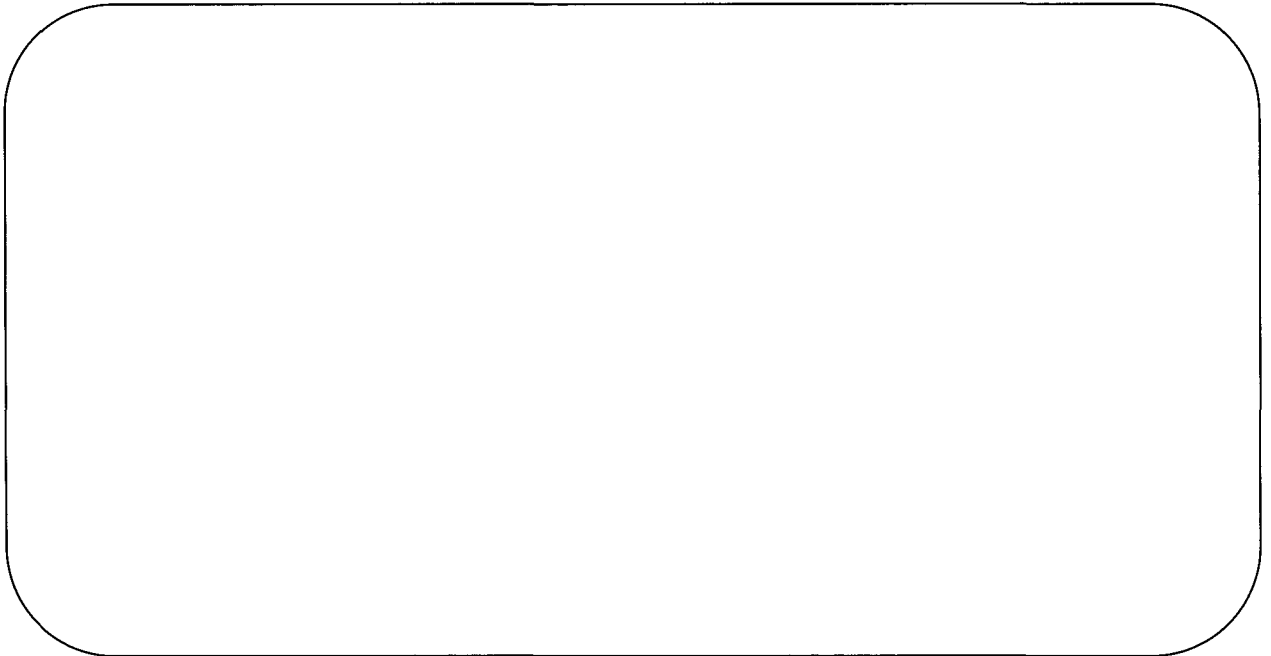
Q 12b: Would there be any circumstances where sharing this type of information would not be appropriate? If so, please describe these circumstances.



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?



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



Section 4.3 Handling sensitive information from regulatory bodies and councils

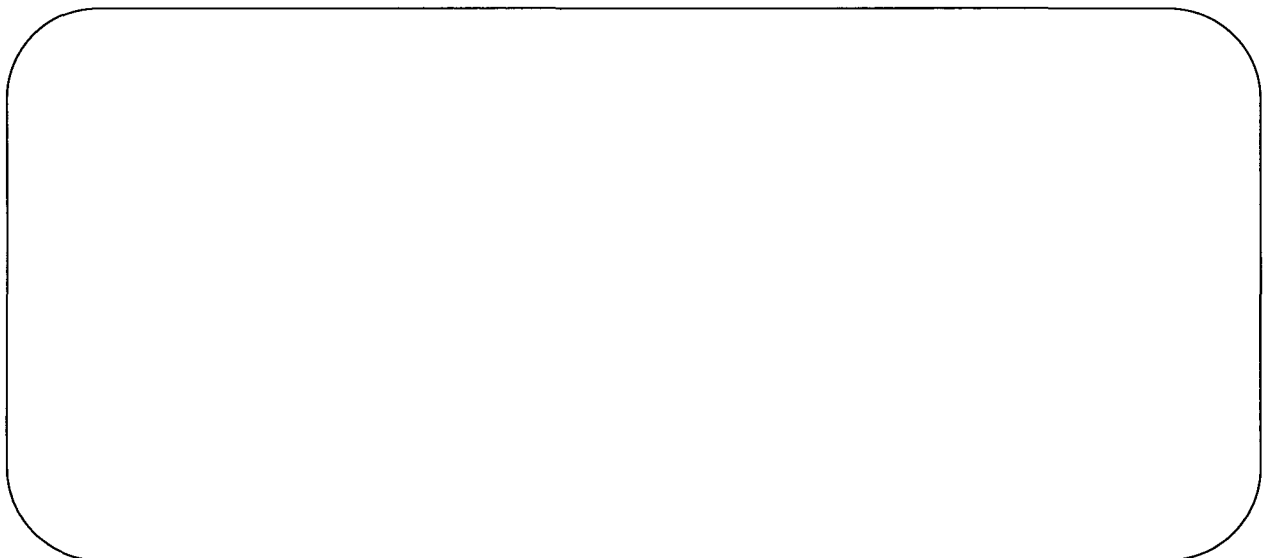
Q 14a: Should it be possible for vetting information from regulatory bodies and councils be withheld from disclosure certificates?

Yes

No

Don't Know

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



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

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.

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.

MORE INFORMATION WOULD ALLOW A FAIRER DECISION PROCESS.

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.

- NATURAL TURNOVER ALLOWS STAFF TO SIT TIGHT IN A POST TO AVOID A DISCLOSURE CHECK.
- WE WOULD ALSO BE OUT OF SYNC WITH THE REST OF THE UK WHO ARE ADOPTING RETROSPECTIVE DISCLOSURE CHECKS.
- EVERYONE WOULD BE TREATED THE SAME.

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.

WE WOULD WANT ALL OUR STAFF TO JOIN THE NEW SCHEME AND TO BE SEEN TO BE EMBRACING THE NEW LEGISLATION. WE NEED TO SET AN EXAMPLE TO OUR MEMBERSHIP GROUPS.

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 you preference.

THE STAFF WHO HAVE NEVER BEEN DISCLOSED GET CHECKED FIRST PLUS STAFF WHO HAVE VERY OLD CHECKS. THIS WAY THE MOST NEEDED CHECKS ARE COMPLETED FIRST, PARTICULARLY FOCUSSING ON ANY INDIVIDUALS 'HIDING' WITH OFFENCES OR INFORMATION THAT MAY BE UNKNOWN TO THEIR EMPLOYERS.

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.

THREE YEARS IS A LONG TIME EVEN WHILST RETROSPECTIVE CHECKS ARE BEING INTRODUCED AND WORKED THROUGH. THE SOONER THE BETTER.

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

OUR ORGANISATION CAN COPE WITH THE FINANCIAL IMPLICATIONS AND THE EXTRA ADMINISTRATION. WE ALSO THINK OUR PLAYGROUPS WITHIN SOUTH LANARKSHIRE WOULD ABSORB THIS TOO WITHOUT ANY MAJOR IMPLICATIONS OR IMPACT. THEY ALREADY DISCLOSE ALL THEIR STAFF AND VOLUNTEERS SO THERE WILL ONLY BE A SMALL NUMBER OF STAFF WHO NEED A NEW DISCLOSURE IMMEDIATELY.

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

THE LONGER THE PHASING-IN PERIOD THE LONGER OUR CHILDREN ARE LESS PROTECTED.

THE PLUS POINT IS IT SPREADS THE COST BUT SHOULD THAT COME BEFORE VULNERABLE PEOPLE & CHILDREN'S PROTECTION? WE DON'T THINK SO.

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.

ITS STRAIGHT FORWARD ONCE INITIAL REGISTRATIONS ARE DONE.

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)?

£25 - £30 - HIGHER TIER
£0 - £5 - LOWER TIER

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.)

ANNUAL SUBSCRIPTION COULD BE A GOOD IDEA IF IT IS A SYSTEM THAT IS SPLIT INTO DIFFERENT LEVELS. I.E. LARGER EMPLOYERS PAY A HIGHER ANNUAL SUBSCRIPTION & SMALLER VOLUNTARY GROUPS PAY A REDUCED ANNUAL FEE.

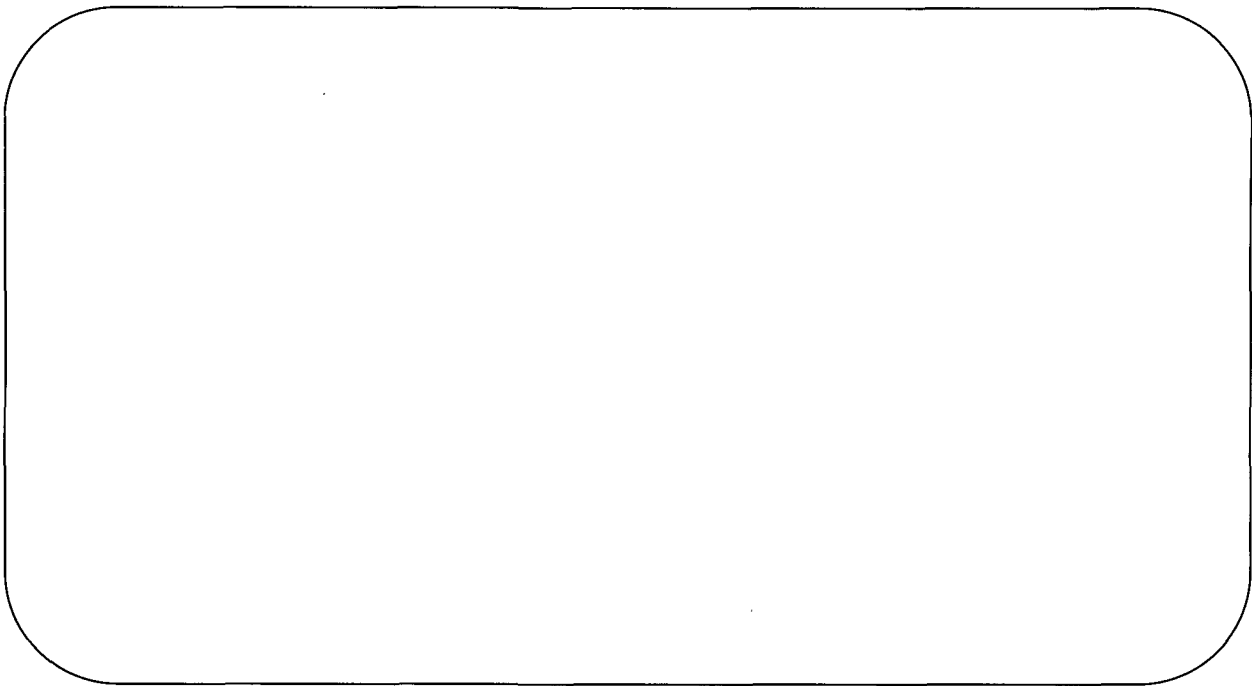
Q 22: Should individuals who become scheme members through volunteering be required to pay a fee for joining the scheme if and when they join the paid workforce?

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?

