

Report To: Community Health & Care
Partnership Sub-Committee

Date: 28 April 2011

Report By: Robert Murphy
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Partnership

Report No:
CHCP/21/2011/SMcA/GML

Contact Officer: Sharon McAlees
Head of Children's Services &
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Contact No:
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Subject: PROTECTION OF VULNERABLE GROUPS

1.0 PURPOSE

- 1.1 The purpose of this report is to seek approval from the Sub-Committee to establish a revised disclosure process for those individuals who fall outwith the scope of the newly established Protection of Vulnerable Groups Scheme (PVG).

2.0 SUMMARY

- 2.1 The PVG scheme replaces the previous Disclosure Scotland arrangements for those employees undertaking regulated work. The scheme introduces a barred from working with children list which replaces the list held under the Protection of Children (Scotland) Act 2003 and establishes a barred from working with protected adults scheme in Scotland for the first time.
- 2.2 The arrangements for the implementation of the scheme were approved by the Inverclyde Council on 24 February 2011 (copy report attached).
- 2.3 Within the CHCP and in Children's Services in particular, there are a number of areas that will continue to require Disclosure Scotland applications. This will involve those individuals who will come into regular contact with children but who do not meet the definition of carrying out regulated work.
- 2.4 It is proposed that a revised procedure and process is established that allows for and enables Disclosure Scotland applications to be made for certain categories of individuals and that the procedure is managed and administered by the Head of Children & Criminal Justice Services.

3.0 RECOMMENDATION

- 3.1 It is recommended that CHCP give approval for the establishment of a revised procedure and process that is complementary to the PVG scheme for Disclosure Scotland applications to be made in respect of defined categories of individuals.

Robert Murphy
Corporate Director
Inverclyde Community Health & Care
Partnership

4.0 BACKGROUND

- 4.1 The PVG scheme is the new Scottish vetting and barring scheme introduced by the Protection of Vulnerable Groups (Scotland) Act 2007. The scheme replaces the previous Disclosure Scotland arrangements contained in the Police Act 1997.
- 4.2 The PVG scheme introduces a barred from working with Vulnerable Groups scheme. This contains two distinct lists, one that relates specifically to children, the other to vulnerable or protected adults.
- 4.3 The scheme became operational on 28 February 2011 and will be implemented incrementally over the next 4 years.
- 4.4 It is the intention of the scheme that individuals undertaking regulated work with children and vulnerable groups will register once with the scheme and that the person's employer would be notified should the individual be involved in the commission of offences.
- 4.5 It is the view of Children's Services in Inverclyde that foster carers whilst not employed by the Council, do undertake regulated work and therefore should be included in the PVG scheme.

There is however a requirement contained within the Looked After Children Regulations 2009 that disclosure applications are carried out in respect of foster carers every three years. The service will develop processes to ensure this takes place.

- 4.6 The position in respect of Kinship carers is less clear and the service is currently in discussion with Scottish Government to establish a clear position for this group.
- 4.7 Kinship carers aside, it will be necessary to undertake Disclosure Scotland checks for other individuals for example prospective adopters, and family members of kinship or foster carers who undertake short term or temporary care of children who are formally looked after under the Children (Scotland) Act 1995.

5.0 PROPOSALS

- 5.1 It is proposed that a procedure for conducting Disclosure Scotland applications be established. This should include :
 - establishing what, if any, regulatory requirements there may be to conduct disclosures that is not covered by the PVG scheme
 - establishing the category of individuals that would be subject to a disclosure application
 - establishing the criteria under which a disclosure application would be undertaken
 - clarifying the arrangements for report updating disclosure applications
- 5.2 It will be necessary to establish a process for managing and administering the procedure and it is proposed this be delegated to the Head of Children & Criminal Justice services.

This would include ensuring disclosures are undertaken proportionally and that data handling procedures are rigorous.

6.0 IMPLICATIONS

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments

6.1 Finance :

There are no new costs associated with these proposals. However as part of establishing a revised process it would be useful to establish the discrete costs and projections of this element of Disclosure.

6.2 Human Resources :

Human Resources, Council and NHS have been consulted regarding the content of this paper.

6.3 Legal :

Legal and Democratic Services have been consulted regarding the proposals.

6.4 Equalities :

An equalities impact assessment will be carried out as part of the development of this procedure.

7.0 CONSULTATION

7.1 Scottish Government, SCISWIS and the Authority Reporter will be consulted. A representative from the foster carers support group and the Family Ties (Kinship) group will participate in the development of the procedure.

Report To: Inverclyde Council **Date:** 24 February 2011

Report By: Head of Organisational Development, Human Resources and Performance **Report No:** HR/04/11/AW

Contact Officer: Alexander Hughes **Contact No:** 01475 712014

Subject: Protection of Vulnerable Groups (PVG) Scheme

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Council of the requirement to introduce the PVG scheme and to seek approval for amendments to current procedures to allow the new scheme to be introduced on the 28 February 2011.

2.0 SUMMARY

- 2.1 The PVG scheme replaces the previous Disclosure Scotland arrangements under the Police Act 1997 for those employees working with vulnerable groups (regulated work). It introduces a barred from working with children list which replaces the list held under the Protection of Children (Scotland) Act 2003 and it establishes a barred from working with protected adults list in Scotland for the first time.

- 2.2 Disclosure Scotland have advised that the PVG scheme can be introduced on a phased basis as outlined below

Stage 1 : from 28th February 2011 the scheme will cover all new starts and existing employees who move post.

Stage 2 : from 28th February 2012 to the end of 2015 the Council will be required to register all existing employees who come under the scope of the scheme.

- 2.3 The costs associated with the PVG scheme are:

- The cost for a new member to join is £59
- Where a new employee joins the Council and is an existing scheme member then the cost for the Council to register this with the Disclosure Scotland will be £18
- Where an employee is an existing scheme member and the Council wishes to receive an updated record then the cost will be £41
- Disclosure Scotland have advised that Disclosure Scotland checks for remaining employees who will not be members of the PVG Scheme will still be £23

- 2.4 When someone joins the PVG Scheme, the membership is for life and with a one-off cost of £59. Thereafter the PVG membership can be presented to any employer. The only cost that can then be incurred by the employer for an existing member is £18 as the employer has to advise Disclosure Scotland that the PVG member is now connected

with them.

2.5 The following needs to be considered by the Council;

- The implementation and impact of the PVG scheme, including the need to ensure that all employees undertaking regulated work become scheme members.
- The existing Disclosure Scotland scheme will remain in place and be run in conjunction with the new PVG scheme. These arrangements require to be put in place to allow the Council to have employees registered in the appropriate scheme so that the Council is covered under the regulations

3.0 RECOMMENDATIONS

3.1 That the Council agree that the costs incurred for the new PVG scheme being introduced by the Scottish Government on 28 February 2011 are met as per the proposals outlined in paragraph 5.2 and that these are implemented as of the 28 February 2011.

3.2 That the Council agree that no retrospective checks are carried out in respect of the PVG scheme as the Council will be automatically alerted if an existing scheme member is being barred from undertaking regulated work and can ask for a scheme update to ascertain the reasons why.

3.3 That the Council agree that where a scheme update request is made the cost of £41 is met by the Council. Any such request will be made by the Head of Organisational Development, Human Resources and Performance.

3.4 That the Council agree that the costs incurred for the new Disclosure Scotland checks are met as per the proposals outlined in paragraph 5.5 and that these are implemented as of the 28 February 2011.

3.5 That the Council agree that an exercise is conducted to look at contracts of employment in relation to employees engaged in regulated work areas.

3.6 That the Council agree that the PVG / Disclosure arrangements be reviewed in 1 year.

Head of Organisational Development,
Human Resources and Performance

4.0 BACKGROUND

4.1 The PVG scheme is the new Scottish vetting and barring scheme introduced by the Protection of Vulnerable Groups (Scotland) Act 2007. The scheme replaces Disclosure Scotland for those employees working with vulnerable groups (children and adults at risk). Note the Disclosure Scotland check remains in place for other employees as required.

4.2 The PVG scheme introduces a barred from working with vulnerable groups list which is updated as required by the scheme administrator. Employers are automatically advised if an existing scheme member is subsequently barred. Note there are two distinctive and separate lists, one for working with children the other for protected adults. Where someone is registered on the list, eg working with children and then moves job and works in the area for protected adults, then they must rejoin the scheme at a cost of £59.

4.3 The Government have announced that the PVG scheme is to be introduced by Disclosure Scotland on a phased basis as follows:

Stage 1 : As of 28th February 2011 all new employees and where an existing employee moves job within the Council to a post that is required to be registered, then PVG registration must be obtained.

Stage 2 : Disclosure Scotland have advised that between 28th February 2012 and the end of 2015, all current employees of the Council will require to be PVG registered if their post comes under the new regulations. This will be achieved by carrying out PVG registrations of these employees on a phased basis over the 3 year period.

4.4 PVG scheme membership is for life and the scheme member will present a membership certificate to prospective employers at interview.

4.5 Costs associated with the PVG scheme are:

- The cost for a new member to join is £59
- Where a new employee joins the Council and is an existing scheme member then the cost for the Council to register a connection for the new employee with Disclosure Scotland will be £18
- Where an employee is an existing scheme member and the Council wishes to receive an updated record then the cost is £41
- Disclosure Scotland have advised that Disclosure Scotland checks for remaining employees who will not be members of the PVG Scheme will still be £23

Note – Existing Scheme Member update will cost £41 and will cover re-checks. Where an employee who is a scheme member is barred by Disclosure Scotland from working with vulnerable groups then Disclosure Scotland will notify the employer but if the employer wishes to know the reason why the employee has been disbarred then a request must be made for this information and a scheme update cost of £41 will apply.

Note – Appendices 1 & 2 advise members of the number of employees that will be affected, the current costs for Disclosure Checks and the costs that will require to be met as a result of the introduction of the PVG Scheme.

4.6 When options were put to the Corporate Management Team consideration was given to the cost of the new scheme if lower paid employees were asked to pay all or part of the costs. The issue that all employees be treated equally was also considered in respect

of equality legislation. The advice given was that all employees require to be treated the same.

- 4.7 Before the introduction of the PVG scheme all employees obtained a Disclosure Scotland check. The question as to whether retrospective checking should be undertaken for Disclosure Scotland checks has never been resolved but with the introduction of the new scheme, this issue has now been resolved as where an employee is barred from the scheme then the Council will be notified.
- 4.8 The new PVG scheme does not cover all employees who previously required a Disclosure Scotland check. A small number of employees will still require to have a Disclosure Scotland check carried out if they join the Council, move between posts, so the same decisions require to be made for the remaining Disclosure Scotland checks that need to be made, any decisions that must be made are similar to those for the PVG scheme.

5.0 PROPOSALS

- 5.1 There are various options that can be implemented to cover the costs of the new PVG scheme. These are that the Council can pay all of the costs or the employee can pay all of the costs or the costs can be shared between the Council and their employees. The second issue is that should new employees be treated differently from existing employees.

Point to be considered:

- The PVG scheme membership of £59 against the Disclosure Scotland cost of £23
- That the PVG scheme membership is for life and the membership can be carried between employers
- Should the Council decide to pay for the scheme membership in entirety then both employees and future employers benefit
- Existing scheme member connect to new employer at £18 will be increasingly common.
- Increasingly job applicants anticipate that membership of this scheme will be required to obtain a job
- Existing employees can either move post on a voluntarily basis or may have to move as a result of a Council decision
- Council currently pays for Disclosure Scotland check at £23.

- 5.2 Taking into account the points for consideration in 5.1 above, a report was prepared for the Corporate Management Team on proposals as to how the PVG Scheme should be implemented and whether the Council or the employee should meet the costs of the scheme. The Corporate Management Team decided that the following proposals should be put to the Council:

New Employee (including sessional)

- Where a new employee is not a scheme member then the proposal is that the employee pays £41 (over three months if requested) with the Council paying the balance of £18 of the £59 joining fee. This will commence on 28 February 2011.
- Where a new employee is a scheme member then it is proposed that the Council pays the £18 fee so that Disclosure Scotland is made aware that the new employee is connected with the Council. This will commence on 28 February 2011.

Existing Employee (including sessional)

- Where an existing employee is not a scheme member and requires a PVG

check then it is proposed that the Council will pay the £59. This will apply to all employees who require to join the scheme for the first time between 28 February 2012 and the end of 2015.

Note: When an employee of the Council joins the scheme for the first time and works with both vulnerable groups they can be registered on both lists for a single fee of £59

Employee is a Scheme Member

- From the 28 February 2011 where an existing employee is a scheme member and requires to join the approved list or move between approved lists, eg adult care to child care or vice versa then the following will apply:
 - a) If the employee is required to move post as a result of an action taken by the Council then the Council will pay the £59 fee for joining the scheme
 - b) Where an employee moves post within the Council on a voluntary basis then it is proposed that the employee will pay £41 (over 3 months if requested) with the Council paying the balance of £18 of the £59 joining fee

Employee is not a Scheme Member

- From the 28 February 2011 where an existing employee is not a scheme member and requires to join the approved list or move between approved lists, e.g. adult care to child care or vice versa then the following will apply:
 - a) If the employee is required to move post as a result of an action taken by the Council then the Council will pay the £59 fee for joining the scheme
 - b) Where an employee moves post within the Council on a voluntary basis then it is proposed that the employee will pay £41 (over 3 months if requested) with the Council paying the balance of £18 of the £59 joining fee

5.3 It is further being proposed that no 3 yearly re-checks are conducted as the PVG scheme employer guidance advises that employers can decide whether or not to ask for a scheme update on the grounds that employers will be automatically alerted if an existing scheme member is being barred from undertaking regulated work.

5.4 Where a scheme update request costing £41 is required it is being proposed that this be paid for by the Council.

5.5 The Council will still require to carry out a small number of Disclosure Scotland checks and to ensure that employees are treated equally the following is proposed in respect of Disclosure Scotland check costs. It is recommended that Disclosure Scotland check costs are covered in the following manner from 28 February 2011:

- Where an employee is a new start then it is proposed that the employee pays the £23 fee. This is a change to current arrangements.
- Where an existing employee then the following will apply:
 - a) If the employee is required to move post as a result of an action taken by the Council then the Council will pay the £23 fee
 - b) Where an employee moves post within the Council on a voluntary basis then it is proposed that the employee will pay £23

5.6 It is proposed that an exercise is conducted to look at contracts of employment in relation to employees engaged in regulated work areas.

6.0 IMPLICATIONS

6.1 Finance:

Financial Implications – One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
Earmarked Reserves	PVG Costs	2011/14	£226,000	–	Approved as part of the Feb 2011 Budget

Financial Implications – Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
Various	Other Employee Costs	2011/12	£19,800	–	Contain within existing budgets

6.2 Human Resources: All Human resources issues have been included in the report

6.3 Legal: Legal and Democratic Services has been consulted regarding the changes.

6.4 Equalities: There are no equalities issues as all employees will be treated the same.

7.0 CONSULTATION

7.1 The trade unions have been consulted on the report. The only feedback received focuses on the affect on low paid workers. This issue was considered but due to equality issues it was considered that all employees should be treated the same. The trade unions recognise that offering a 3 month period to pay assists low paid workers.

8.0 LIST OF BACKGROUND PAPERS

Nil

Protection of Vulnerable Groups (PVG) at a glance

The PVG scheme is the new Scottish vetting and barring scheme introduced by the Protection of Vulnerable Groups (Scotland) Act 2007. The scheme replaces Disclosure Scotland for those employees working with vulnerable groups (children and adults at risk).

Note: the Disclosure Scotland check remains in place for other employees as required.

The PVG scheme introduces a barred from working with vulnerable groups list which is updated as required by the scheme administrator. Employers are automatically advised if an existing scheme member is subsequently barred.

Note: there are two distinctive and separate lists, one for working with children the other for protected adults.

The PVG scheme is to be introduced by Disclosure Scotland on a phased basis as follows:

Stage 1 : As of 28th February 2011 all new employees and where an existing employee moves job within the Council to a post that is required to be registered, then PVG registration must be obtained, ie covers new employees and existing employees who move post only.

Stage 2 : Between 28th February 2012 and the end of 2015, all other employees of the Council will require to be PVG registered if their post comes under the new regulations.

PVG scheme membership is for life and the scheme member will present a membership certificate to prospective employers at interview.

Costs associated with the PVG scheme are:

- The cost for a new member to join is £59
- Where a new employee joins the Council and is an existing scheme member then the cost for the Council to register a connection for the new employee with Disclosure Scotland will be £18
- Disclosure Scotland checks for remaining employees who will not be members of the PVG Scheme will be £23

The following arrangements are in place for PVG membership:

New Employee (including sessional)

- Where a new employee is not a scheme member the employee pays £41 (over three months if requested) with the Council paying the balance of £18 (of the £59 joining fee). This will commence on 28 February 2011.
- Where a new employee is already a scheme member the Council pays the £18 fee - so that Disclosure Scotland is made aware that the

Existing Employee (including sessional)

- Where an existing employee is not a scheme member and requires a PVG check the Council will pay the £59. This will apply to all employees who require to join the scheme for the first time between 28 February 2012 and the end of 2015.

Note: When an employee of the Council joins the scheme for the first time and works with both vulnerable groups they can be registered on both lists for a single fee of £59

- From the 28 February 2011 where an existing employee is a scheme member and requires to move between approved lists, eg adult care to child care or vice versa then the following will apply
 - a) If the employee is required to move post as a result of an action taken by the Council then the Council will pay the £59 fee for joining the scheme
 - b) Where an employee moves post within the Council on a voluntary basis the employee will pay £41 (over 3 months if requested) with the Council paying the balance of £18 of the £59 joining fee
- From the 28 February 2011 where an existing employee moves from a non regulated post into a regulated post the following will apply
 - a) If the employee is required to move post as a result of an action taken by the Council then the Council will pay the £59 fee for joining the scheme
 - b) Where an employee moves post within the Council on a voluntary basis the employee will pay £41 (over 3 months if requested) with the Council paying the balance of £18 of the £59 joining fee

Once all employees required to do so become PVG scheme members no retrospective checks are carried out in respect of the PVG scheme as the Council will be automatically alerted if an existing scheme member is being barred from undertaking regulated work and can ask for a scheme update to ascertain the reasons why.

Disclosure

Currently £23.

New start – employee pays £23

Existing Employees. If:

Voluntary move - Employee pays £23

Involuntary move - Council pays £23

More information on the PVG Scheme on the Disclosure Scotland website at:

http://www.disclosurescotland.co.uk/pvg/pvg_index.html

Inverclyde Council Report on PVG at:

<http://www.inverclyde.gov.uk/GetAsset.aspx?id=fAAxADYANQAzADkAfAB8AFQAcgB1AGUAFAB8ADAAfAA1>