

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

Draft Island Communities Impact Assessment

March 2024

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1. Introduction

Disclosure Scotland charges fees for some of its functions, including disclosure certificates. There is also a longstanding fee waiver in relation to PVG disclosures for qualifying voluntary organisations (QVOs). Fees were set in 2011 (basic, standard and enhanced were set at £25, PVG Scheme at £59 for a full scheme record and £18 for a short scheme record). This increase was to cover changing operational costs.

2011 to present is the longest period disclosure fees in Scotland have remained frozen.

The Disclosure (Scotland) Bill was introduced into Parliament in June 2019. The Bill became an Act on 14 July 2020. During the consultation on Protection of Vulnerable Groups and disclosure of criminal information in 2018, an initial consultation into revised fee structures was undertaken. Scottish Ministers committed to a further review and consultation specifically on fees as part of the Implementation Programme for delivering the Disclosure (Scotland) Act 2020 (“the Disclosure Act”).

2. Step One – develop a clear understanding of your objectives:

2.1 What are the objectives of the policy, strategy or service?

The primary objective is to bring Disclosure Scotland back to a cost-neutral position, as required by the Scottish Public Finance Manual by changing statutory fees. Charging for services helps to avoid unnecessary public expenditure and eliminate hidden subsidies. Charging also provides an incentive to use goods and services economically, efficiently and effectively. Disclosure Scotland carries out statutory services for which fees can be charged. The standard approach to setting charges for public services is full cost recovery. It normally means recovering 3.5% return on capital.

The policies in the consultation support this overall aim by reviewing the operation of the fee waiver for volunteers in qualifying voluntary organisations (QVOs) and proposing options for fee discounts for certain groups when applying for paid roles.

2.2 Do you need to consult?

Yes. Formal consultation will be undertaken before regulations are laid.

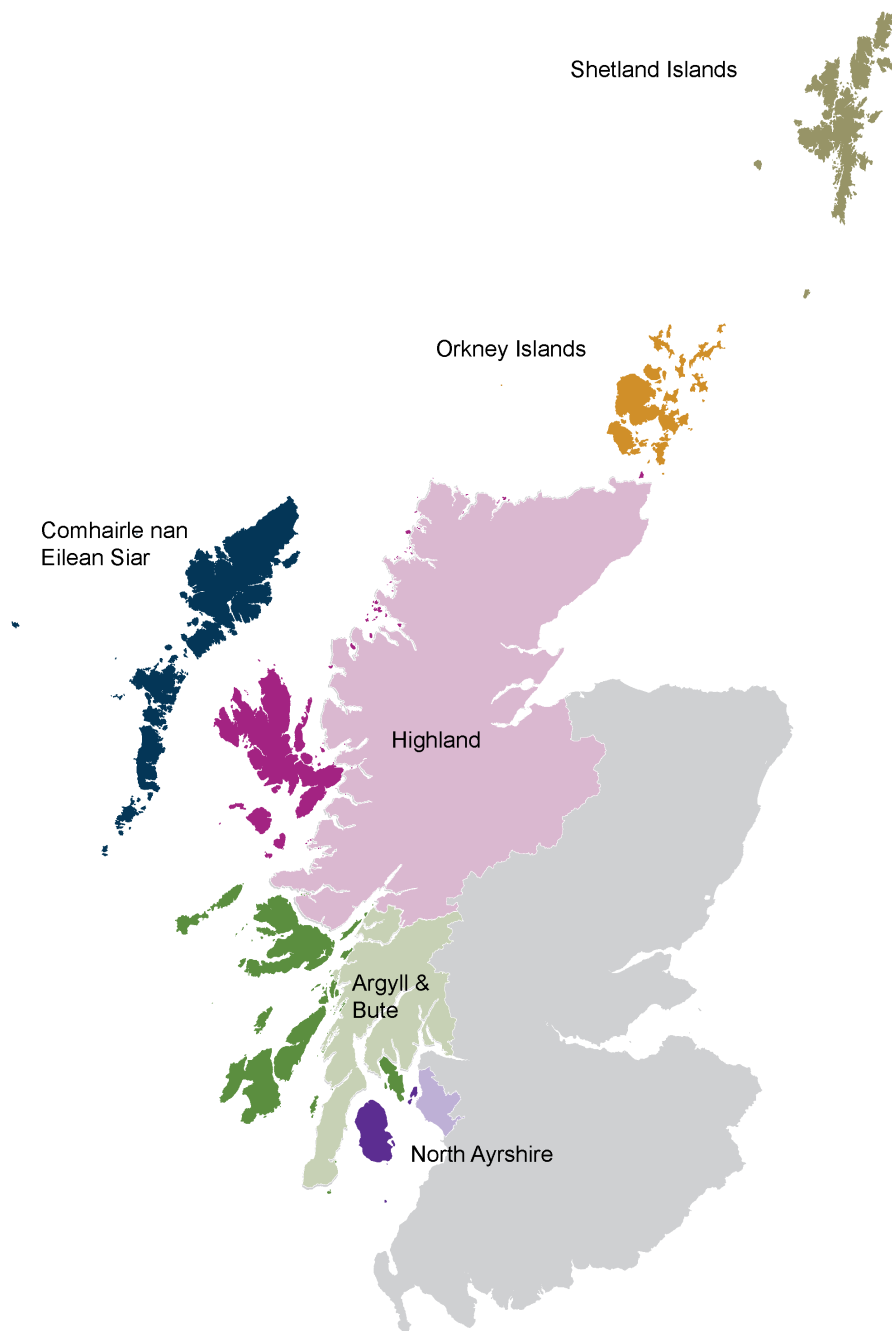
2.3 How are islands identified for the purpose of the policy, strategy or service?

Regard was had to the definition of island set out in section 1 of the Islands (Scotland) Act 2018. “Island” means a naturally formed area of land which is (a) surrounded on all sides by the sea (ignoring artificial structures such as bridges), and (b) above water at high tide.

“Inhabited island” means an island permanently inhabited by at least one individual. This impact assessment does not impact uninhabited islands, so “island” will be used to refer to inhabited islands.

Scotland has three island authorities - Orkney, Shetland and Comhairle nan Eilean Siar. In addition, the Highland, Argyll and Bute and North Ayrshire local authorities cover island regions as well as mainland regions.

Figure 1: Map highlighting all six local authorities representing Island Communities (islands in darker shades where islands are part of mainland Local Authorities)¹



¹ [Islands \(Scotland\) Bill | Scottish Parliament](#)

2.4 What are the intended impacts/outcomes and how do these potentially differ in the islands?

The intended outcome is to adjust fees associated with disclosure products to cover the cost of delivering disclosure services. Fees are charged on a product/service basis and these are the same for those accessing those services in islands as in mainland Scotland.

A secondary outcome is to set fees at an affordable level to support people who may otherwise be locked out of certain types of employment due to lack of means.

The policy contributes to the following National Outcomes:

- Children and Young People: We grow up loved, safe and respected so that they realise their full potential.
- Communities: We live in communities that are inclusive, empowered, resilient and safe.
- Poverty: We tackle poverty by sharing opportunities, wealth and power more equally.

2.5 Is the policy, strategy or service new?

Charging fees for disclosure products and services is not new.

Fees for disclosure products have been set at a flat fee per product, except in limited circumstances to which a fee waiver has been attached (such as the qualifying voluntary organisation fee waiver, eligible COVID work applications and Homes for Ukraine scheme applications).

Annual fees for registering as a registered person (equivalent to accredited bodies under the Disclosure Act) have remained unchanged since 2011. A small number of current responsible bodies receiving basic disclosures will become newly eligible as accredited bodies.

3. Step Two – gather your data and identify your stakeholders:

3.1 What data is available about the current situation in the islands?

Analysis of the Annual Population Survey 2019, Scottish Government (2021b) (using the Scottish Government Urban Rural Classification)² shows that the employment rates are higher for all age groups and genders in rural areas compared to the rest of Scotland. Within rural areas, accessible rural areas have the highest employment rates for all sub-groups, apart from males aged 16 to 64 where the employment rate is higher in remote rural areas.

High employment rates do not necessarily suggest that there are lower rates of poverty in rural Scotland. Indeed, factors such as rates of pay and patterns of employment can contribute to in-work poverty. A Scottish Government (2021e)

² [3. Employment - Poverty in rural Scotland: evidence review - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/evidence-review-employment-poverty-rural-scotland/pages/3-employment-poverty-rural-scotland-evidence-review-gov-scot-2021e)

report estimates that the minimum cost of living in remote rural Scotland is between 15% and 30% higher than urban parts of the UK. The research suggests that this is on account of significant additional costs, such as food, clothing, household goods and holidays. The cost of travel, however, was identified as the dominant extra cost. It is likely, therefore, that households in remote rural Scotland require a higher income to attain the same minimum living standard as those living elsewhere in the UK. This increased through 2022 due to the cost crisis, particularly fuel costs in island communities.

A range of work is being undertaken by the Scottish Government to address the challenges that people in island communities face. For example the Islands Strategic Group was established in August 2016. The group considers strategic issues affecting the island communities of Scotland, and to ensure greater involvement of the relevant councils in helping to identify and design solutions to the unique needs and challenges these communities face.

People living in islands and remote areas are marginally more likely (32.9%) than those living in Scotland as a whole (30.9%) to be working in public administration, education and health. These roles are more likely to require a Level 1 or Level 2 with PVG disclosure. They are less likely (11%) than people living in Scotland as a whole (16%) to be working in banking and finance, roles more likely to require a Level 2 disclosure.³

Volunteering is more common among those living in rural areas. 33% of those living in remote rural areas had volunteered, compared with 24% of those living in large urban areas. Volunteers living in remote rural or accessible rural areas were more likely to volunteer for local community or neighbourhood organisations/groups (40% and 32% respectively) than the average for all of Scotland (22%).⁴

On the whole, people living in island communities are not significantly more likely to need to access disclosure services than people living elsewhere in Scotland. They are more likely to volunteer, however, these roles are broadly covered by the fee waiver for qualifying voluntary organisations. This is a benefit to island communities over urban areas.

In relation to new accredited bodies resulting from the registration of organisations receiving Level 1 disclosures, none are identified as having an office address registered on an island.

3.2 Do you need to consult?

Yes.

3.3 How does any existing data differ between islands?

No relevant data.

³ [Employment and Unemployment in Rural Scotland - Understanding the Scottish rural economy: research paper - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/employment-and-unemployment-in-rural-scotland-2019/pages/10_to_12.aspx)

⁴ [Scotland's People Annual Report 2019 \(www.gov.scot\)](https://www.gov.scot/publications/scotland-s-people-annual-report-2019/pages/10_to_12.aspx)

3.4 Are there any existing design features or mitigations in place?

None required.

4. Step Three - consultation:

4.1 Who do you need to consult with?

Public consultation to be run March to May 2024.

Disclosure Scotland will also engage with voluntary sector organisations and specific public authorities operating in island areas and island only areas.

4.2 How will you carry out your consultation and in what timescales?

Formal consultation will take place over the standard 12 week period at least nine months before new fee regulations are expected to take effect. Disclosure Scotland will also engage directly with several relevant stakeholders, including those working in and with island communities.

4.3 What questions will you ask when considering how to address island realities?

The evidence available does not highlight a significant difference between island realities and the mainland in relation to fees for disclosure services. In the formal consultation, we invite further comment from our island stakeholders on any challenges specific to their communities.

4.4 What information has already been gathered through consultations and what concerns have been raised previously by island communities?

Disclosure Scotland asked some questions in relation to fees during the 2018 consultation on 'Disclosure of criminal information and protecting vulnerable groups'. Responses were received from the following organisations operating in island communities:

- Crossroads (Harris) Care Attendant Scheme
- North Argyll Volunteer Car Scheme
- Shetland Canoe Club
- Cobhair Bharraigh
- Shetland Islands Council
- North Ayrshire Council
- Shetland Adult and Child Protection Committee
- Diocese of Argyll & the Isles - Catholic Church
- Argyll and Bute Council
- NHS Orkney
- NHS Western Isles
- Shetland Link Up

No financial issues unique to island communities were raised in relation to the charging of fees.

Shetland Link Up noted that in a small community it is harder to attract potential volunteers and if the fee waiver on PVG was removed, this would have a substantial negative impact on their services. This concern is present for many smaller third sector organisations.

4.5 Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?

Yes.

5. Step Four – assessment:

5.1 Does your assessment identify any unique impacts on island communities?

No unique impact on island communities has been identified at this point in policy development. We continue to gather evidence to look at whether any unique impacts arise.

5.2 Does your assessment identify any potential barriers or wider impacts?

None identified at this point in policy development.

- How will you address these? You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). If your answer is NO to the above question, a full ICIA will NOT be required and you can proceed to Step Six. If the answer is YES, an ICIA must be prepared and you should proceed to Step Five. To form your opinion, the following questions should be considered:
 - Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?
 - Are these different effects likely?
 - Are these effects significantly different?
 - Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?

6. Step Five – preparing your ICIA:

In Step Five, you should describe the likely significantly different effect of the policy, strategy or service.

- Assess the extent to which you consider that the policy, strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.

- Consider alternative delivery mechanisms and whether further consultation is required.
- Describe how these alternative delivery mechanisms will improve or mitigate outcomes for island communities.
- Identify resources required to improve or mitigate outcomes for island communities. An ICIA by Scottish Ministers in regard to legislation must:
 - describe the likely significantly different effect of the legislation,
 - assess the extent to which the Scottish Ministers consider that the legislation can be developed in such a manner as to improve or mitigate, for island communities, the outcomes resulting from the legislation, and
- set out the financial implications of steps taken under this subsection to mitigate, for island communities, the outcomes resulting from the legislation.

7. Step Six – making adjustments to your work:

7.1 Should delivery mechanisms/mitigations vary in different communities?

None identified for island communities in relation to fees or discounting.

7.2 Do you need to consult with island communities in respect of mechanisms or mitigations?

Though the need for an full ICIA has not been identified in the policy development thus far, we are proactively inviting comment from island communities on issues specific to their circumstances on the fee regulations and proposed waivers.

7.3 Have island circumstances been factored into the evaluation process?

Yes.

7.4 Have any island-specific indicators/targets been identified that require monitoring?

No.

7.5 How will outcomes be measured on the islands?

Some monitoring based on organisational postcode and individual postcode may be possible. However, people may not be undertaking regulated roles where they live and many organisations operate across Scotland.

7.6 How has the policy, strategy or service affected island communities?

Disclosure Scotland has received no specific feedback on its operations or services in island communities in relation to fees.

7.7 How will lessons learned in this ICIA inform future policy making and service delivery?

A lessons learnt exercise will be taken on conclusion of this programme of work, including in response to the work on impact assessments, gathering of evidence and stakeholder engagement.

8. Step Seven: publishing your ICIA:

8.1 Have you presented your ICIA in an Easy Read format?

8.2 Does it need to be presented in Gaelic or any other language?

An Easy Read or translated ICIA has not been produced as the need for a full ICIA on fees has not been identified.

8.3 Where will you publish your ICIA and will relevant stakeholders be able to easily access it?

8.4 Who will sign-off your final ICIA and why?

The ICIA will be published in the consultation and on the publications pages of the [Scottish Government website](#). Disclosure Scotland's Chief Executive and Accountable Officer will sign off.

Partial ICIA completed by: Gareth Wilks

Position: Head of Customer Engagement, Disclosure Scotland

Signature: Gareth Wilks

Date completed: 16 January 2024

Partial ICIA approved by: Gerard Hart

Position: Chief Executive, Disclosure Scotland

Signature: Gerard Hart

Date approved: 1 February 2024



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