

The Protecting Vulnerable Groups Scheme Review

Terms of Reference

February 2017

THE PROTECTING VULNERABLE GROUPS SCHEME REVIEW

Terms of Reference

Background

1. Membership of the Protecting Vulnerable Groups (“PVG”) Scheme is available to anyone doing regulated work with children and / or protected adults in Scotland. The PVG Scheme was established on 28 February 2011 under Part 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”) and is designed to safeguard both children and protected adults from harm. At 17 February 2017, there were 1.03 million scheme members. Disclosure Scotland exercises the functions of Scottish Ministers under the 2007 Act and the Police Act 1997 (“the 1997 Act”).

2. Under Part 1 of the 2007 Act, Scottish Ministers hold the lists of individuals included in the children’s list and / or the adults’ list. An individual whose name is included in one or both lists is barred from doing regulated work of the type to which their listing relates. At 17 February 2017: 2,744 individuals were included in the children’s list only; 386 individuals were included in the adults’ list only; and 1,066 individuals were included in both lists.

3. While it is not mandatory for a person to be a scheme member if they are doing regulated work, it is an offence for a listed person to do, to seek to do, or to agree to do, regulated work of the type from which they are barred. It is also an offence for an organisation to offer regulated work to a person they know to be barred from the type of work being offered.

Strategic Objective

4. The strategic objective of the review is to examine Scottish Ministers’ delivery of public protection in the context of state disclosure of conviction and non-conviction information to ensure that it is:

- Attuned to the employment and volunteering roles found in today’s Scotland
- Focused on safeguarding but presenting no inappropriate barrier to those who pose no risk of harm to vulnerable groups
- Capable of delivery through modernised and digital means
- Respecting of individual liberty and privacy
- Financially sustainable to provide value for money

Key considerations

5. In gathering information to address the strategic objective, the review will consider the following points:

- Definition and scope of regulated work and associated terminology
- Whether the PVG Scheme should be mandatory for people doing regulated work
- The number of barred lists, and the number of regulated workforces
- Products under the 1997 and 2007 Acts
- PVG Scheme and Police Act disclosures fee structure
- Thresholds and processes used to determine listing and referrals
- Content of, levels of, and access to both disclosure and barring information and processes
- Offences related to regulated work
- Balance between safeguarding and proportionality / privacy based on risk assessment
- The role of vetting and barring in public protection

Process

6. The Disclosure Scotland Policy team will fully engage a wide range of stakeholders and interested parties to constructively discuss all of the above themes. There will be a range of group and individual engagements. A key list of stakeholders has been developed and will be added to as the review progresses. There will also be a document review and an online survey to reach more contributors.

7. This engagement will be followed by a formal consultation, which will be launched using the Scottish Government's consultation site.

Outcome

8. The final outcome of the review will be advice to Ministers regarding:
- A future improved disclosure regime
 - The contribution to public protection, and impact on recruitment practice and workers in Scotland made by the PVG Scheme
 - The disclosure products under the 1997 and 2007 Acts, including the fees charged



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