



The Protection of Vulnerable Groups (Scotland) Act 2007: Section 35(2) and (3)

Written Evidence from YouthLink Scotland

April 2016

About YouthLink Scotland

YouthLink Scotland is the national agency for youth work. We are a membership organisation, representing over 100 regional and national youth organisations from both the voluntary and statutory sectors. We champion the role and value of youth work and represent the interests and aspirations of our sector.

Scotland's youth work sector is as rich and diverse as the nation itself. Our sector has a workforce in excess of 80,000 – including over 75,000 adult volunteers. We reach in excess of 380,000 young people in youth work opportunities each week. The youth work sector work has three essential and definitive features:

- Young people choose to participate
- Youth work must build from where young people are
- Youth work recognises the young person and the youth worker as partners in a learning process

The activity, venue, and approaches utilised to deliver this are varied – and include youth clubs, youth projects, specialist or targeted provision, social activism, outdoor learning, awards programmes, uniformed organisations, and democratic participation.

YouthLink Scotland champions the role and value of youth work, challenging government at national and local levels to invest in the development of the sector for the benefit of our young people. Our vision is of a nation which values its young people and their contribution to society, where young people are supported to achieve their potential.

About this Response

This response is made by YouthLink Scotland on behalf of our membership. This response does not claim to be the position of any one individual member or of all member organisations. Individual organisations may hold views which differ from the perspectives presented here.

Question 1: Do you think we should maintain the current provisions?

Yes

Please provide reasons for why you agree or disagree with the proposal.

YouthLink Scotland believes that we should maintain the current provisions as set out in Option 1 of the discussion paper. YouthLink Scotland believes that the current situation of

organisations voluntarily carrying out retrospective checks on current employees/volunteers is adequate. That the burden of responsibility should continue, as is set out in the 2010 regulations, be a shared responsibility between Disclosure Scotland and the organisation.

Question 2: Do you agree that there is a need for new prohibitions and requirements on organisations employing barred individuals?

No

Please provide reasons for why you agree or disagree with the proposal

We disagree with the responsibility sitting with the organisation, without the involvement of Disclosure Scotland. This move would mean that organisations would be compelled to engage with Disclosure Scotland to ensure that an offence was not committed. We do not want these measures to be a 'back-door' way of making membership of the PVG scheme mandatory from the perspective of organisations. We would prefer that organisations are supported to understand the benefits of engaging with Disclosure Scotland to maintain confidence in the process and services provided. The consultation document identifies that the 'vast majority' of organisation have complied with the regulations, and we would suggest that a targeted approach to understanding the barriers to those who have not complied would be a more meaningful way forward.

We would encourage a fresh round of dialogue with organisations and a national awareness raising campaign on the importance of retrospective checks and scheme membership.

We would welcome clarity from Disclosure Scotland of the appropriate time-frame in which PVG members should be re-checked by the organisation.

Question 3: Do you agree that either of the options suggested will not impact on any of the protected equality groups?

No

If no, what impact do you foresee?

We are concerned that the introduction of new requirements and the changes to offence may be a barrier to community groups and organisations self-organising. These grassroots organisations often serve our most vulnerable, most in need or most excluded community members including those from protected equality groups.

Question 4: Do you have any concerns that either of these options will have an impact on businesses?

Yes

If yes, what are your concerns?

The introduction of Option 2 will place additional burden and responsibility upon small voluntary organisations. In times of diminishing resources all efforts to reduce the impact of administrative

changes should be made. As we set out in Question 1, we would prefer resource to be used to raise awareness of organisations of the existing duties on retrospective checks. We would be concerned if any proposed new regulations were to come in to place which created additional financial cost for PVG checking by the organisation in order for them to fulfil their duties.

We believe that it is the duty of Disclosure Scotland to utilise rigorous decision-making to make recommendations and decisions in the interest of Scottish Minister – it is only with this rigour that consistency of decision-making can be achieved. This responsibility should not be devolved to individual organisations.

RESPONDENT INFORMATION FORM



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

YouthLink Scotland

Title Mr Ms Mrs X Miss Dr *Please tick as appropriate*

Surname

Hunter

Forename

Susan

2. Postal Address

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Select appropriately

X

(a) Do you agree to your response being made available to the public? (on the Scottish Government Consultation Hub)

Please tick as appropriate

Yes No

(b) Please tick **ONE** of the following boxes

(c) Do you agree to your organisation's **details** and **response** being made available to the public? (on the Scottish Government Consultation Hub)

Please tick as appropriate

Yes, publish my response and details

No, do not publish my response

Yes, make my response and name all available

or

Yes, make my response

Available without my name (anonymously)

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No