



## **Summary of Consultation Response by YouthLink Scotland to Scottish Government: “Protection of Vulnerable Groups and the Disclosure of Criminal Information: A Consultation on proposals for change.”**

YouthLink Scotland is the national agency for youth work. We are a membership organisation, representing 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. Youth work is part of the wider grouping of informal and non-formal learning which is known as Community Learning and Development. Our sector has a workforce in excess of 75,000 – including over 70,000 adult volunteers. We reach in excess of 380,000 young people in youth work opportunities each week. Youth 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

This is a summary of the response submitted to the Scottish Government via CitizenSpace. The response is informed by collaboration with members of SCVO Policy Officers Network and with Youth Scotland.

### **Response**

YouthLink Scotland supports the simplification of the system by reducing the number of Disclosure products

YouthLink Scotland supports the **digitalisation** of the Disclosure system and provided the following additional comments:

*“YouthLink Scotland welcomes the intention to move towards a digital system, and believe that this has the potential to ease the administrative time for individuals and organisations. However feel it necessary to raise a number of concerns which we would hope, through effective project management of a move to digital, would be addressed:*

- *users who have limited digital skills may find this system challenging*
- *concern regarding protection of data e.g. typo in an email address and data being sent to the wrong person/organisation ; or individuals/organisations using web-based email servers*
- *an online system which is designed from the perspective of the user, assuming no or little knowledge of which check they require.*

*In addition, many third sector organisations provide support to their members to complete forms - this may become more difficult to do if the form is only available online. We would welcome the inclusion of a ChatBox/Real Time Help feature for completion of the forms in a new digital system. We also believe that that provision must be made for those without digital access or skills - and that a phased approach to digital should be utilised."*

YouthLink Scotland provided views on how a **Mandatory scheme** should be introduced:

*"A shift to a mandatory scheme must be done in a means which fully engages with employers, PVG members, and those individuals who may be impacted by such changes. In particular it would be regrettable if a perverse incentive of a mandatory scheme was that informal volunteering, or peer to peer support reduced because individuals feared they were in breach of a mandatory requirement for PVG membership. The responsibility for requesting and ensuring PVG Scheme membership must remain with the employer. Consideration must also be made for new volunteers (on trial), working under supervision, with children and young people, and for the ability for this to continue without the volunteer organisation being in breach of the law."*

YouthLink Scotland expressed that our preference for **scheme membership** would be 5 years; and that a membership card would be beneficial to members of the PVG scheme and to employers.

YouthLink Scotland support the introduction of electronic payment for Disclosure Fees and the ability to interact with Disclosure Scotland online.

YouthLink Scotland believe that **volunteers** should continue to receive free membership to the PVG scheme. YouthLink Scotland does not support the introduction of a 'public interest test' for voluntary organisations. YouthLink Scotland does not support the proposal of volunteer members incurring membership fees should they begin employment during an existing membership period.

YouthLink Scotland supports the introduction of **Protected Roles to replace 'regulated work'** however we identified a number of challenges for how this might be implemented.

*"We appreciate the challenges that users (employers and applicants) have had regarding their eligibility for scheme membership, given the current definition and interpretation of regulated work. It would be our view that a combined approach may be the best way forward - which identifies the nature of the 'regulated work' providing the justification of the nature of responsibilities and frequency of contact that the individual would have: particularly with regards to the protection of children and young people.; PLUS a list of job roles. It is crucial that this is not a list of job titles - as this could enable organisations to change job titles so that they do not require PVG membership. Annex B must be updated to include text which identifies the roles, and allows capacity for applicants and employers to interpret this as an equivalent in their own setting.*

*The list provided in Annex B includes false distinctions between social care, health and education - when increasingly services for children and young people are integrated. It may be more appropriate to organise the list by Role with Children and Young People; Roles with Vulnerable Adults. The current list is repetitive (e.g. Youth Worker is listed twice within Social Care). We welcome the inclusion of Youth Worker on this list, and would argue that in addition the wider term of Community Learning and Development Worker should also be included. If the approach is to continue to include Protected Establishments there is a case to be made for inclusion of all staff working within youth and community centres.*

*The list could be expanded to include roles including those facilitating play work, art, drama or music with children and young people (not as a teacher or therapist) but using informal means. Another area which does not appear within the list is for staff engaged in further education, with many colleges working increasingly with school aged children, those aged 16-18, and vulnerable adults.*

*Explicit mention of trustees of children and young people's charities, as per the current guidance, would also be a welcome addition. However as in our comments earlier, it should be recognised that there are adult volunteers on committees of youth and children's organisations (who are not registered charities); and the proposal would continue to exempt them from PVG."*

YouthLink Scotland support the proposals that there should be specific provisions to reduce the possibility of the state disclosure of criminal convictions accrued by young people 12 years or older. We support this provision applying to young people aged 12-18 years in line with the definition of childhood as set out in the United Nations Convention on the Rights of the Child.

**Submitted by Susan Hunter to Citizen Space on 18<sup>th</sup> July 2018**