



## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Camphill Scotland	
-------------------	--

Phone number 07825-149005

Address

17-21 East Mayfield Edinburgh
----------------------------------

Postcode

EH9 1SE
---------

Email

robert@camphillscotland.org.uk
--------------------------------

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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?

- Yes  
 No

**Question 1: Do you agree that reducing the disclosure products will simplify the system?**

Yes  No

**Question 1a: If you have answered no, what do you think will simplify the system?**

**Question 2: As we are trying to simplify the system, do you have any views on what this product should be called?**

Basic  Level 1  Other (please state)

**Question 3: As an applicant, do you have any concerns with this approach?**

Yes  No

**Question 4: Which fee option do you prefer for the level 1/Basic disclosure? And why?** Camphill Scotland prefers Option 2. We believe that this potentially offers the cheaper option for organisations making multiple applications.

**Question 5: Do you agree that it is appropriate to regulate registered bodies in relation to B2B applications?**

Yes  No

**Question 6: What impacts, if any, do you foresee from moving from a paper based system to a digital system?** Camphill Scotland takes the view that the system needs to be accessible, and that training, guidance and support is available, particularly to third sector organisations, to ensure that the transition to the digital system is smooth and effective.

**Questions 7: Do you agree with our proposed fee for the apostille service?**

Yes  No

**Question 7a: If not, what do you think the fee should be?**

**Question 8: Are there any professions/roles for the Level 2 disclosure that are not included that should be on the list?**

Yes  No

**Question 8a: If you have said yes, please note what these are.**

It would appear that Ministers, Priests, Nuns, Monks and other members of the clergy or religious orders have not been included in the List.

**Question 9: Are there any professions/roles you think should be removed from the list?**

Yes  No

**Question 9a: If you have said yes, please note what these are.**

**Question 10: Do you agree with the proposal to remove certain kinship carers and all foster carers from a membership scheme?**

Yes  No

**Question 11: Do you think that the two types of kinship arrangements should continue to be treated differently under the future arrangements?**

Yes  No

**Question 12: Do you agree with this proposal that any member of the fostering/kinship household aged over 16 will require a level 2 check?**

Yes  No

**Question 13: Do you agree with the proposal that a level 2 check should be undertaken by anyone in the foster/kinship carers network who supervises the children?**

Yes  No

**Question 13a: Do you think that anyone else in the foster/kinship carer's network needs to be checked? If so, who and why?**

**Question 14: It is currently not possible for individuals over the age of 16 residing in a residential school setting (for example, spouses of house parents), but who do not have specific responsibilities, to obtain an enhanced disclosure. We believe that they should be subject to a Level 2 disclosure, do you believe that this is the correct approach going forward?**

Yes  No

**Question 15: Which option should be the content of the Level 2 disclosure product be based upon? Please provide the reason for your choice.**

Option 1  Option 2a  Option 2b

Option 2b would provide further information on which recruitment decisions could be made.

**Question 16: Which price option do you prefer for the Level 2 product?**

Option 1  Option 2

**Question 17: Is it proportionate that the free checks should continue for volunteers who obtain Level 2 disclosures?**

Yes  No

**Question 18: What issues, if any, do you foresee with a move to a digital service?** Camphill Scotland believes it is vital to recognise that not all organisations and individuals have digital access, or are comfortable with using digital services. In this respect, we consider it is vital that the Scottish Government should confirm what guidance, support and training will be available, particularly to third sector organisations, to address any issues which may arise from moving to the digital service.

We also consider it is vital that the system needs to be accessible for people with disabilities such as vision impairment, and easy to use for those who are not computer literate.

**Question 19: How should a mandatory PVG Scheme be introduced and how should it work?** Camphill Scotland takes the view that new legislation should be introduced to place a statutory duty on individuals seeking to work with children and vulnerable adults to join the scheme.

**Question 20: Do you agree with the proposal to replace the “regulated work” definition with a list of roles/jobs?**

Yes  No

**Question 21: Do you foresee any challenges for organisations from this proposed approach?**

Yes  No

**Question 22: Are there any roles/jobs not within the list in Annex B that you think should be subject to mandatory PVG scheme membership?**

Yes  No

**Question 22a: If so, please provide more detail on why.**

Camphill Scotland takes the view that any role undertaken in a protected establishment should be subject to mandatory PVG scheme membership.

We also note that, as with Question 8, religious establishments do not appear to have been included.

**Question 23: To avoid inappropriate membership, what criteria do you think should be used to decide if an individual is in a protected role?** Camphill Scotland believes that one of the criteria should be whether or not an individual has access to children and vulnerable people, as historical evidence suggests that abuse has been prevalent in these areas. We are also aware that the SSSC requires staff working with these groups to have PVG checks.

**Question 24: Do you think that the decision about whether someone who is in a protected role meets an exception which makes them ineligible for the PVG Scheme should be taken by Scottish Ministers? Yes**

**Question 25: Are there roles that would not be protected roles and therefore ineligible for membership to the new scheme, that should, however, be eligible for a level 2 disclosure?** It is possible this could apply to individuals without care duties working in a protected establishment, but this in turn would depend upon the level of access the individuals had to children and vulnerable adults within the establishment.

**Question 26: Are there any welfare services that provide support to individuals with particular needs that should be added, or are there any services that should be removed?**

Yes  No

**Question 26a: If yes, please state what these are**

**Question 27: There is the question of the extent to which someone has to be involved in the delivery of a service to bring them within the scope of doing regulated work. At present, the front-line member of staff or volunteer whose normal duties require them to carry out certain activities with an adult, such as 'caring for', means that staff member is doing regulated work.**

**Is this appropriate?**

Yes  No

**Question 28: Should the immediate line manager of that member of staff is also able to become a scheme member?**

Yes  No

**Question 29: Outwith the activities, a person can be doing regulated work with adults if they work in certain establishments, namely, a care home; or in residential establishment or accommodation for people aged 16 or over. Do you think these are the correct facilities, or should any be added or removed?**

Yes  No

**Question 29a: If yes, please state what these are**

We believe that services provided in community settings, including the care and support provided by organisations such as Camphill in Scotland, L'Arche and Garvald should be added.

**Question 30:** There are also certain exclusions that apply to work in such establishments. A person whose normal duties involve working in such a place will only be doing regulated work if doing something permitted by their position gives them unsupervised access to adults, and where that contact with the adults is not incidental. Do you think this approach is clear and helpful?

Yes  No

**Question 31:** the appointment of a person into certain positions in relation to services for adults means that membership of the PVG Scheme is possible. The positions are:

- member of a council committee or council sub-committee concerned with the provision of education, accommodation, social services or health care services to protected adults
- the chief social work officer of a council, and
- charity trustee of a charity whose—

(a) main purpose is to provide benefits for protected adults, and

(b) principal means of delivery of those benefits is by its workers doing regulated work with protected adults.

Do you think that list of positions is correct?

Yes  No

**Question 31a:** Should it be amended either by adding to it, or by taking away from it?

**Question 32:** How long should scheme membership last in a mandatory scheme?

a) 5 years

b) 3 years

c) 1 year

**Question 33:** Do you think a membership card would be beneficial to you as a member of the PVG scheme?

Yes  No

**Question 34:** Do you think a membership card would be beneficial to you as an employer?

Yes  No

**Question 35:** Do you agree with the proposals to review the conditions for registered bodies as set out in the Code of Practice and Police Act 1997 and to

**develop a scheme that can be delivered digitally, that includes registered body duties where possible?**

Yes  No

**Question 36: What is your preferred option for membership and costs for PVG level disclosure?**

Option 1  Option 2  Option 3

**Question 37: Are you in favour of being able to interact with Disclosure Scotland online to manage PVG scheme membership?**

Yes  No

**Question 38: Are you in favour of using electronic payment method for fees?**

Yes  No

**Question 39: Do you have an electronic payment method that you prefer?**

Yes  No

**Question 39a: If you have answered 'yes' please say what it is:**

Visa

**Question 40: Do you have any proposals on how the transitional arrangements for moving away from a life-time scheme membership should work?** Camphill Scotland believes it is important that clear guidance, and training and support are available, particularly for third sector organisations, to ensure that the implementation of these changes is effective. We also consider that careful thought should be given to the timescales for the transition process, and for the migration of applications to the new system.

**Question 41: Should volunteers continue to receive free membership?**

Yes  No

**Question 41a: If no, should they be subject to a reduced fee?**

Yes  No

**Question 42: Do you agree that voluntary organisations seeking to benefit from a reduced fee or the fee waiver should be subject to a public interest test?**

Yes  No

**Question 42a: If so, how should that test be defined?**

**Question 43: Do you agree that employees and employers alike (including volunteers and volunteering bodies) who work or allow an individual to work in protected roles without joining the PVG Scheme or to stay in protected roles after membership has expired should be subject to criminal prosecution?**

Yes  No

**Question 44: Do you agree that any scheme member who fails to pay the relevant fee to renew their PVG Scheme membership and where there are no employers (or volunteering bodies) registered as having an interest in them in a protected role should exit the PVG Scheme automatically at the expiry of their membership?**

Yes  No

**Question 45: Should a person who joined the Scheme as a volunteer and benefitted from free entry later try and register a paying employer against their volunteer membership then the full fee would become payable and a new 5 years of membership would commence. Do you agree with this?**

Yes  No

**Question 46: Do you agree with our proposals to dispense with the current court referral procedure under section 7 of the 2007 Act?**

Yes  No

**Question 47: Are there offences missing from the Automatic Listing Order that you think should be included? You can access the order [here](#)**

Yes  No

**Question 47a: if you answered yes to question 47, please list the offences you believe are missing**

**Question 48: Do you agree with proposals to create new referral powers for the Police?**

Yes  No

**Question 49: Do you agree these powers should be limited to when police have charged a person with unlawfully doing a Protected Role whilst not a scheme member or where a referral has not been made by a relevant organisation?**

Yes  No

**Question 50: Do you think this proposal, to extent the powers of referral currently available to regulatory bodies to local authorities/health and social care partnerships, closes the safeguarding gap in terms of self-directed support?**

Yes  No

**Question 51: Do you think that this list of regulatory organisations with powers to make referrals should be amended?**

- Healthcare Improvement Scotland
- The Registrar of Chiropractors
- The registrar of dentists and dental care professionals
- The registrar of the General Medical Council
- The registrar of the General Optical Council
- The Registrar of health professionals
- The Registrar of nurses and midwives
- The Registrar of Osteopaths
- The registrar of pharmacists
- Social Care and Social Work Improvement Scotland (the Care Inspectorate)
- The General Teaching Council for Scotland
- The NHS Tribunal
- The Scottish Social Services Council

Yes  No

**Question 52: If you think the list should be amended, please gives details of additions or removals.**

**Question 53: Do you agree with the proposal to provide Disclosure Scotland with powers to impose standard conditions on individuals under consideration for listing?**

Yes  No

**Question 54: If yes, how long should the conditions last before lapsing?**

a) 3 months

b) 6 months

**Question 55: Under what circumstances do you think Disclosure Scotland should be able to impose standard conditions and why?** Camphill Scotland believes that Disclosure Scotland should impose standard conditions when an individual is subject to consideration for listing and/or subject to disciplinary proceedings.

**Question 56: Do you agree that it should be a criminal offence if an individual and employer/voluntary body failed to comply with standard conditions?**

Yes  No

**Question 57: Do you agree the age threshold for the shorter prescribed period for a removal application from inclusion on the list(s) to be made should be raised?**

Yes  No

**Question 58: Which option do you prefer?**

a) no change to the age threshold

b) raise the age threshold to under 21 years

c) raise the age threshold to under 25 years

Option A  Option B  Option C

**Question 59: Do you think it's appropriate that organisations, irrespective of where the regulated work is to be carried out, should be informed of a listed individual's barred status?**

Yes  No

**Question 60: Do you agree with our approach for PVG Scheme Members in a protected role overseas or organisations employing PVG members to do a protected role, such as providing aid services?**

Yes  No

**Question 61: We are proposing that there should be criminal offences in relation to organisations who employ barred persons overseas. Do you think that we should also consider introducing criminal offences in relation to barred individuals offering to undertake a protected role overseas?**

Yes  No

**Question 62: Are there any offences missing from either list, those being schedule 8A or schedule 8B, that you think should be included? If so what are they, on what list should they appear and why?**

**Question 63: Are there any offences on schedule 8A that you think should be on schedule 8B? If so, please list them and explain why.**

**Question 64: Are there any offences on schedule 8B that you think should be on schedule 8A? If so, please list them and explain why.**

**Question 65: Do you agree with the categorisation of the new offences included in Annex C?**

Yes  No

**Question 65a: If no, please state how they should be categorised.**

**Question 66: Do you believe the rules for disclosure in the current form of 15 years and 7.5 years provide appropriate safeguarding and privacy protections?**

Yes  No

**Question 67: Do you agree that a reduction in the disclosure periods from 15 & 7.5 years is appropriate considering the changing policy on rehabilitation of offenders?**

Yes  No

**Question 68: What period between 11 and 15 years do you think is appropriate for disclosure?**

11  12  13  14  15

**Question 69: Do you think the application process to seek removal of a spent conviction should be reviewed?**

Yes  No

**Question 70: At present, an individual has three months from the date of notification of an intention to appeal to make an application to a Sheriff. Do you think this time period is:**

Too long  Too short  Correct

**Question 70a: If you indicated that the time period is too long or too short, what do you think the time period should be?**

**Question 71: Do you think any of the options set out above, those being the *introduction of an administrative process stage prior to application to a sheriff, the introduction of an independent reviewer or making an application to a tribunal*, offer viable alternatives to an application to a Sheriff?**

Yes  No

**Question 71a: If yes, which one?**

**Question 71b: If not, do you have any other suggestions?**

**Question 72: Do you agree that Ministers should have a power to issue statutory guidance to Police Scotland on the processes governing the generation and disclosure of ORI, including seeking representations from the individual before issuing it for inclusion on an enhanced disclosure or PVG scheme record?**

Yes  No

**Question 73: Do you agree with Ministers proposals to allow for representations to the chief constable before disclosure of ORI to a third party and for providing the individual with the option to appeal to an independent reviewer before ORI is disclosed?**

Yes  No

**Question 74: Do you agree that the independent reviewer being appointed under the ACR Bill should be used for reviewing ORI?**

Yes  No

**Question 75: Should there be specific provisions reducing the possibility of the state disclosure of criminal convictions accrued by young people 12 years or older on all types of disclosure?**

Yes  No

**Question 75a: If there should, what age range should the special provisions apply to?**

1. 12 – 14 years
2. 12 – 15 Years
3. 12 – 16 years

- 4. 12 – 17 years
- 5. 12 – 18 years
- 6. 12 – 21 years

**Question 75b: Please tell us why you have selected an age range or given your answer.**

**Questions 76: Should there be a presumption against the disclosure of all convictions accrued between 12 and a specified upper age, with the only possibility being police disclosure as ORI after ratification by the Independent Reviewer on the Level 2 and PVG Level disclosures?**

Yes  No   
or

**Question 77: Should there be no state disclosure of any conviction between the age of 12 and the specified upper limit, except where the conviction is for an offence listed in schedule 8A or 8B?**

Yes  No

**Question 78: If there is a disclosure of an 8A or 8B conviction(s) should all other unspent convictions be disclosed even if the other unspent convictions are for offences not listed in schedule 8A or 8B?**

Yes  No

**Question 79: Should disclosure applicants with 8A and 8B convictions be able to apply immediately to a sheriff (or other authority) to have those treated as protected regardless of the passage of time?**

Yes  No

**Question 80: When including ORI on any disclosure about conduct between the age of 12 and the upper age limit should the police only be able to refer to matters they reasonably considered to be serious?**

Yes  No

**Question 81: Do you agree with the proposal to place a lower age limit on applicants for criminal record checks?**

Yes  No

**Question 82: In what circumstances should a criminal record check for a child under 16 be permitted?**

**Question 83: Do you have any concerns with the proposal to introduce a minimum age of 18 years for people who want to become registered person or those who are nominated to be countersignatory in connection with Level 2 and PVG Level disclosures?**

**Question 84: Do you think a supported person arranging self-directed social care should have access to vetting information which could include details about previous convictions relating to a prospective carer?**

Yes  No

**Question 84a: If you responded 'No' to Q84 , do you have any suggestions about how Disclosure Scotland checks could be structured to assist a supported person making their own arrangements for self-directed social care?**

**Question 85: Do you think this approach for private individuals working with children or protected adults is correct?**

Yes  No

**Question 86: Do you think that specialised interpreters whose assistance may be needed to allow a person to participate in day-to-day life it should be regulated work?**

Yes  No

**Question 87: Should vetting information be available if the arrangements are being made by a private individual?**

Yes  No

**Question 88: Do you agree that the law be changed to sort this anomaly that a charity must have one main purpose only, that is work with children or work with protected adults, for a trustee to be able to join the PVG Scheme and if a charity has as its main purpose services directed at both vulnerable groups then trustees cannot apply to join the PVG Scheme?**

Yes  No

**Question 89: Do you think that provision should be made to bring into force the amendment at section 78(1) of the 2007 Act that would have allowed information about a notification requirement under the 2003 Act made following an application by a chief constable to be included on a basic disclosure?**

Yes  No

**Question 90: Please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on any particular groups of people?**

**Question 91: Please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups?**

**Question 92: Please tell us about any potential impacts you think there may be to particular businesses or organisations?** Camphill Scotland welcomes the proposed reform of the PVG Scheme. We believe that moving to a digital service could potentially improve the scheme. Camphill Scotland takes the view, however, that to ensure the new scheme delivers benefits for all sectors and for all organisations, and helps to strengthen safeguarding with regards to children and vulnerable adults, it is important that the Scottish Government ensures sufficient guidance, training and support is available, particularly to third sector organisations which may have limited digital access, or struggle with digital access.

**Question 93: Please tell us about any potential impacts you think there may be to an individual's privacy?**

**Question 94: Please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on children?**