

The Highland Council

Agenda Item	9
Report No	RES/17/24

Committee: Corporate Resources

Date: 6 June 2024

Report Title: Disclosure Scotland Fee Consultation

Report By: Assistant Chief Executive - People

1. Purpose/Executive Summary

- 1.1 The Disclosure (Scotland) Act 2020 introduces new types of disclosure, Level 1 and Level 2 which will replace the existing Basic, Standard, Enhanced and PVG checks. The Act is due to be implemented from April 2025, with PVG membership becoming mandatory for all regulated roles with children and protected adults from 1 April 2025.
- 1.2 From 1 April 2026, lifetime PVG scheme membership will end. This will be replaced with a time limited membership. PVG scheme membership will last 5 years after which the membership will need to be renewed.
- 1.3 Disclosure Scotland have undertaken a consultation (5 March until 28 May 2024) on fee waivers, discounting and registration fees. Colleagues in HR, Education and Health and Social Care have collaborated on providing a response to the consultation on options for a fee structure including fee waivers and discounting for:
 - People in receipt of certain benefits
 - Care experienced young people
 - Volunteers (Qualifying Voluntary Organisations waiver)

The annual accredited bodies fee is not proposed to change from 1 April 2025 with the implementation of the Act, however the intention is to review after 12 months.

2. Recommendations

- 2.1 Members are asked to:
 - i. **Note** the forthcoming changes to disclosure checks and the content of the officer response as contained in Appendix 1.

3. Implications

- 3.1 Resource: Disclosure Scotland propose to maintain the existing fee structure of £59 for PVG membership and £18 for update scheme record checks when the Act is implemented in April 2025. However, from 2026 a new scheme fee structure is proposed to be implemented and if this will result in additional cost, a report will be brought back to Members for consideration.
- 3.2 Legal: Changes to legislation due to come into effect from April 2025 will be communicated to managers and staff affected.
- 3.3 Community (Equality, Poverty, Rural and Island): The Council currently pays for disclosure checks. This has a positive affect regarding any equality and poverty issues.
- 3.4 Climate Change / Carbon Clever: There are no anticipated implications.
- 3.5 Risk: Failure to prepare for the changes will incur potential breach of the legislation and reputation damage to the organisation.
- 3.6 Health and Safety (risks arising from changes to plant, equipment, process, or people): There are no anticipated implications.
- 3.7 Gaelic: There are no anticipated implications.

4. Disclosure (Scotland) Act 2020

- 4.1 Disclosure (Scotland) Act 2020 is due to be implemented from 1 April 2025. The Act aims to:
- focus on protecting the public, while balancing the need for people to move on from offending
 - simplify the process for disclosing criminal history information.
- 4.2 The Act will also lead to:
- changes to disclosure checks
 - changes to Protecting Vulnerable Groups (PVG) scheme membership
 - new powers for Disclosure Scotland
 - new powers for councils and integration boards.
- 4.3 Changes to disclosure checks:
- 'Level 1' and 'Level 2' checks will replace the current basic, standard, enhanced and PVG disclosure levels;
 - Individuals subject to checks will be able to ask for an independent review of some disclosure content;
 - Individuals subject to checks will be able to explain the context for certain spent or childhood convictions before they're disclosed.

4.4 Changes to PVG scheme memberships:

- From 1 April 2025, PVG membership will become mandatory for all regulated roles with children and protected adults.
- From 1 April 2026, lifetime PVG scheme membership will end. This will be replaced with a time limited membership. PVG scheme membership will last 5 years before it requires to be renewed.
- The time limited membership change is being made in April 2026 to help smoothly and fairly move existing PVG members to the new arrangements. Disclosure Scotland is working with stakeholders to further understand the transitional arrangements required.

4.5 New powers for Disclosure Scotland:

- Disclosure Scotland can bar people from working with children and protected adults after an investigation.
- The Act also gives new powers to Disclosure Scotland to impose conditions on people while they investigate. These conditions end when Disclosure reach a decision to bar the individual being investigated or not.

4.6 New powers for councils and integration boards:

The Act gives local councils and integration boards new powers to make referrals to Disclosure Scotland. This is to better safeguard people who have set up their own care and support arrangements, such as:

- self-directed support
- employing people directly

5. Getting Prepared for the Changes – Consultation on Fees

5.1 Disclosure Scotland are working with stakeholders in preparation for the implementation of the changes. Guidance and training on the Act is also being developed.

5.2 As way of preparing for the implementation, a national consultation is taking place on accredited body fees and proposals for discounting, seeking views to enable DS to consider fee discounts for certain groups applying for Protecting Vulnerable Groups (PVG) scheme membership disclosures and views on the fees applied to organisations acting as accredited bodies. The consultation period is 5 March to 28 May 2024.

5.3 Disclosure Scotland's fees and fee structure have not changed since 2011. This is the longest period fees for disclosure products in Scotland have remained at the same rate. Work is ongoing by Disclosure Scotland to ensure fees are set at a level which balances affordability for customers against the cost of delivering disclosures.

5.4 Disclosure Scotland proposes to amend fees from April 2026 to determine whether full funding for the checks should continue. The consultation sets out some proposed fee levels for disclosure products under the new Disclosure Act, taking account of actual cost of delivery and inflation, this will focus on gathering more evidence on the approach to fees and in certain circumstances to help develop the policy and fees. The Council currently pays the cost of disclosure checks, and this will be reviewed when changes to fees are being proposed. A report will be brought back to Committee for consideration of any change to fees.

5.5 The response to the consultation is attached in **Appendix 1** of the report.

Designation: Assistant Chief Executive - People

Date: 24 May 2024

Author: Elaine Barrie, Head of People
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Background Papers: Disclosure Scotland Consultation - fees

Appendices: Appendix 1 -Highland Council's response to Disclosure Scotland - Fees

Submitted to Disclosure Scotland fees: discounting, waivers and accredited bodies consultation
Submitted on 2024-05-24 13:08:58

Discount for people in receipt of benefits

1 Do you agree with the proposal to create a fee discount structure for people in receipt of certain benefits?

Yes

2 What information do you think we need to consider when looking at a fee discount for people in receipt of certain benefits?

Please give us your views:

- Some employers pay the fees for their employees and a discount would therefore not impact on those employees on benefits.
- Would the employer get a discount when paying fees for employees who are on benefits?
- Who checks if a person is actual in receipt of benefits and therefore eligible for the discount and how?

Discount for care experienced young people

3 Do you agree with the Option 1 proposal to provide a fee discount for care experienced young people?

No

4 Do you agree with the Option 2 proposal to provide a fee discount for care experienced young people?

Yes

5 What information do you think we need to consider when proposing a fee discount for care experienced young people?

Please give us your views:

- consider not charging care experienced young people at all
- consider how they evidence that they are care experienced and is this a legal status (this is sensitive information, could be linked to trauma)

Discount for volunteers

6 Do you agree with the proposal to move to a fee discount for volunteers in Qualifying Voluntary Organisations?

No

7 What information do you think we need to consider when proposing moving to a fee discount for volunteers in Qualifying Voluntary Organisations?

Please give us your views:

We would prefer to continue the current situation and waive the fees for volunteers. Volunteers provide critical support in our communities and give their time without any remuneration. There is a risk that charging volunteers to join the PVG scheme will prevent people to take on a voluntary role. Voluntary work can be a stepping stone into paid work and moving to a fee for volunteers could be a barrier for people to achieve this.

Fees for accredited bodies

8 Do you agree with the proposal to increase the accredited body registration fee to £120, with additional countersignatories continuing to be £15 per addition?

Yes

9 Do you agree with the proposal to introduce an account upgrade fee?

Yes

10 What information do you think we need to consider in relation to the accredited body registration fee?

Please give us your views:

- we prefer this over introducing fees for volunteers.
- we expect this change to be manageable because organisations can manage their number of countersignatories.

Partial Impact Assessments

11 What information do we need to consider for the Business and Regulatory Impact Assessment?

Please give us your views:

- consider the outcomes of the public consultation
- consider the different impact on different sectors/groups affected
- be mindful of the impact on commissioned services through private voluntary and independent providers

12 What information do we need to consider for the Equality Impact Assessment?

Please give us your views:

- consider the outcomes of the public consultation
- consider the different impact on different sectors/groups affected

13 What information do we need to consider for the Fairer Scotland Duty assessment?

Please give us your views:

- consider the outcomes of the public consultation
- consider the different impact on different sectors/groups affected

14 What information do we need to consider for the Children's Rights and Wellbeing Impact Assessment?

Please give us your views:

- consider the outcomes of the public consultation
- consider the different impact on different sectors/groups affected
- see our comments re care experienced young people

15 What information do we need to consider for the Island Communities Impact Assessment?

Please give us your views:

- consider the outcomes of the public consultation
- consider the different impact on different sectors/groups and (rural) areas affected

About you

16 What is your name?

Name:
Jannet Sikkema

17 Are you responding as an individual or an organisation?

Organisation

18 What is your organisation?

Organisation:
Highland Council

19 Further information about your organisation's response

Please add any additional context:

- completed with input from HR and Education.

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

Publish response only (without name)

21 Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

22 What is your email address?

Email:
jannet.sikkema@highland.gov.uk

23 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

24 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

As per introduction of the survey, it will not be possible for everyone to answer all of the questions in this consultation but it is very helpful to be consultant on this matter.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.: