

The Protection of Vulnerable Groups (Scotland) Act 2007

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 8th March 2007 and received Royal Assent on 18th April 2007

Introduction

The Scottish Government is taking forward a comprehensive implementation programme to deliver the provisions outlined in the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007.

Improving Protection

The PVG Act will deliver a robust vetting and barring scheme that will safeguard children and protected adults by keeping people who would harm them out of caring positions and a fair and consistent system that will be simple and easy for people to understand and use.

It will help to ensure that people, who have demonstrated through past behaviour that they pose an unacceptable risk, do not gain access to children or protected adults through the workplace or through volunteering.

The PVG Act introduces a new electronic scheme record system that will be continuously updated. This will make it easier to identify people who become unsuitable, delivering an additional tool for employers to use to help them to make informed and safe recruitment decisions.

It will make it an offence for organisations to permit a person who is barred from working or volunteering with vulnerable groups to undertake such work (this does not apply to individual employers such as parents or people who are buying care services directly). People who become unsuitable while employed (paid or voluntary) in the regulated workforce will be removed quickly from their post

A new Statement of Scheme Membership will improve protection for vulnerable groups in instances where people are directly employed to do regulated work. Direct employers (such as a parent who employs a sports coach for their child or a person buying a home care service) can ask to see an up to date Statement of Scheme Membership to confirm that the person is not unsuitable.

A Joined Up, Consistent Service

The Act strengthens protection for adults through the creation (for the first time in Scotland) of a list of people who are barred from working/volunteering with protected adults, complementing the safeguards introduced through the Adult Support and Protection (Scotland) Act 2007.

A list of those who are barred from working/volunteering with children (which will replace the existing Disqualified from Working with Children List) and the new adult list will be managed by a new Central Barring Unit. This unit and Disclosure Scotland will provide a joined up and streamlined service as a new executive agency.

The Central Barring Unit will deliver a consistent and fair decision-making process to determine who should be barred from regulated work with vulnerable groups. While the Central Barring Unit will take decisions about people's unsuitability to work with vulnerable groups, employers will still need to decide who is suitable to work with them, having considered all relevant recruitment information.

The PVG Act dovetails with the system being developed for other parts of the UK, through the Safeguarding Vulnerable Groups (2006) Act, to ensure a consistent and UK wide approach to vetting and barring. This means that someone who is barred from working in the relevant workforce in Scotland would also be barred throughout the rest of the UK and vice versa.

Minimising Bureaucracy

The Act delivers a system that will, in the vast majority of cases, be quicker and simpler for employers, employees, volunteers and self employed people to understand and use.

People who work or volunteer with children and/or protected adults will apply to be a scheme member.

Thereafter, their scheme records will be kept constantly up to date which means that they will no longer need to undergo a time-consuming disclosure procedure each time they change posts.

Instead, a short version of individual scheme records will be available online. This will enable employers to do an instant check to verify that a person is a scheme member and therefore, not unsuitable. In most instances, this will speed up recruitment decisions, reduce bureaucracy and reduce costs.

Implementation

The detail of the new vetting and barring scheme will be developed through secondary legislation and the Scottish Government expects to consult and engage widely with stakeholders on this towards the end of 2007. This will allow adequate time to prepare for a possible go-live date for the scheme in spring/summer 2009.

More information about consultation activities will be available shortly.