

POLICY NOTE

THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007 (MODIFICATION OF REGULATED WORK WITH CHILDREN) (CHILDREN'S HEARINGS) ORDER 2013

SSI 2013/202

The above instrument is proposed to be made in exercise of the powers conferred by paragraph 28 of Schedule 2 to the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

Background

Children’s Hearings (Scotland) Act 2011 (“the 2011 Act”)

The 2011 Act provides for the establishment of a national Children’s Panel, which replaces the current local authority based children’s panels.

The 2011 Act provides for the establishment of a new corporate body, Children’s Hearings Scotland (CHS), which is headed by a principal officer, the National Convener. It also provides for the creation of Area Support Teams who will support the National Convener by carrying out the Convener’s functions in arranging children’s hearings for their local area. Children’s Panel Advisory Committees (CPACs), which were created under the Children (Scotland) Act 1995, are abolished by the 2011 Act.

The 2011 Act further provides for the creation of a new national Safeguarders Panel, which will replace current local authority arrangements for the management of safeguarders.

Policy Objectives

Part 4 of Schedule 2 to the 2007 Act lists the positions which are described as being in “regulated work with children”. The effect of a position being listed in the schedule is that the post holder is subject to the provisions of the 2007 Act for vetting purposes (“the PVG scheme”). Members of the Children’s Panel and CPACs (as well as members of sub-committees appointed by CPACs) are currently subject to this scheme. Other persons working in the Children’s Hearings system are subject to enhanced disclosure checks, including the Principal Reporter, officers undertaking functions of the Principal Reporter and safeguarders.

Being subject to the PVG scheme under the 2007 Act helps to ensure that those who have regular contact with children and protected adults or hold other positions of trust, through either paid or voluntary work, do not have a known history of harmful behaviour. In contrast to enhanced disclosure checks, which are undertaken at the time of appointment only, the

PVG scheme offers additional protection for vulnerable groups by ensuring that registered individuals are subject to the ongoing collection of vetting information and assessment for unsuitability to work with those groups.

This Order lists the positions and roles created by the 2011 Act which will become subject to the PVG scheme. These are: the National Convener of CHS; board and staff members of CHS; and members of area support teams. Members of the new national Children's Panel and Safeguarders Panel are also included within PVG by virtue of the Order.

All contracted staff of the Scottish Children's Reporter Administration (SCRA) are currently subject to enhanced disclosure checks. The Order now places the Principal Reporter, SCRA board members, and SCRA staff within the PVG scheme.

Impact Assessments

There are no equality impact issues.

Financial Effects

With the exception of members of the national Safeguarders Panel, the funding of the PVG checks, as set out in the Order, will be met by the relevant public bodies. In line with current arrangements, the Scottish Government will meet the costs of subjecting members of the national Safeguarders Panel to PVG.

The Minister for Children and Young People confirms that no BRIA is necessary, as the instrument has no significant financial or regulatory impact on local government or business.

Commencement

The Order is scheduled to come into force on 24 June 2013, the same day as section 7 (holding of children's hearings) of the 2011 Act

Scottish Government – Children and Families Directorate

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