

Protection of Vulnerable Groups Implementation:
Consultation on Significant Draft Secondary Legislation,
Guidance and Regulatory Impact Assessment

Protecting
Vulnerable Groups
Scheme

CHECK TO PROTECT

Responding to the consultation

Your response must be received by **2 February 2010**.

- You can e-mail your response to: pvg.enquiries@scotland.gsi.gov.uk
- Alternatively, please send it to:

**SSI Consultation
PVG Implementation Team
The Scottish Government
2-B North, Victoria Quay
Edinburgh EH6 6QQ**

You do not have to use the response form below but please make sure you include the same information as this will help us to process your response.

RESPONSE FORM

My comments relate to (*please name the specific SSI or put "RIA" or "Guidance"*): X
Protected Adults Regulations, Regulated Work with children Order, Partial
Regulatory impact assessment , Draft Guidance and Fees Regulations

My involvement with vulnerable groups is as (*role*): Chief Executive Churches Agency
For Safeguarding Responding on behalf of the Christian Forum for Safeguarding in
England and Wales

Name: Stephen Boyo

Postal Address: Churches' Agency for Safeguarding, 25 Marylebone Road, London
NW1 5 JR

Your Response

1. Are you responding (please tick one box):

(a) as an individual (go to Q2a/b and then Q4)

(b) **on behalf of** a group/organisation (go to Q3 and then Q4)

Individuals

2a. Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government website)?

Yes (go to 2b below)

No, not at all. **We will treat your response as confidential**

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (please **tick one** of the following boxes):

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

On behalf of groups or organisations

3. The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you also content for your **response** to be made available?

Yes

No We will treat your response as confidential

Sharing responses / future engagement

4. We may 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 the Scottish Government to contact you again in the future in relation to this consultation response?

Yes

No

My comments

5. Please record your comments in the space below (*take as much space as you need*):
CFS response to the Scottish PVG Act 2007 Consultation

The Christian Forum for Safeguarding (CFS) is an ecumenical group comprising safeguarding representatives drawn from Christian Church denominations across the UK. The CFS welcomes and is pleased to respond to the Scottish Government's consultation on the draft PVG Scheme Guidance and the Scottish Statutory Instruments (SSI) modifying aspects of the Protection of Vulnerable Groups Act (PVG) 2007. We are particularly pleased with the draft guidance as it provides robust examples and offers a degree of flexibility and discretion that will aid interpretation and application. We also welcome the place accorded to self-disclosure within the scheme which can be a helpful element in assessing risk. We hope that through practice, clear understandings will emerge across faith bodies as to the correct operation of the guidance.

However, from a practical standpoint, we feel that it would have been more appropriate to have completed changes to the substantive body of legislation before issuing guidance and reduce the likelihood of a further series of revisions which might impact on timescales. We would welcome a further opportunity to comment on the guidance once other aspects of the legislation have been decided but before it becomes the final version of guidance.

We have considered the various consultation documents and are providing a response to issues that are of relevance to our members with congregations in Scotland, in addition to drawing attention to potential cross-border issues in relation to the operation of the Vetting and Barring Scheme in England and Wales. Several of our members have sizeable memberships in Scotland and most others have significant cross-border 'traffic' for roles (including ministers/ priests) and activities or visits with sister organisations in Scotland. The cross-border issues are potentially more significant than is currently realised, because neither scheme has been finalised and organisations may not realise the full impact of some of these remaining features.

In addition to this response, we also fully support the response provided by the Scottish Churches Committee for Safeguarding, with whom we have liaised on this consultation. Their response broadly reflects our position on the issues addressed.

Our response on the scheme thus far is provided below:

1. Work With Children Order

- a) **Hosting arrangements** - the CFS welcomes the adjustment of the regulated work with children order to cover 'host parenting and overnight stays' (where such arrangement is done specifically as a commercial activity or on the basis of a non-family or personal relationship) and the exclusion of private personal hosting arrangements between families from the scope of scheme registration. We agree that this provides the right balance between the protection of children and the need to ensure that people in personal hosting arrangements are not brought into the scope of regulated work unnecessarily or disproportionately.
- b) **Children's charity trustees** – we welcome the amendment of the definition of children's charity to one whose main purpose is to provide benefits for

children, we believe that this definition is simpler and less complex and reduces the burden of interpretation on the many charities including churches whose mission is to work not only with children but with a range of other groups.

- c) We would expect that only a small group will be more involved with the detail of recruitment of volunteers and paid workers, while the trustee group will usually simply approve those recommended for appointment by this smaller group. We accept that those involved with children's work or managing and supervising them will need to be covered.

2. Protected Adults Regulations and PVG Guidance

- a) CFS agrees with the government's intention to achieve a proportionate balance in scheme coverage so that only those adults with a specific need for protection are covered, we agree that a broader-based definition would be impractical and unworkable.
- b) We broadly support the service-based definition proposed and the tests for determining what constitutes a prescribed welfare service under the scheme. However, it would be helpful to have a clearer definition of 'personalised service' and 'training' to enable churches apply both tests effectively when faced with distinguishing between regulated 'welfare' elements from non regulated work within the varied mix of services that church workers often provide. This is particularly relevant in the area of pastoral care which covers a broad spectrum of activities delivered by church ministers in a trained and untrained capacity.

3. Regulatory impact assessment and PVG Scheme Guidance

- a) Cross border issues in relation to work with children – we would like some more clarity regarding the potential for individuals engaged in cross-border regulated work to register with both the PVG and VBS schemes in order to engage in such activity. In what instances would dual registration be required? For example will a PVG registered worker taking a group of children on a one-off day trip from Scotland to the Lake District be required to register under VBS in order to perform this role or would their PVG registration be solely valid for that purpose? If registration on both schemes is indeed needed for cross border work, we believe that this could result in significant costs for churches involved in considerable cross border activity. What might be the time-limits on such an exchange or visit without the staff coming under the need to be members of the scheme/ to register?
- b) A number of our members have expressed concerns about the potential for all of their trustees to be required to register under the scheme and the resultant cost and work volume that might be generated internally. This is of particular

concern for congregational style church denominations in Scotland, including the United Reformed churches, Congregational church and some Methodist congregations with less than twenty members where the entire congregation will form the board of trustees.

- c) In addition, the definition of 'charitable trustees' (for the purposes of PVG) in the Adult regulations is wider and less clear than for the Children regulations. These should be matched, so that churches or church organisations do not come under requirements for Trustees in either unless their main purpose is to provide services for children or protected adults.

4. Fees regulations

- a) CFS welcomes the definition of 'voluntary organisation' for the purpose of charging under the scheme, we also welcome the provision of free PVG registration and checks for voluntary organisations which will include churches. However, we are concerned about the potential cost implication for denominations with significant numbers of paid staff, given the complex fee structure proposed. We would welcome a simplified single-tier fee structure for scheme registration and updates or certificates similar to that proposed under VBS.
- b) The proposed fee structure is not only confusing but there are discrepancies in the number of disclosure categories (4 in the Guidance and 5 in SSI) and terminology used in the Fees Regulation SSI and Guidance documents. A more uniform approach would be appreciated.