

WEST DUNBARTONSHIRE COUNCIL

Report by Head of Human Resources and Organisational Development

Joint Consultative Forum: 22 September 2011

Subject: Protecting Vulnerable Groups Scheme - Update

1. Purpose

- 1.1** To update Joint Consultative Forum (JCF) on The Protecting Vulnerable Groups Scheme (PVG Scheme) which commenced on 28th February 2011.
- 1.2** The report also advises JCF of the decisions reached in relation to payment of membership and of the next steps required by the Council.

2. Background

- 2.1** On 28 February 2011, the Scottish Government introduced a new membership scheme to replace and improve upon the current disclosure arrangements for people who work with vulnerable groups.
- 2.2** The Protecting Vulnerable Groups Scheme (PVG Scheme) replaced Enhanced Disclosure Checks for employees working with vulnerable groups and delivers on the provisions laid out in the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007. This is to:
 - help to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour,
 - be quick and easy to use, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required,
 - strike a balance between proportionate protection and robust regulation and make it easier for employers to determine who they should check to protect their client group.
- 2.3** The Scheme introduces the concept of “regulated work”. This means that people who work on a regular basis with children or protected adults will have to join the scheme and it will be an offence for the Council to offer regulated work to a barred person and for a barred person to do (or seek to do) regulated work.
- 2.4** During the first year of the scheme only new employees or existing employees undertaking regulated work for the first time are eligible to join the scheme.

- 2.5** The scheme will open to existing members of staff, carrying out regulated work, from 1st March 2012 and will continue for a period of 3 years by which point all applicable members of staff should be members.
- 2.6** In order to reduce the administrative burden on the Council and Disclosure Scotland the Council will receive a monthly allowance of checks based on 1/36th of the workforce requiring to be members.

3. Main Issues

Membership Costs

- 3.1** The PVG scheme has 2 levels of fee for individuals: £59 for joining the scheme and obtaining Scheme Records and £18 for subsequent Scheme Record Updates. Additional fees can be incurred through subsequent new vetting information being available.
- 3.2** Membership of the PVG Scheme is for life unless an individual chooses to leave the scheme or they are barred from the scheme. It is also portable between employers.

Who Pays?

- 3.3** The CMT, under delegated powers, considered the issue of payment and agreed that arrangements for payment of PVG membership for new and existing staff would be as follows:

Grades 1-5:	Council pays
Grades 6 and above:	Employee pays with option for Council to pay upfront and deduct from employees salary over a 3 month period
Volunteers:	Council pays

- 3.4** The rationale behind the payment arrangements was:
- PVG scheme membership is portable and for life
 - In the current financial climate, the costs associated with the implementation of the scheme were significant, c350k over 3 years
 - Financial assistance would be targeted at lower paid staff and volunteers
 - Financial support would be provided to other staff groups in the form of an interest free loan which would then be deducted from salary over a 3 month period
- 3.5** A clear boundary in the Grading structure was selected as the determining factor for eligibility for payment of PVG. An Equality Impact Assessment identified that the majority of lower paid workers are female therefore by introducing the threshold we were preventing discriminating against these lower paid employees.

- 3.6** The top point of Grade 5 is £22,207 so for equity this figure is also the boundary with application to other pay grades. All teachers with the exception of probationary teachers are required to pay their own membership.
- 3.7** The same principles have been applied to teacher supply lists to ensure existing employees are treated no less favourably than those on the supply lists. It would be unfair to expect permanent employees to incur membership costs whilst those covering similar or similarly paid posts on a supply basis would be given an advantage of their membership costs being met by the Council.
- 3.8** Currently there are almost 600 people on the teachers supply list and therefore if the Council was to meet this cost for the first year of implementation of the scheme the cost would be between £10,800 and £35,400 depending on the level of membership check required.

Trade Union Concerns

- 3.9** The convenor for Education has raised concerns relating to supply teachers having to pay membership. The Trades Unions have also raised concerns regarding the fairness of this decision in relation to it being based on grade of post and not earnings. An Equality Impact Assessment has been completed in this regard and given the part-time nature of their work to change the parameters could result in employees who work full-time feeling they are being disadvantaged and would also result in increased costs to the Council.

Retrospective Checking

- 3.10** In order to clarify the plans for the retrospective exercise HR will be liaising with departments to finalise a list of the safer recruitment status of all posts. This information will be stored on the Workforce Management System and will be used to inform the retrospective checking plan.
- 3.11** Further details of this will be communicated over the coming months.
- 3.12** Agreement will be reached with regards to how groups of staff are prioritised for this exercise – this will be communicated to all managers and staff.
- 3.13** Staff affected by retrospective checking will be notified in writing of the need to become a PVG member along with details of the process to be undertaken and the timings of the process.
- 3.14** A procedure is being developed, in the event that, during the course of the retrospective checking exercise employees are found to be unsuitable to continue working with vulnerable groups.

4. People Implications

- 4.1** All new and existing employees undertaking regulated work will be required to become members of the PVG Scheme
- 4.2** Existing employees will be notified of the plans for the retrospective exercise and provided of details of the process to be followed, timings and payment requirements/options.

5. Financial Implications

- 5.1** The first year of implementation of the new Scheme is when costs for membership will be at their highest. Therefore any decision regarding payment of costs has to take into consideration the financial implication for the Council.
- 5.2** Given the budget challenges facing the Council it was not possible to meet the full cost of the introduction of the Scheme and therefore a decision was made to meet membership costs only for those staff in lower graded posts. Those applying for posts with a FTE pay greater than £22,207 are required to meet the costs themselves.
- 5.3** Comparison with other Councils shows that practice varies with some Councils paying the full amount for new and existing staff, and others not paying any of the costs.

6. Risk Analysis

- 6.1** The proposed actions will ensure that the Council continues to meet its legislative and statutory requirements as an employer. In addition to meeting these requirements the proposed actions will ensure that the Council conforms to the Safe and Strong Communities theme contained within the Corporate Plan.

7. Equalities, Health & Human Rights Impact Assessment (EIA)

- 7.1** An equality impact assessment has been undertaken in relation to the introduction of the PVG Scheme and options considered. The main issue raised in the equality impact assessment is in terms of PVG membership costs, if the employee is expected to pay this it may disproportionately impact on low paid, part-time workers who are mainly female. The decision to pay for grades 1-5 has mitigated this.

8. Strategic Assessment

- 8.1** This issue underpins the Councils commitment to protecting vulnerable groups.

9. Conclusions and Recommendations

- 9.1** JCF is asked to note the contents of the report and the actions being taken to plan for the retrospective exercise.

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Appendices: None

Background Papers: None

Wards Affected: n/a