

## **West Dunbartonshire Council**

### **Report by the Director of Education and Cultural Services**

**Children's Services Committee: 13 December 2006**

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**Subject: Protecting Vulnerable Groups (Scotland) Bill**

#### **1. Purpose of Report**

- 1.1** To provide Members with information regarding West Dunbartonshire's submission of written evidence to the Scottish Parliament's Education Committee on the Protecting Vulnerable Groups (Scotland) Bill.

#### **2. Background**

- 2.1** The Bill follows the extensive review of Child Protection procedures in England and Wales carried out by Sir Michael Bichard and published as the Bichard Enquiry Report on 22 June 2004. (Members may recall that the Bichard Enquiry was set up following the murder of the two school girls, Jessica and Holly, by the School Caretaker in Soham).

- 2.2** The Bill substantially implements the proposals set out in the Scottish Executive's Consultation paper, Protecting Vulnerable Groups: Scottish Vetting and Barring Scheme, published in February 2006. The Bill also makes provision for sharing information for Child Protection purposes and seeks to amend the definition of school care accommodation services.

- 2.3** The provisions of the Bill can be summarised as follows:

- Establishing a list of individuals unsuitable to work with children and consequently repealing the 2003 Act and establishing a separate list of individuals unsuitable to work with protected adults;
- Replacing enhanced Criminal Record Certificates with new Disclosure Records for those working with vulnerable groups, whether paid or unpaid;
- Establishing a scheme for those working with vulnerable groups, membership of which enables the ongoing collection of vetting information and assessment for unsuitability to work with those groups;
- Sharing information for Child Protection purposes, placing duties on relevant public bodies and organisations to disclose information when a child is at risk of harm, supported by a Code of Practice;

- Amending the 1997 Act to ensure consistency with the provisions of this Bill and making a number of technical changes to facilitate the operation of Disclosure Scotland;
- Transferring the staff of Disclosure Scotland to the Scottish Administration;
- Amending the definition of school care accommodation.

### **3. Main Issues**

- 3.1** While the Bill is generally welcome and is considered to go some way to improving protection for children and vulnerable adults, a number of areas of concern remain and other issues require further clarification. As the Bill is currently at the committee stage, it is hoped that as a result of evidence presented by local authorities and other key bodies such as ADSW, ADES and COSLA, further work can be undertaken to strengthen the legislation. The West Dunbartonshire document that relates to the Protecting Vulnerable Groups (Scotland) Bill is attached as Appendix 1.

### **4. Personnel Issues**

- 4.1** Until there is further detail regarding the implementation of the proposed scheme contained within the Bill, it is difficult to accurately predict its impact on local authority personnel functions. There are a number of new duties proposed for local authorities however which suggest that there will require to be some changes made to personnel procedures, and training for staff. There may also be a need for enhanced personnel resources.

### **5. Financial Implications**

- 5.1** The Financial Memorandum attached to the Bill presents a fairly optimistic picture of the impact of the Bill on local authority finances. Evidence from COSLA suggests that it is premature to make assumptions regarding the financial implications of this Bill. As the cost of individual Disclosures is set to rise and the Bill also introduces retrospective checking for the childcare and social care workforce, it is unlikely that the impact on financial resources will be neutral.

## 6. Recommendations

- 6.1 Members of the Children's Services Committee are asked to retrospectively approve the written evidence submitted to the Scottish Parliament's Education Committee on the Protecting Vulnerable Groups (Scotland) Bill.

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**Background Papers:** There are no background papers

**Wards Affected:** All Wards affected