

Disclosure (Scotland) Act 2020 - Accredited body fees and proposals for discounting under the PVG Scheme consultation

Partial Fairer Scotland Duty Summary

March 2024

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Title of policy, strategy, or programme

Disclosure (Scotland) Act 2020 – Accredited body fees and proposals for discounting under the PVG Scheme consultation

Summary of aims and expected outcomes of strategy, proposal, programme or policy

Disclosure Scotland charges fees for some of its functions, including disclosure certificates. There is also a longstanding fee waiver in relation to PVG disclosures for qualifying voluntary organisations. The current fees were set in 2011: basic, standard and enhanced were set at £25, with the PVG Scheme at £59 for a full scheme record and £18 for a short scheme record.

2011 to present is the longest period disclosure fees in Scotland have remained frozen.

The primary objective of setting fees is to bring Disclosure Scotland back to a cost-neutral position, as required by the Scottish Public Finance Manual by changing statutory fees. Charging for services helps to avoid unnecessary public expenditure and eliminate hidden subsidies.

The Scottish Government is acutely aware that any change in charging of fees will most significantly affect people already at or at risk of inequality of outcome through socio-economic disadvantage.

We also have a responsibility to consider the ability of those undertaking regulated work to pay for their disclosures when determining the different levels of fee. This consultation supports developing policy proposals which could provide more targeted support to certain groups of customers who may be less able to pay the full fee.

The policy options contribute to the following National Outcomes:

- Children and Young People: We grow up loved, safe and respected so that they realise their full potential.
- Communities: We live in communities that are inclusive, empowered, resilient and safe.
- Poverty: We tackle poverty by sharing opportunities, wealth and power more equally.

Summary of evidence

Policy proposal: Move from fee waiver to fee discount for Level 2 with PVG for volunteers in qualifying voluntary organisations (QVOs)

Data from the [Scottish Household Survey 2022](#) indicates people living in higher-income households are more likely to volunteer than those from lower-income households. 52% of people living in households with a net income of over £30,000 per year had volunteered in the previous 12 months, compared with 34% of people from households earning up to £15,000.

On the surface, this indicates that people who are more able to pay for a disclosure are benefiting most from the existing fee waiver. The proposal to move to a discounting model would facilitate the development of a greater package of support for those least able to pay when applying for paid roles, as well as volunteering opportunities.

However, we do recognise that volunteers, regardless of their income or background, make a huge contribution to Scotland's economy and communities. That is why this proposal is being developed within the context of looking more widely at the support offered around the payment of PVG disclosure fees.

The proposal is being consulted on to gather specific information relevant to payment of PVG scheme membership fees. This is because there is no evidence available on disclosure fees as a barrier to volunteering and limited evidence on costs as a barrier.

Using other types of cost as a proxy, travel costs for volunteers and difficulty covering expenses from Volunteer Involving Organisations (VIOs) was raised as a significant concern raised in Volunteer Scotland's [Report to inform the work of the Volunteering Cost of Living Task Group](#) in February 2023. Volunteers being unable to afford travel costs was ranked fifth in the top volunteering challenges, while difficulty funding volunteer expenses was ranked seventh. It is noted that the sample size for this polling was small, however, it is an indicator on the potential for disclosure fees to exacerbate existing challenges in this area.

Policy proposal: Fee discount for Level 2 with PVG for people in receipt of certain benefits.

The Scottish Government is acutely aware that for roles which require PVG scheme membership, changes to the fee levels will be felt hardest by those who are unemployed or on low income. This is particularly true in sectors or roles where pay is lower or there are existing recruitment and retention challenges. It is not the intent of targeting cost recovery, as required by public sector finance guidance, that changes should exacerbate existing issues for individuals seeking work or otherwise applying for disclosures while on low incomes.

In-work poverty continues to be a concern across the Scottish Government, particularly due to its intersections with other equality areas. Those most likely to receive low pay are women, young people, older workers, people without qualifications, some ethnic minorities, lone parents and disabled people. Women are

more likely to work in low-paying sectors and are more likely to be employed part-time, which has a substantial overlap with low pay. In fact, it has been argued that low pay is partly a reflection of the under-valuation of women's work, in particular caring work¹. Analysis of the occupations of low paid workers from 2014-17 found "caring, leisure and other service" occupations was the third most common category to be low paid with 17% of low paid workers in such positions².

Disclosure Scotland has not taken an income-based approach to setting fees in the past. However, the increase in fees proposed to recover Disclosure Scotland's costs in combination with the cost crisis warrants consideration of alternative approaches.

This proposal arose in consideration of setting a fee against review applications. There is a concern that this would create inequality in access to reviews, with even a smaller fee being easily paid by wealthier applicants while discouraging low paid applicants from accessing their right to review. The decision was taken not to charge a fee against review applications at this time.

Scottish Court fees (Court of Session, High Court of Justiciary, Sheriff Appeal Court, Sheriff Courts including Sheriff Personal Injury Court, Justice of the Peace Courts and Office of the Public Guardian) apply a fee waiver for those in receipt of certain benefits:

- an income-based jobseeker's allowance
- universal credit
- personal independence or adult disability payment

There is also a scheme to reduce council tax payable by people who are unemployed or on a low income³. The Council Tax Reduction (CTR) Scheme, established by the Scottish Government in 2013, is there to ensure nobody must pay a council tax bill they cannot be expected to afford. The CTR scheme reduces a household's council tax liability based on an assessment of their income, capital, and circumstances. Following a similar process would be too resource intensive to be cost effective for Disclosure Scotland to administrate. The cost of a disclosure is also significant less than Council Tax, therefore, such a process would be disproportionate to the payment required.

Disclosure Scotland has based its current projected figures for those entitled to the proposed discount on the proportion of people in the Scottish population that are on Universal Credit, Jobseeker's Allowance or Personal Independence Payment, Disability Living Allowance and Adult Disability Payment. As there are currently 1.6 million PVG scheme members, of which an estimated 800,000 are active PVG scheme members, this would indicate up to 149,617 scheme members could be

¹ Research report 109 - The Gender Pay Gap (www.equalityhumanrights.com)

² What do we know about in-work poverty- Interim Findings (www.gov.scot)

³ The Council Tax Reduction (Scotland) Regulations 2021 (legislation.gov.uk) / Council Tax Reduction supports half a million Scots - gov.scot (www.gov.scot)

eligible. However, work is ongoing to establish the proportion of scheme members whose membership is for volunteering in a QVO only.

Further work to establish whether a more accurate assessment of the likelihood of scheme membership amongst this cohort is also ongoing.

Policy proposal: fee discount for Level 2 with PVG for care experienced young people

Scottish Government research has repeatedly shown that care-experienced children and young people are less likely than non-care experienced peers to be in positive destinations nine months after leaving school. In 2019/20, nine months after leaving school, 22% of school leavers looked after within the last year were classed as unemployed, compared to 7% of non-care experienced peers⁴.

There are some initiatives in place designed to address these economic concerns faced by care leavers. These include a council tax exemption and a SAAS Care Experienced Bursary. This provides a £9,000 non-repayable bursary to any individual who was looked after by their local authority in any capacity before the age of 18.

Initial analysis based on population level estimates of care leavers is that fewer than 900 PVG level applications are likely to have been from care leavers annually. We have not found evidence that indicates that care experienced young people are more likely than the general population to go into roles that would require PVG scheme membership.

Policy proposal: fees for registration as an accredited body and registering for an additional disclosure level.

No evidence found that would indicate a specific socio-economic impact in relation to this proposal.

Summary of assessment findings

Further assessment of changes/ improvements that could be made to the policies proposed is ongoing. The next stage of evidence gathering, including a formal consultation and further engagement with stakeholders, will inform the development of the proposed policies.

This Fairer Scotland Duty summary assessment is currently marked as partial (or in draft) while policy development is ongoing. A full Fairer Scotland Duty summary assessment will be published alongside any final policy decisions when the consultation and wider engagement has been concluded.

⁴ [Education Outcomes for Looked After Children – 2019/20 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/education-outcomes-for-looked-after-children-2019-20/pages/22.aspx) table 2.2

Sign off (pre-consultation assessment)

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