

In Brief

*Children in Scotland supports the intentions behind the Protection of Vulnerable Groups Bill. Yet, we have serious concerns about the content and scope of the current Bill. **The vetting and barring elements of the Bill (Part 1 and 2) propose welcome and necessary improvements to the current disclosure system in Scotland. However, major amendments are needed to ensure that the Bill doesn't create more problems than it solves. Children in Scotland believes that the information sharing section (Part 3) should be removed entirely from this Bill.** While we support the principle of information sharing, these proposals have not been sufficiently consulted upon, pose several significant problems and may result in numerous unintended negative consequences. Accordingly, the subject of information sharing would be better placed within the context of anticipated legislation on Getting It Right For Every Child (GIRFEC).*

Information Sharing - Part 3

Children in Scotland welcomes the Scottish Executive's focus on better information sharing for the protection of children and young people. **However, we are so concerned about the specific 'information sharing' proposals contained in the Protection of Vulnerable Groups Bill that we recommend the removal of Part 3 in its entirety from this Bill.**

Getting information sharing right is profoundly important to the safety and well-being of children and young people – so important that it merits far more careful consideration, detailed analysis and widespread consultation (including with children and young people) than it has received thus far.

Children in Scotland believes that the current Part 3 is compromised by:

- ⇒ A lack of emphasis on information **use**, following information sharing
- ⇒ **An absence** of children's rights on the face of the Bill – and the absence of processes for safeguarding children's rights within its provisions
- ⇒ A number of potential **unintended negative consequences** associated with making information sharing a duty.
- ⇒ An **inadequate definition** and use of such basic terms as "harm" and "risk"
- ⇒ A potential for over-sharing of **unhelpful or irrelevant information**
- ⇒ **A lack of attention** to the principles that will be applied in the holding, accessing and disposing of information

Children in Scotland's fundamental recommendation is that Section 3 of this Bill be removed in its entirety – and reconsidered in the context of the anticipated GIRFEC legislation in the next session of the Scottish Parliament.

We believe that this will allow the Executive and other relevant organisations to properly consult on the best way to achieve appropriate information sharing and information use, as well as to identify and eliminate the unintended negative consequences of specific provisions currently in Part 3 of this Bill.

Vetting and Barring – Part 1 and 2

Children in Scotland believes that this Bill would have benefited from a full audit of the implementation and effect of previous legislation governing vetting and barring in Scotland.

The principle that all children and young people should be protected from individuals who may harm them in any way is unquestionably right. Parents should be secure in the knowledge that those employed to work with children and young people do not pose any known (or knowable) threat to their safety and well-being. Children in Scotland welcomes the vetting and barring provisions in the Bill that are likely to improve the current system of disclosure. For example, we support a streamlined application process for disclosure checks, and reducing multiple and repeat disclosure checks. **We would like to see these improvements made sooner rather than later.**

The current Bill needs significant amendment to ensure that it does not create more problems that it solves. We believe that major corrections are needed to ensure that the Bill:

- Addresses the issue of convictions in relation to offences against children
- Addresses the issue of overseas workers
- Removes the offence associated with section 47
- Makes a commitment to keep the cost of vetting and barring to a minimum, particularly for the voluntary sector
- Gives clear and transparent guidelines as to the criteria Ministers must employ in the barring of any individual.

Children in Scotland also would like to see the Executive commit to:

- Improving the opportunities and advice available to *children and young people* about identifying risks, protecting themselves and taking action when they perceive themselves to be unsafe
- Ensuring that people – particularly men -- will not be discouraged from child-related work in the voluntary sector as a result of the vetting and barring process
- Ensure the training and monitoring of all staff working with children (Private as well as voluntary)

Children in Scotland is Scotland's national agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies, services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents over 400 members, including all major voluntary, statutory and private children's agencies, professionals organisations, as well as many other smaller community groups and children's services.

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