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Mr Douglas Ross MSP
Convenor of the Education, Children and Young
People's Committee

By email: ecyp.committee@parliament.scot

23 January 2025

Dear Convenor,

Update on Disclosure (Scotland) Act 2020 Implementation

I am writing to update the Committee on the regulations required to enact the Disclosure (Scotland) Act 2020 ("the Disclosure Act") and, in particular, the fee waiver for volunteers in qualifying voluntary organisations.

As the Committee will be aware, there are several Scottish statutory instruments required to substantively commence the Disclosure Act on 1 April 2025. The first package was approved in December 2024, the second package was laid on the 13 and 14 January 2025 and the third package is to be laid on 3 February. The third package consists of regulations:

- setting disclosure fees
- setting further procedure for review applications
- making commencement, saving and transitional provisions to ensure that the disclosure system operates as intended by the Disclosure Act.

Fee waiver for volunteers in Qualifying Voluntary Organisations (QVOs)

The fee regulations, which are subject to negative procedure, retain the current Protecting Vulnerable Groups (PVG) Scheme fee waiver for volunteers in qualifying voluntary organisations (QVOs). Volunteers with the same organisations currently eligible as QVOs will be covered by the waiver.

The Scottish Government consulted on the future of the fee waiver last year and received significant engagement on the topic. We have considered the evidence provided by volunteer involved organisations and taken into account the wider funding pressures faced

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by the third sector, including the UK Government's increase to employer National Insurance contributions.

I have also spoken personally with several organisations which make use of the current waiver to support their volunteer recruitment and retention. Volunteering in regulated roles helps society face some of our biggest challenges from supporting children through care and sports, to addressing social isolation and loneliness.

With those factors in mind, it is right that we continue to support volunteers in QVOs accessing regulated roles. I hope members of the Committee who have raised this with me will welcome this reassurance.

Level 1 and Level 2 disclosure fees

The Fee regulations will also set out the fees for the new Level 1 and Level 2 disclosure products, as well as the fee for joining the PVG Scheme.

Disclosure Scotland's fees have not changed since 2011. This is the longest time fees for disclosure products in Scotland have been frozen. The fees must be set at a level which supports the sustainability of the Scottish disclosure system and allows it to continue protecting the most vulnerable in our society through its operation of the barring service.

The Scottish Government have decided to keep disclosure fees at their broadly equivalent levels. The regulations set the fee for Level 1 disclosures at £25, Level 2 disclosures at £25, PVG Scheme Level 2 disclosures at £18. For those joining the PVG Scheme, this costs £59.

The disclosure products under the Disclosure Act are not the same as those under the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007. This means that there is not a direct equivalent for most products.

However, looking at eligibility to apply for certain types of disclosure, the effect on the customer will be that:

| Current product / Equivalent product | Current | Future |
|--|----------------|---------------|
| Criminal conviction certificate (Basic Disclosure) / Level 1 | £25 | £25 |
| Criminal record certificate (Standard Disclosure) / Level 2 | £25 | £25 |
| Enhanced criminal record certificate (Enhanced Disclosure)/Level 2 | £25 | £25 |
| PVG scheme record / Level 2 (PVG) (Join) | £59 | £59 |

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| | | |
|--|-----------------------------|-----------------------------|
| PVG scheme record / Level 2 (PVG) (Existing) | £59 | £18 |
| PVG short scheme record / Level 2 (PVG) (Existing) | £18 | £18 |
| Statement of scheme membership / Confirmation of scheme membership | £59 (Join) / £18 (Existing) | £59 (Join) / £18 (Existing) |

The decision to retain existing disclosure fee levels was taken after balancing several factors, including affordability for customers - particularly those on the lowest incomes.

Stakeholder feedback indicated that, in the context of the current challenging financial climate, even a relatively modest increase would negatively impact upon those services, and those who provide them.

The Scottish Government has therefore taken this decision to retain disclosure fee levels at the levels they have been at since 2011 in recognition of our desire to continue to support organisations providing vital services to children and protected adults.

I hope the Committee will welcome this news and the reassurances this will provide to volunteers, charities, public and private sector staff, and other bodies across Scotland.

Yours sincerely,

Natalie Don-Innes
Minister for Children, Young People and The Promise

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