

Barnardo's Scotland Submission at Stage 1 of the Protection of Vulnerable Groups (Scotland) Bill:

Introduction:

Barnardo's helps the UK's most vulnerable children have a better start in life, and therefore the chance of a better future. In Scotland our 62 services work directly with over 13,000 children, young people and their families every year. The services provided cover all age groups, in some cases into the early twenties. Services relating to youth work include providing support to young parents, assisting families affected by disabilities, youth offending and homelessness and working with young people leaving care. Each Barnardo's project is different although they all have the same goal of protecting, nurturing and providing opportunities for the most vulnerable children and young people, over the long term, enabling them to transform their lives and fulfil their potential.

Barnardo's Scotland welcomes the opportunity to provide comment on the Protection of Vulnerable Groups (Scotland) Bill as the Committee considers it at Stage 1. As with most organisations in the voluntary sector we support initiatives to enhance the protection of children and welcome improvements to incorporate lessons learned from the Protection of Children (Scotland) Act 2003 (PoCSA). However we also share a common concern that the current legislation represents the third major review of systems protecting children and vulnerable adults in the last six years. The sector has already experienced difficulties and absorbed costs in implementing previous changes. We are wary therefore that further upheaval and bureaucracy, and an over emphasis on avoiding risk, could act against the interests of children through minimising opportunities in their lives. Scrutiny of the Bill must focus on avoiding this scenario.

We support the general principles of the Bill but conclude that the success or otherwise of the proposals will be dependent on secondary legislation and the action the Executive takes around the Bill, such as the provision of funding support and clear and timely guidance.

Vetting and Barring Scheme:

Barnardo's Scotland welcomes the various improvements on the existing systems, such as to ensure continuous updating of information and the inclusion of self-employed workers.

Our experience in implementing PoCSA also highlights the importance of clear and timely guidance. Without sufficient notice and clear information it will be difficult for the voluntary sector to implement complex legislation where important decisions (such as whether to employ an individual while a decision on their status is pending or who appears on one list but not the other) will be left in the hands of employers.

The suggestion that, once the system is bedded in, the ongoing costs of carrying out checks will be reduced is also welcome. Nevertheless there will be significant costs involved, particularly in carrying out retrospective checks. Our experience from the introduction of PoCSA is that there is a need for comprehensive training of the workforce to ensure that all relevant agencies understand the new framework. The inclusion of parents and personal employers places an additional requirement to ensure that there is a common understanding of the legislation. With no additional funds being made available the money will have to be diverted from front-line services, which is not the way to improve standards of protection.

Barnardo's Scotland believes that ongoing funding support must also be provided to assist voluntary organisations in meeting their duties under the proposals. In the short lifetime of disclosure checks we have already seen an increase from £20 to £25 and we believe that a cap should be placed at this

limit. Furthermore there have been delays in obtaining disclosure checks under the existing system. We believe that these act as a disincentive for volunteers in particular and sufficient funding must be provided to ensure the smooth operation of the new system.

There have been reports of adults being reluctant to engage in volunteering activities because of the new framework of checks involved. This has yet to be quantified but we believe the danger to be real and the Executive must ensure that the protection threshold is high enough in order to protect vulnerable groups but the threshold is not set so that small groups are closed down or wiped out. The real test of this legislation will rest upon whether an appropriate balance can be found between risk and opportunity, which once again highlights the crucial role of guidance in the successful implementation of the Bill. If we do not get the balance of proportionate protection right, we could be in danger of dissuading an unknown number of people away from productive engagement with children and vulnerable adults. A promotional effort will also be needed to present the new system in a positive light, as an appropriate means of protecting children, rather than as a bureaucratic drag on legitimate activity.

Information Sharing:

Barnardo's supports the general principle of placing a duty on relevant public bodies and organisations to disclose information when a child is at risk of harm and to cooperate with such requests. We also agree with the general power for any individual to disclose child protection information and placing Scottish Ministers under a duty to produce a code of practice to support information sharing for child protection purposes. Nevertheless we are aware that various concerns have been raised and it is the handling of these concerns that will determine how effective the information sharing measures prove to be.

In our experience much sharing of information already takes place, but often in an informal or even haphazard way. Nevertheless children are acutely aware of this and may even already assume that information they provide will be passed on. This can have real implications for children's willingness to come forward with information and it may be the case that increasing information sharing will lead some children to be reluctant to provide it in the first place. Information sharing systems will only be as good as the values, principles and experience of the professionals who operate them, once again illustrating the importance of taking time over guidance and training to get it right.

Increased sharing of relevant information will lead to the sharing of 'soft information' on individuals. It is crucial that we have early view of clear guidance about what should be shared and with whom.

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