

# Policy and Sustainability Committee

10.00am, Tuesday, 11 March 2025

## Disclosure Scotland and Protecting Vulnerable Groups (PVG) Scheme – Elected Members

Executive/routine  
Wards

### 1. Recommendations

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- 1.1 To consider whether to apply for basic disclosures for all elected members.

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## Disclosure Scotland and Protecting Vulnerable Groups (PVG) Scheme – Elected Members

### 2. Executive Summary

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- 2.1 The Council has previously been advised by Disclosure Scotland that a PVG check could not be applied to all elected members and this advice has been reiterated. It is though open to the Council to agree that a basic disclosure check be undertaken for all elected members. This report asks the committee to consider if it wishes to proceed with basic disclosures for elected members.

### 3. Background

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- 3.1 At its meeting on 10 December 2024 the Policy and Sustainability Committee agreed to:
- (i) receive a report back to Committee to explore whether all elected members could be required to undergo a comprehensive Protecting Vulnerable Group (PVG) check to ensure the highest standards of safeguarding and accountability are upheld; and
  - (ii) explore options to support or cover the costs of PVG checks to ensure financial barriers do not hinder implementation.
- 3.2 Disclosure Scotland is a Scottish Government executive agency. Their purpose is to help employers make safer decisions when recruiting people and they also ensure that unsuitable people do not work with vulnerable groups, including children. Their core services are:
- 3.2.1 Processing applications for disclosure checks.
  - 3.2.2 Running the Protecting Vulnerable Groups (PVG) scheme for people who work with children or protected adults.
  - 3.2.3 Keeping a list of people barred from working with children and protected adults.

- 3.3 The current legislation in respect of this is:
  - 3.3.1 the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007
  - 3.3.2 Part V of the Policy Act 1997
  - 3.3.3 The Age of Criminal Responsibility (Scotland) 2019
  - 3.3.4 Disclosure (Scotland) Act 2020 (due to be implemented April 2025)
- 3.4 Types of Disclosure - the type of disclosure you need depends on the role or work you're doing. This includes:
  - 3.4.1 Basic
  - 3.4.2 Standard
  - 3.4.3 Enhanced
  - 3.4.4 Protecting Vulnerable Groups (PVG) Scheme
- 3.5 Basic disclosure is available for any purpose. This is the lowest level of disclosure and shows any unspent conviction. Disclosure Scotland does not monitor people as part of a basic disclosure. The disclosure only shows the information available on the date it was created. A basic disclosure is £25.
- 3.6 Standard disclosures involve higher level checks. They are for specific roles such as solicitors, accountants or providing a care service. A standard disclosure is £25.
- 3.7 Enhanced disclosures are for specific roles such as checking people are suitable for adoption, or applying for certain gaming or lottery licences. An enhanced disclosure is £25.
- 3.8 Protecting Vulnerable Groups Scheme - the Protecting Vulnerable Groups scheme is for people doing regulated work with children and vulnerable adults. Disclosure Scotland continuously monitors PVG members' records and checks for information that might affect individuals' suitability to work with vulnerable adults. A PVG Record is £59.
- 3.9 The City of Edinburgh Council is a Registered Body with Disclosure Scotland which allows us to apply for standard, enhanced or PVG disclosures.

## 4. Main report

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- 4.1 Consideration has only been given to either Disclosure or PVG checks for elected members, as Standard or Enhanced could not be applied due to their role requirements.
- 4.2 Basic Disclosure – a Basic Disclosure would be open to all elected members. This is the lowest level of disclosure and shows any unspent convictions. Disclosure Scotland does not monitor people as part of a basic disclosure and the disclosure only shows the information available on the date it was created. The cost of a basic disclosure is £25. If Committee decided to proceed with a basic disclosure for all elected members, then consideration would need to be given as to how that

information be used and who would make any decision in respect of unspent convictions.

- 4.3 PVG Scheme - The Council can only seek a PVG scheme record for those who undertake 'regulated work'. When considering application to elected members, the Act confirms that the following is regulated work with children:
- 4.3.1 Member of:
- (a) a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to children,
  - (b) a sub-committee which discharges any functions of any such committee.
- 4.3.2 Member of a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to protected adults.
- 4.3.3 Any reference to a committee includes a reference to any sub-committee which discharges any functions of that committee.
- 4.4 Historically a PVG record was sought for all elected members, however, Disclosure Scotland raised concerns and reminded the City of Edinburgh Council of the application of the legislation in this regard and that it should only be accessed for those as outlined in the legislation above. Further guidance was sought following Policy and Sustainability Committee in December 2024 to establish arrangements for committee substitutes and it was confirmed that only those elected members that regularly sit on committees where there will be an impact on Regulated Work will require a PVG level check. Those who substitute would not, as this would be considered an incidental part of their role.
- 4.5 In addition, the Council has raised with Disclosure Scotland that elected members routinely carry out constituency work which may involve vulnerable children or adults and as a result would a PVG check be appropriate. At the time of writing of the report, the Council is currently awaiting a response from Disclosure Scotland.

## **5. Next Steps**

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- 5.1 If the Committee agreed that a basic disclosure should be applied to all councillors, a policy would be created explaining how this information would be applied.

## **6. Financial impact**

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- 6.1 The cost of a Basic Disclosure for all elected members would be £1,575 (£25 per person).

- 6.2 The cost of a PVG Scheme record for all elected members would be £3,171 (£59 per person). A PVG check is already provided for members of relevant committees and is contained within current budgets.
- 6.3 Costs are due to be reviewed by Disclosure Scotland from April 2025 following the implementation of the new Disclosure Scotland Act.

## **7. Equality and Poverty Impact**

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- 7.1 There are no equality or poverty impacts as a result of this report.

## **8. Climate and Nature Emergency Implications**

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- 8.1 There are no climate or nature emergency implications as a result of this report.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 The Council currently applies PVG checks for all councillors who undertake regulated work.

## **10. Background reading/external references**

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- 10.1 None.

## **11. Appendices**

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