



**WHO  
CARES?**  
SCOTLAND

**EQUALITY | RESPECT | LOVE**



# Disclosure (Scotland) Act 2020 - Accredited Body Fees and Proposals for Discounting

Response to the Scottish Government's public  
consultation

May 2024

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[www.whocarescotland.org](http://www.whocarescotland.org)

## Who We Are

[Who Cares? Scotland](#) is Scotland's only national independent membership organisation for Care Experienced people. Our mission is to secure a lifetime of equality, respect, and love for Care Experienced people in Scotland and we currently have just over 4,100 members.

At the heart of our work are the rights of Care Experienced people, and the power of their voices to bring about positive change. We provide individual relationship-based independent advocacy and a range of participation and connection opportunities for Care Experienced people across Scotland.

We work alongside Corporate Parents and various communities to broaden understanding and challenge the stigma faced by Care Experienced people. We work with policy makers, leaders, and elected representatives locally and nationally to shape legislation, policy and practice. We do this collaboratively to build on the aspirations of [The Promise](#) and secure positive change.

## Response to the consultation questions

### Part 1: Discount for people in receipt of benefits

Disclosure Scotland has not previously taken an income-based approach to setting fees. However, with proposed increases to fees, we are exploring whether it would be possible to discount Level 2 with Protecting Vulnerable Groups (PVG) Scheme disclosures for people who are most likely to be affected by any increase.

Disclosure Scotland is considering a fee discount structure based on the person being in receipt of certain benefits. The benefits will include:

- income-based jobseeker's allowance
- universal credit
- personal independence payment under Part 4 of the Welfare Reform Act 2012
- adult disability payment within the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022

The proposed discount is a 50% reduction of the full fee for people in receipt of the qualifying benefits. For example, the £70 PVG scheme join fee would be £35.

#### **1. Do you agree with the proposal to create a fee discount structure for people in receipt of certain benefits?**

- **Yes**
- **No**
- **Don't Know**

Yes.

## 2. What information do you think we need to consider when looking at a fee discount for people in receipt of certain benefits?

Who Cares? Scotland is a member of the Poverty Alliance. We know that poverty restricts people's choices and ability to take part in society, and that this can disproportionately impact on Care Experienced people and their families.

Entering employment can be costly for families, as the need to purchase clothing and equipment, additional travel costs and childcare costs can all be incurred before receiving their first paycheck. Therefore, we would support a 100% fee discount for low-income households to remove an additional financial barrier to entering employment and hardship on families during a cost-of-living crisis.

### Part 2: Discount for Care Experienced young people

Additional costs to access employment or training opportunities can be a significant barrier to already disadvantaged groups in seeking and obtaining work. Past engagement with care experienced young people also found that some young people self-excluded from roles which require a Protecting Vulnerable Groups (PVG) scheme record disclosure due to uncertainty over whether interaction with the youth justice system might be included on their disclosure record.

Although reforms under the Disclosure Act will provide young people with more certainty about what a Level 2 disclosure will include before it is disclosed to an employer (because the young person will be able to exercise their right to review information before it is disclosed), we recognise that a reluctance to apply for a role could still remain if the young person felt they needed to withdraw after paying the initial fee.

#### Option 1:

Disclosure Scotland is considering providing a fee discount of 50% to Care Experienced young people. For example, the £70 PVG scheme join fee would be £35. In this proposal, Disclosure Scotland propose defining a Care Experienced young person as a person who:

- is over 16 years of age and under 26 years of age
- has been looked after by a local authority at any time from their sixteenth birthday onwards
- is no longer looked after by a local authority

#### Option 2:

Disclosure Scotland is considering providing a fee discount of 50% for Care Experienced young people. For example, the £70 PVG scheme join fee would be £35. For this option, eligibility would mirror the criteria for the Care Experience Student Bursary meaning the young person must be aged between 16 to 25 years and have been looked after under one of the following arrangements:

- foster care
- kinship care (arranged by a local authority)

- kinship care (although not arranged by local authority, the young person must have had engagement/contact with local authority or social work contact during the arrangement)
- looked after at home or looked after away from home under a Compulsory Supervision Order
- residential care

**3. Do you agree with the Option 1 proposal to provide a fee discount for Care Experienced young people?**

- **Yes**
- **No**
- **Don't Know**

No.

**4. Do you agree with the Option 2 proposal to provide a fee discount for Care Experienced young people?**

- **Yes**
- **No**
- **Don't Know**

Yes.

**5. What information do you think we need to consider when proposing a fee discount for Care Experienced young people?**

We support option 2 as we encourage policymakers and Corporate Parents to always use the broadest definition of care experience and believe there should be no financial barriers to gaining employment. However, we support this proposal under the following conditions for it to be most effective:

1. Broaden the eligibility criteria to include all types of care and remove the age cap of 26.
2. Remove the requirement for applicants to disclose and prove their Care Experienced status to their employer, in favour of an assumption of entitlement.
3. A 100% fee discount.

**1. Inclusive definition**

We support option 2, however, we note it is modelled on the Care Experienced Bursary, which has no age cap in recognition of the challenges facing this population to entering education and that they are likely to study later in life than the national average. This fee discount should also be available to a Care Experienced person of any age, given the lifelong impact of care and continued barriers to employment that many experience.

Who Cares? Scotland set up a National Advocacy Helpline during the pandemic to be able to meet the advocacy needs of all Care Experienced people, regardless of their age

or local authority. Due to the demand for this service, the helpline has become a permanent offer of assistance and is able to operate due to the support of volunteers. Most callers to our National Advocacy Helpline are over the age of 26 and call regarding financial difficulties. This highlights the need to consider what more Corporate Parents and other organisations can do to support our Care Experienced people facing challenges who have aged out of current statutory support.

We would like to highlight that we do not support option 1 because the eligibility criteria set out does not describe a Care Experienced young person, as stated. The criteria for option 1 more accurately describes someone who is defined in law to be a 'care leaver'. Who Cares? Scotland strongly discourages policy makers from using this term as we regularly see the unintended harm it causes for Care Experienced young people facing the same challenges and in need of support, but who miss out due to this technical definition. When we ensure everyone in our communities has what they need to thrive, society benefits. We, like The Promise, support a broad and inclusive term of Care Experience and encourage all Corporate Parents and policymakers to do so too to prevent inequalities deepening.

We also ask Disclosure Scotland to note that The Promise includes those who have been adopted, in informal kinship care, looked after at home, and those in secure care as Care Experienced. Therefore we encourage them to ensure their criteria for the discount reflects this inclusive definition of care experience.

The second largest group of callers to our National Advocacy Helpline are Care Experienced people aged 16-26 who have left care but are not legally defined as Care Leavers. Therefore, they are not benefitting from the same support as other Care Experienced young people with the same challenges.

## 2. Assumption of entitlement

Care Experienced people continue to be subject to prejudice, stigma and discrimination in today's society, including in the workplace. We know that it is unlikely that someone would claim to have been in care to their employer if they had not.

We are concerned that current plans requiring a person to disclose their care experience to a new employer will create unfair prejudice towards the employee and be a barrier to the uptake of the scheme for people who are unwilling to share this personal information. The mechanism for this scheme must allow a person to share this information privately with Disclosure Scotland only, and not their place of work.

We also encourage the scheme to grant the discount on an assumption of entitlement, given the challenges for many Care Experienced people with evidencing their previous looked after status and the unlikelihood that someone would claim to have been in care if they had not. For employers, this requirement to check documentation also adds additional administrative work, which will increase prejudice against hiring Care Experienced people and people on benefits and increase stigma and barriers to gaining employment.

Hiring younger Care Experienced people may be seen as a more cost effective outcome and create discriminatory practices against older Care Experienced people during the recruitment process. The age cap of 26 promotes ageism within recruitment and is an arbitrary age limit that we would encourage Corporate Parents to reconsider. We recognise that the wide definition and removal of the age cap isn't within the Corporate Parenting legislation, but in the spirit of 'parenting' we encourage Corporate Parents to offer lifelong support, in line with the aims of The Promise. There is a risk that the age cap on the PVG discount for Care Experienced people discourages organisations from creating opportunities for older Care Experienced people still facing challenges entering employment due to the lifelong impact of care.

We note that this concern has been raised by stakeholders several times at meetings with Disclosure Scotland. We recognise the intention of this proposal but believe it will have unintended consequences for Care Experienced people that will not necessarily outweigh the benefit of the scheme as many employers currently foot the cost of disclosures for all employees anyway. We urge this to be given serious consideration and revised.

### 3. 100% Fee Discount

Corporate Parenting legislation requires Disclosure Scotland to promote Care Experienced young people's 'physical, emotional, spiritual, social and educational development' and be alert to matters which might adversely affect the wellbeing of Care Experienced people. Action to fulfil these legal duties could reasonably include ensuring that attaining a disclosure check is not a financial barrier to employment. The Independent Care Review found that the incomes of Care Experienced people were 27% lower than their non-Care Experienced peers. Furthermore, the [Follow the Money \(p.30\)](#) report highlights that Care Experienced people were one and a half times more likely to experience financial difficulty. It is imperative that we take bolder steps to ensure Care Experienced people are able to access the opportunity to work.

## Part 3: Discount for volunteers

Currently, Disclosure Scotland waives fees for any applications to join the Protecting Vulnerable Groups (PVG) scheme and all subsequent disclosure records when people are doing regulated work in a voluntary and unpaid capacity for a Qualifying Voluntary Organisation (QVO).

As part of this consultation Disclosure Scotland is considering the operation of the QVO fee waiver to ensure public money is being used effectively. The Scottish Government recognises the immense value volunteers bring to the Scottish economy and life and will continue to subsidise disclosures for volunteers with QVOs. However, in addition, with the ongoing pressure on household finances across UK, Disclosure Scotland is also considering if we can provide broader support to households on low incomes or who face additional barriers through a history of care experience.



The new proposal is Disclosure Scotland would move to a fee discount structure for volunteers doing regulated roles in QVOs. The proposed discount is a 60% reduction of the full fee for a volunteer in a QVO. For example, a £70 PVG scheme join fee would be £28.

## **6. Do you agree with the proposal to move to a fee discount for volunteers in Qualifying Voluntary Organisations?**

- **Yes**
- **No**
- **Don't know**

No.

## **7. What information do you think we need to consider when proposing moving to a fee discount for volunteers in Qualifying Voluntary Organisations?**

The Scottish Government's Volunteering Action Plan highlights that volunteering supports the improvement of physical and mental health, helps to tackle social isolation and loneliness, and supports community engagement and the resilience of communities. These benefits of volunteering support both individuals and communities. One of the key aims of the Volunteering Action Plan is to improve the infrastructure that enables volunteering, and Who Cares? Scotland believes the proposals to introduce fees would directly contradict this.

The removal of the fee waiver for volunteers in Qualifying Voluntary Organisations could be considerably damaging for voluntary organisations such as Who Cares? Scotland and volunteers across Scotland. [The Scottish Household Survey from 2022](#) indicated that the number of adults in formal volunteering opportunities has dropped from 26% in 2019 to 22% in 2022. The number of adults in Scotland volunteering for an organisation or community group has also fallen below 1 million for the first time in 15 years. The survey also showed that those living in higher income households and less deprived areas were more likely to participate in volunteering than those who had lower incomes or lived in more deprived areas. Who Cares? Scotland believes that the Scottish Government should be taking active steps to increase volunteer numbers as opposed to creating more financial barriers.

Removing the fee waiver for volunteers raises questions of who will pay these fees and adds more barriers to volunteering. Asking volunteers to pay for PVGs means that those who would benefit most, including low-income households and those living in more deprived areas, would be even less likely to engage in volunteering. This proposal would prevent these groups from developing skills, confidence, and meaningful relationships.

The vast majority of volunteer involving organisations will ensure that volunteers are not out of pocket as a result of their volunteering. This is in support of the Volunteer Charter which sets out principles for volunteering including that 'no one should be prevented from volunteering due to their income.' If the cost were to be moved to organisations, it would likely result in organisations decreasing their volunteer opportunities. With less

funding coming through to different sectors, and turnover rates of volunteers typically being higher than staff turnover, the additional costs to organisations would be unsustainable. This would go directly against the aims of the Volunteering Action Plan by reducing sustainable volunteering infrastructure. For example, Who Cares? Scotland registered 45 new volunteers in 2023. The cost of processing these PVGs would have absorbed nearly half of the organisation's budget, at the detriment to the quality of training and support we can ensure our volunteers receive. This would therefore require us to reduce the number of volunteers we take on board, and put various youth groups, assistance and events we offer to Care Experienced people at risk.

Within the Third Sector, many organisations would be unable to operate without volunteers, and vital community services and groups would likely be halted. This, along with other proposals within the Disclosure Act that are due to commence in 2025, would further increase the costs as organisations would be required to recheck PVGs every five years. The impact of these additional costs would be hugely detrimental to communities and families - particularly in rural locations, where volunteering is more prevalent. Scotland has committed to Keep the Promise, and prioritised early intervention and whole family support as part of this work. Protecting local services often relying on volunteers is a critical part of this upstream work.

We support the introduction of a discount for Care Experienced people. However, if the fees for volunteers are being introduced to pay for the discounts for Care Experienced people, then we wouldn't agree with the proposal as a whole. We believe that the impact of the introduction of a volunteer fee will have a much wider negative impact for Care Experienced people across the country who enjoy volunteering and benefit from local services, youth groups and charity support.

## Part 4: Fees for accredited bodies

Accredited bodies will be organisations countersigning Level 1 and Level 2 disclosures. They also replace the current 'registered bodies' for standard, enhanced and PVG scheme disclosures and the administrative 'responsible body' arrangement for receiving basic disclosures on behalf of applicants.

Some organisations may initially register as accredited bodies to countersign only one type of disclosure and then later decide to register to countersign the other type. The fee structure for accredited bodies will therefore need to take account of whether double registration fees are appropriate.

Disclosure Scotland propose that the fee structure for accredited bodies will remain the same as the current fee structure for registered persons. We propose that the fee for registration as an accredited body (and up to four counter signatories) will be £120 annually. The fee for additional counter signatories will remain £15 annually per addition.

In addition, Disclosure Scotland propose that accredited bodies who initially register for one disclosure type but later decide to register for the second will be charged a one-



off £15 administration fee to have their account upgraded. This fee will not recur annually.

**8. Do you agree with the proposal to increase the accredited body registration fee to £120, with additional counter signatories continuing to be £15 per addition?**

- Yes
- No
- Don't know

Yes.

**9. Do you agree with the proposal to introduce an account upgrade fee?**

- Yes
- No
- Don't know

Yes.

**10. What information do you think we need to consider in relation to the accredited body registration fee?**

We believe this increase is reasonable given that these fees have not increased since 2011. We would support raising this fee significantly to increase funds for Disclosure Scotland rather than introducing fees for volunteer PVGs.

## Part 5: Partial Impact Assessments

Partial impact assessments have been published alongside these proposals. We welcome feedback on the impact assessments and any further evidence relating to fees and discounting in this section.

We are committed to assessing the impact of proposals. This consultation marks the start of a process to assess the potential impacts on equality, socio-economic considerations, island communities, business and regulation, and children. This is accordance with our legislative requirements and, most importantly, to inform the policy development process. Our draft impact assessments are published to gov.scot:

- [Children's Rights and Wellbeing Impact Assessment](#)
- [Equality Impact Assessment](#)
- [Fairer Scotland Duty assessment \(socio-economic\)](#)
- [Business and Regulatory Impact Assessment](#)
- [Island Communities Impact Assessment](#)

**11. What information do we need to consider for the Business and Regulatory Impact Assessment?**

Many organisations require all employees to consent to be PVG checked due to the public facing nature of their work. Some organisations also implement an open-door policy to those they support, meaning that even staff who do not work directly with

people in their day-to-day role will still engage with members of the public and require PVG checks. Disclosure Scotland must be receptive to any applications an organisation has judged necessary and sought consent for and consider the impact of further increasing costs on their finances.

PVGs for all employees comes at immense cost to organisations, who typically cover these costs for employees so as not to add an additional financial burden to someone before they begin earning an income. Increasing costs for a business to also check all volunteers is diverting charity resources away from those they intend to support, such as low-income households and Care Experienced people. If organisations choose to reduce the number of PVGs they carry out, then there is an increased safeguarding risk to those they work with.

If these proposals are implemented, then mitigating factors for the immense financial cost should include measures to make other checks easier and less time consuming to carry out. For example, a basic disclosure check process should move online like a PVG check.

## **12. What information do we need to consider for the Equality Impact Assessment?**

### *[More information](#)*

Within the [2022 Scottish Household Survey](#) results, it was noted that those with disabilities were less likely to volunteer than their peers without a disability (43% compared with 46%). Within the [Time Well Spent Survey in 2023](#), conducted by NCVO, it was noted that there was a high rate of those with disabilities who felt that they were excluded during their volunteering (21%), indicating that they experience more barriers than those without disabilities. Glasgow Disability Alliance has stated that some of the barriers those with disabilities face include accessing and retaining opportunities and include inaccessible recruitment, lack of practical support, prejudice and discrimination.

We also know through NCVO's Time Well Spent survey that only 55% of overall volunteers say that their organisation would reimburse their expenses for volunteering, with 16% of respondents not knowing if their organisation would. Creating an additional cost for these volunteers would only increase the barriers that disabled volunteers face.

Many councils across the UK and several Corporate Parents such as the SQA and Scottish Funding Council have taken steps to 'treat Care Experience as a protected characteristic'. This step is in recognition of the lifelong inequalities this group experience and in the spirit of 'parenting', recognising that Corporate Parenting duties are a minimum legal duty with room to be expanded upon. Who Cares? Scotland encourages all public bodies to take this action and include Care Experience in their Equality Impact Assessments.

When considering care experience in the Equality Impact Assessment of these proposals, we would highlight the risk of reduced services and opportunities for this group due to the increased costs of volunteering. We would also highlight the risk of increased stigma and discrimination in the workplace due to an expectation that they will disclose their care experience when attaining a PVG.

### **13. What information do we need to consider for the Fairer Scotland Duty assessment?**

Care Experienced adults are well documented to be at a socio-economic disadvantage, experiencing inequality across employment, education, poverty, health and other socioeconomic indicators. The Fairer Scotland Duty is an opportunity to put ‘tackling inequality’ at the heart of decision-making and do things differently. Therefore, due regard must be paid to the particular barriers facing Care Experienced people in order to meet the aims of the policy.

People experiencing socioeconomic disadvantage are less likely to have formal identification and other documentation required for a PVG check process, such as evidence of address history, previous name changes, and care experience. Gathering this evidence for employers can be extremely stressful and invasive for Care Experienced people and can be a barrier to completing checks and entering employment. Changes to the Disclosure Scotland process must address these issues rather than add additional administrative barriers.

We are also aware of the impact that fear of prejudice can have in preventing Care Experienced people from sharing with their employers that they have had numerous addresses, previous names, experience of care or previous convictions. We encourage Disclosure Scotland to continue delivering training to employers which addresses this and encourages a conversation about convictions and risk-assessing rather than automatic barring from a job opportunity. These actions recognise the change in circumstances and personal growth of individuals as well as the systemic discriminatory issue of overcriminalisation of children in care for ordinary childhood behaviours.

### **14. What information do we need to consider for the Children’s Rights and Wellbeing Impact Assessment?**

There is a potential risk that the increased costs to organisations with fees for volunteer PVGs will see some organisations process less checks and increase the risk of safeguarding issues arising.

Conversely, other organisations who meet this challenge by reducing their number of volunteers may see a decline in their number of youth groups and opportunities for young people. UNCRC Article 31 gives all children the right to ‘rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.’ For children experiencing socioeconomic disadvantage (including Care Experienced children, children with disabilities and young carers) community youth groups, charities and voluntary organisations are vital to supporting access to recreational activities. A reduction in the number of volunteers in

Scotland places these opportunities at risk and infringes on Article 31 for many of Scotland's children experiencing the most hardship.

The Promise is clear on the importance of relationships for children in care and having at least 'one good supportive adult' in a child's life to promote healthy development, self-confidence and emotional wellbeing. For many without close family members, voluntary organisations such as Scouts, local youth groups and others provide these key relationships. It is imperative that volunteering numbers do not decrease at the expense of these relationships.

CRIAs require organisations to consider their Corporate Parenting Duties as well as the UNCRC. As Corporate Parents, Disclosure Scotland also has a responsibility to consider the actions we have outlined above regarding mitigating overcriminalisation, stigma and volunteering as an opportunity for those with less traditional paths to education and employment.

### **15. What information do we need to consider for the Island Communities Impact Assessment?**

[The Scottish Households Survey from 2022](#) indicated that citizens living on Scotland's islands are more likely to rely on volunteers and local communities when in need of support and be volunteers themselves. These proposals will therefore disproportionately impact on people living on Scottish Islands in need of support provided by volunteers, and local charities and national organisations working in island communities.

Care Experienced people have told us that loneliness and isolation can be one of the hardest challenges they face when leaving care and living alone for the first time. Opportunities to volunteer or opportunities to come together with other people for example at youth groups and community centres often led by volunteers is a critical support for our young people, and particularly in rural areas.

**Should you wish to discuss the contents of this response, please contact us at [policy@whocaresscotland.org](mailto:policy@whocaresscotland.org).**