

Protection of Vulnerable Groups (Scotland) Act 2007 Annual Subscription and Registration Process

The introduction of the Protection of Vulnerable Groups (Scotland) Act (PVG) will have an impact for Registered Bodies with some significant and important changes being made in the new registration regulations (the Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2010 (Scottish Statutory Instrument 2010 No 383)). This document explains what the main changes are.

All applications for PVG Scheme Disclosures must be submitted on the new PVG application form for all applications **received** by Disclosure Scotland from 28 February 2011 onwards. Applications not on the correct form will be returned unprocessed [see attached document on Application Forms and Fees for more detail].

If your organisation is registered with Disclosure Scotland prior to 28 February 2011, then you do not have to re-register to make use of the PVG Scheme.

A significant change is being introduced from 1 April 2011 which will affect all existing registered persons and bodies and any new applications for registration made after this date. From 1 April, the fees for registration and countersignatories are being changed and an annual subscription introduced. This annual subscription will require to be paid on the anniversary date of the initial registration. For example, if the registration date for the organisation was 17th July 2006, then the annual subscription will fall due on the 17th July 2011 and every year thereafter. Registered Bodies are not required to do anything pre the anniversary date, as Disclosure Scotland will contact the relevant Registered Bodies six weeks prior to the due date. Please note that the annual subscription charge is mandatory, it is not optional.

For all existing Registered Bodies and all organisations registering on or after 1 April 2011, the annual charge for registration is £75, which will cover the lead signatory and up to four countersignatories. The cost of any additional countersignatories over and above that number will be £15 per person, per year. Any countersignatory added during the course of the subscription year will cost £15, irrespective of how many existing countersignatories there are for the organisation. For example, even if there are only two existing countersignatories, it will still cost £15 to add another countersignatory. As is the case now, removing a countersignatory or ending registration will not incur a fee. The revised fees are set out in the above registration regulations at regulations 9 and 10. The attached document on 'Information on Application Forms and Fees' provides more information.

Another change to registration comes into force on 28 February, when Conditions of Registration are introduced for the first time (see regulation 12 of the registration regulations).

The first condition is that a registered body must have a lead signatory in place **at all times** for their registration to be valid. If a lead signatory is not in place, then their registration **and that of the Registered Body** will be suspended until the situation is resolved. During a period of suspension, Disclosure Scotland will not process applications, issue any disclosures or deal with requests from the registered body regarding any applications.

The second condition is that fees payable must be paid within 14 days of them being due. Again, a failure to meet this condition will result in suspension.

In developing the new IT system to deliver both the PVG Scheme and disclosures under the Police Act, Disclosure Scotland has made some improvements to the invoicing arrangements. The new invoice will provide more detailed information about each application than is currently displayed at the moment.

Disclosure Scotland will also introduce the ability for a registered body to have sub accounts within a single registration. An example of how this could be used is as follows: Organisation A is structured in such a way that five different departments within it are separately registered with Disclosure Scotland, perhaps for the purpose of each department managing its own budget. The introduction of the annual subscription means that each of the five departments will have to pay annually the £75 fee, plus the £15 fee for each additional countersignatory (above four as described previously), that is $£75 \times 5 = \mathbf{£375} + £15$ for each countersignatory above four.

However, the new facility provides an alternative for Organisation A to consolidate these five separate registrations into one sole registration and create sub accounts for each department, with countersignatories allocated to the sub accounts as appropriate. This means that the consolidated Organisation A will only pay annually one charge of £75 plus £15 fee for each additional countersignatory above four, that is $£75 \times 1 = \mathbf{£75} + £15$ for each countersignatory above four. Countersignatories for one sub account may be registered for another sub account on the submission of the necessary application, which would be free of charge.

It may be of value to those Registered Bodies which have more than one department within the organisation registered with Disclosure Scotland to evaluate the worth of having sub accounts, instead of their current arrangement.

This may also be an ideal time for organisations to look at their existing countersignatories to establish if they still regularly sign disclosure applications and whether or not their registration should continue. If any Registered Body requires to remove any countersignatories, or indeed wishes a list of the current persons registered as countersignatories, then please email DSCompliance@disclosurescotland.gsi.gov.uk.

If your organisation no longer wishes to use the services of Disclosure Scotland, then please email DSCompliance@disclosurescotland.gsi.gov.uk.

If you have any questions about the content of this document, please contact Disclosure Scotland. You can do this by email to: info@disclosurescotland.co.uk or by telephone to our PVG Scheme Helpline on: 0870 609 6006.

More information on PVG is available at www.disclosurescotland.co.uk