

## **POLICY NOTE**

### **THE POLICE ACT 1997 AND THE PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007 (FEES) (CORONAVIRUS) REGULATIONS 2020**

#### **SSI 2020/163**

1. The above Regulations were made by the Scottish Ministers in exercise of the powers conferred by sections 112(1)(b), 113A(1)(b), 113B(1)(b), 114(1)(b) and 116(1)(b) of the Police Act 1997 (“the 1997 Act”) and sections 70(1) and (2) of the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”), and all other powers enabling them to do so. The Regulations are subject to the negative procedure in the Scottish Parliament.

#### **Background**

2. As part of Scottish Ministers’ response to the COVID-19 pandemic, a Ministerial decision was taken which suspended charging fees for disclosure products and applications to join the PVG Scheme when the application was for recruitment into a role responding to the pandemic. In the first instance that suspension ran from Monday 30 March to Monday 11 May 2020 and was subsequently extended until Friday 12 June 2020.

3. The policy aim behind the suspension of fees was to ensure that individuals and organisations recruiting individuals responding to the COVID-19 pandemic were not burdened by the cost of disclosure checks, and the administrative process associated with the fee being paid.

4. While that aim has been achieved, the future picture about whether a heightened response to the coronavirus disease may recur remains uncertain. Should there be a future surge in new cases which requires another call for individuals to deliver or support delivery of priority services, it does not follow that individuals who responded between March and June will do so again.

#### **Policy Objectives**

5. The objective behind these Regulations is to ensure that individuals and organisations recruiting individuals in qualifying sectors solely for the purpose of responding to the coronavirus pandemic do not have to pay for disclosure checks.

6. The current prescribed fees which are payable in connection with certain PVG disclosure applications and requests under the 2007 Act (set in the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees for Scheme Membership and Disclosure Requests) Regulations 2010 (SSI 2010/167), and applications for a criminal conviction certificate; a criminal record certificate; and an enhanced criminal record certificate under the 1997 Act (set in the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (SSI 2010/168)) will remain in place for all disclosure requests and applications not relating to the response to the COVID-19 pandemic and so not covered by this SSI.

7. This SSI will, therefore, waive the prescribed fees of £18 or £59 payable for PVG disclosure requests, and the prescribed fee of £59 when applying to join the PVG Scheme, and also set a fee of £0 in relation to disclosure applications made under the 1997 Act but

only when the disclosure application or requests is solely in connection with recruitment to COVID-19 priority roles. The SSI will remain in force for 6 months from the date that it comes into force unless Ministers decide to revoke it sooner.

### **Consultation**

9. Discussion will take place between the Scottish Government and members of a CoSLA-led group responding to the pandemic. That group has representatives from CoSLA, local councils, health and social care bodies, Scottish regulatory bodies and the Scottish Government.

### **Impact Assessments**

10. There are no Equality, Fairer Scotland or Children's Rights issues associated with these Regulations.

### **Financial Effects**

11. The Minister for Children and Young People confirms that a Business and Regulatory Impact Assessment has been prepared as the Regulations will have a short-term negative financial effect on the Scottish Government, and short-term positive financial effect for local government, health boards, voluntary organisations and businesses in Scotland as they respond to the COVID-19 pandemic.

Scottish Government  
May 2020