

FINANCE COMMITTEE

Tuesday 7 November 2006

Session 2

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FINANCE COMMITTEE

27th Meeting 2006, Session 2

CONVENER

*Des McNulty (Clydebank and Milngavie) (Lab)

DEPUTY CONVENER

*Mr John Swinney (North Tayside) (SNP)

COMMITTEE MEMBERS

*Ms Wendy Alexander (Paisley North) (Lab)

*Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)

*Mark Ballard (Lothians) (Green)

*Derek Brownlee (South of Scotland) (Con)

*Jim Mather (Highlands and Islands) (SNP)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)

Janis Hughes (Glasgow Rutherglen) (Lab)

Alex Neil (Central Scotland) (SNP)

John Scott (Ayr) (Con)

Iain Smith (North East Fife) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

David Cowan (Scottish Executive Education Department)

Frances Curran (West of Scotland) (SSP)

Russell Gunson (Scottish Council for Voluntary Organisations)

Maria McCann (Scottish Executive Education Department)

Lucy McTernan (Scottish Council for Voluntary Organisations)

Claire Monaghan (Scottish Executive Education Department)

Andrew Mott (Scottish Executive Education Department)

Michael Proctor (Scottish Executive Education Department)

Ian Storrie (Scottish Executive Education Department)

CLERK TO THE COMMITTEE

Susan Duffy

SENIOR ASSISTANT CLERK

Rosalind Wheeler

ASSISTANT CLERK

Kristin Mitchell

LOCATION

Committee Room 2

Scottish Parliament

Finance Committee

Tuesday 7 November 2006

[THE CONVENER *opened the meeting at 10:07*]

Schools (Health Promotion and Nutrition) (Scotland) Bill and Education (School Meals etc) (Scotland) Bill: Financial Memoranda

The Convener (Des McNulty): Welcome to the 27th meeting in 2006 of the Finance Committee. I remind everyone that pagers and mobile phones should be switched off. No apologies have been received.

Agenda item 1 is evidence taking on the financial memoranda to the Education (School Meals etc) (Scotland) Bill and the Schools (Health Promotion and Nutrition) (Scotland) Bill. As I explained at last week's meeting, the committee has agreed to scrutinise the two bills in tandem. Last week, we took evidence from the Convention of Scottish Local Authorities. Today, we will take evidence from the member in charge of the Education (School Meals etc) (Scotland) Bill and from Scottish Executive officials on the Schools (Health Promotion and Nutrition) (Scotland) Bill. We will have two witness panels.

I welcome Frances Curran MSP, who will give evidence on the Education (School Meals etc) (Scotland) Bill in particular. We can also put questions to her on the Schools (Health Promotion and Nutrition) (Scotland) Bill. Our procedure is to move to members' questions after short statements from witnesses.

Frances Curran (West of Scotland) (SSP): I thank the committee for taking time to consider my bill. I know that time is precious in the six months that remain of the parliamentary session.

The policy intention behind the bill—I am very aware that the committee considers financial rather than policy issues—is to tackle child poverty and social exclusion and to provide benefits to health and educational attainment. Given the widely accepted view that childhood eating habits highly influence adult diet, the bill's intention is to save money in the long term on the £170 million per year that the national health service in Scotland spends on obesity. Given that the latest statistics show that we are losing rather than winning that war, we need to find policies that will

tackle the problem if we are not, within a generation, to end up, as the figures suggest, with 40 per cent of adults being obese.

The bill has the support of most major children's charities, the headteachers, the teachers unions, a number of health boards and local authorities and many health professionals and nutritionists. The universality of the proposal would tackle health issues across the board as well as poverty. That is the reason for the policy behind the bill. I hope that the committee will find the figures in the financial memorandum satisfactory.

The Convener: Thank you very much. I invite Elaine Murray to begin the questioning.

Dr Elaine Murray (Dumfries) (Lab): It is not clear whether the bill is intended to enable local authorities to provide other free meals, as well as free school lunches. Last week, we heard from Fergus Chambers about Glasgow City Council's breakfast scheme, which has an uptake of something like 20 per cent in primary schools. Should local authorities be expected to provide free breakfasts as well? If so, should that be included in the financial memorandum to the bill?

Frances Curran: The bill is restricted to the provision of healthy lunch-time meals in primary schools. The reason for that is that the take-up rate is only about 20 per cent even in the two authorities that have 100 per cent provision of breakfast clubs. The bill will aim for a much higher percentage of the primary school population. Personally, I have no problem with provision of free breakfast clubs, but the bill is targeted in particular at primary school lunches.

Dr Murray: Is the provision of free milk included in the bill?

Frances Curran: Yes, free milk and water are included in the costings for the bill.

Dr Murray: Does that amount to £6 million?

Frances Curran: The cost is included in the £73 million.

Dr Murray: When we took evidence from COSLA and Glasgow City Council last week, we heard that uptake has been a problem since schools have tried to provide a more healthy diet. Unfortunately, fairly significant statistics suggest that the uptake of free school meals and of charged-for meals has fallen by 15 per cent and 17 per cent respectively since the hungry for success programme was introduced. It was suggested that increased uptake is more likely to be achieved by the provision of a popular, rather than a free, service.

If children have to queue or if the meals are not the sort of food they want to eat, they will be put off taking up the free school meals to which they

are entitled. In secondary schools—I know that the bill deals only with primary schools—children seem to be discouraged from taking school meals either because they need to queue too long or because the food is not attractive to them. If we want to increase the uptake of school meals, would a better approach be to make school meals more attractive?

Frances Curran: The drop in take-up that Fergus Chambers described last week related specifically to secondary schools, but the figures he gave were quite encouraging. He said that the take-up of free school meals in Glasgow is 87 per cent. That is not good enough, but it is quite high compared with the average for Scotland. He also said that the take-up of all school meals is 61 per cent. Again, we could do better, but that is not a bad figure for a local authority.

I took on board, when I consulted on my initial proposal, the argument that it could be difficult to introduce healthy meals in secondary schools. If we start in primary schools, those who enter primary 1 today—or whenever the provision is introduced—will have seven years in which to become used to healthy school meals. The bill is about changing the culture in the long term.

The Executive needs to learn from the experience in Hull, where the education authority went the whole hog on educational attainment, poverty and health. Free breakfast clubs, free lunches and free after-school snacks were introduced. When healthy menus were initially introduced in primary schools, take-up fell from 48 per cent to 36 per cent. Councillors were subjected to a barrage of criticism from parents, from the *Hull Daily Mail*—the press gave them an absolute pasting—and from opposition councillors who said that the scheme was a waste of money. Parents were not quite passing chips through the school railings, but the council was under big pressure to put burgers and chips back on the menu. However, to give the councillors—Labour councillors, I might add—their due, they held their nerve. Some changes were made to the menus to accommodate people, but they remained within health and nutritional guidelines. The lesson that we need to learn is that when, six months after the healthy menus were introduced, school meals were made free across the board, take-up went up from 36 per cent to 65 per cent and is still rising.

Perhaps one of the most important lessons that we need to learn from the hungry for success programme in secondary schools is that healthy meals form only half the equation; the free element is just as important. The figures that I gave earlier are for Glasgow secondary schools. I wonder what will happen there.

10:15

Dr Murray: Did Hull City Council have to make a lot of capital investment? COSLA has pointed out that the hungry for success programme has not required much capital investment. It is concerned that the financial memorandum does not reflect any capital costs associated with this provision.

Frances Curran: The council funded staff training, staff cover and capital investment. I have looked at COSLA's figures for implementing hungry for success. Last week, when I asked Councillor Charles Gray how much the Executive has provided for capital expenditure, he said that it has provided absolutely zilch. Given that hungry for success was introduced to improve the nutritional value of the dinner on the plate in schools, which will have meant costs for staff training and new equipment, the capital funding to deal with the provisions in my bill should already be in place. Increased capacity is the only thing that would need to be covered.

The Executive's figures say that it has allocated £120 million for hungry for success in the period 2004 to 2008. Where on earth has that money gone if it has not been spent on staff training or new equipment, or has not been invested in improving the nutritional value of school meals or training the staff in the service to the level that my bill seeks? I find its figures very confusing.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Who do you think has more experience and understanding of how a free school meals service should be delivered: you or the local authorities that have provided such services?

Frances Curran: I am sure that local authorities have more experience of that.

Mr McAveety: In that case, what is your response to COSLA's claim that the projected costs in the financial memorandum have been "severely underestimated"?

Frances Curran: I find it difficult to respond, given that COSLA provides no breakdown of the global £100 million it mentions. The financial memorandum states that 372,000 of the 590,000 school pupils in Scotland take school meals and that the average cost of a school meal across the board is £1.77. Personally, I think that that figure is rather high. Indeed, the figure varies enormously; the average in Falkirk is £1 and in Moray it is £1.70.

According to the Scottish Parliament information centre, the average cost of a school meal in 2004 was £1.66. After adjusting for inflation and taking into account the notional value of the increase in nutritional value due to hungry for success—which has been worked out at 12p per school meal—SPICe has suggested an average cost of £1.77. If

we take into account the money that local authorities already provide to cover free school meal entitlement, the cost of the bill would come to just under £73 million if take-up reached 70 per cent. I simply do not know where the £100 million comes from.

If COSLA's figure is based on 100 per cent take-up, I have to say that we will never achieve that. I think that 70 per cent take-up is enough of a target but, even if we hit 80 per cent, that would mean, on a pro rata basis, only an extra £7 million.

Mr McAveety: How do you respond to local authorities' concerns about the quality of the school meal that would be provided if there were universal provision of free school meals?

Frances Curran: My figures are based on the good-quality meals that are currently provided in primary schools. Last week, Fergus Chambers said that in schools in Glasgow there is 95p of food on each plate—obviously, the £1.77 I mentioned takes in other costs.

Funnily enough, on Thursday, I attended a school meals demonstration event with Nick Nairn and talked to him about the bill. When I asked him whether a main meal and a pudding using fresh, locally sourced products could be provided for 95p, he said, "Absolutely. Of course you can." I think that the figures are pretty accurate as far as nutritional value, health value and quantity are concerned. Obviously, primary school pupils have a smaller quantity on their plate than do secondary school pupils.

Mr McAveety: A further issue concerns the return for the money that is put in. One key concern consistently raised by COSLA is the overall commitment to meet the costs of the bill and the long-term return. I can understand that there might well be different views in the Parliament about the success or otherwise of that. Fergus Chambers mentioned the provision of one eighth of a child's overall food intake per week, assuming that they eat the whole of every school meal that is put in front of them. Whether the figure is £70 million or £100 million, would that money provide better value if it was spent on activities and exercise, given that the aim is to address obesity?

Frances Curran: The Education (School Meals etc) (Scotland) Bill is only one aspect of the action that we need to take. We are straying into policy now, but I do not mind—I hope not to try your patience, convener. Other aspects include sport, exercise and a ban on the advertising of junk food to children. I do not understand why there is any benefit from advertising sweets, fizzy drinks or junk food to children. The bill is a contribution. It would form part of an infrastructure that will help change diet and eating habits.

I believe that the benefits will have an impact, as research has shown, on long-term eating habits. Fergus Chambers might have said that last week. Children's charities that responded to our consultation told us that, for many children, particularly those from the poorest families who do not qualify for free school meals, school meals are the main meal. They are some of the children we are trying to target when it comes to health and obesity. I do not see how the bill cannot bring any health benefits or improvements. I think that that is crucial.

Mr McAveety: I share Frances Curran's concern about those who are most in need. COSLA has said:

"Targeting resources could reduce the overall cost of extending free meals ... to around £20 to £30 million, while at the same time helping those most in need".

Would you agree with that approach?

Frances Curran: We had a major piece of research done on free school meals. It looked at targeting versus universality. That research, by Morelli and Seaman of the University of Dundee, is referred to in the policy memorandum and shows that targeting is the more inefficient approach. Targeting is not an efficient way to get meals to the children who need them most. Morelli and Seaman prove by their research that such efforts do not necessarily reach the children of people who are working but are on low incomes, or those with a low family income and several children in the household. Targeting does not necessarily reach all the children whose parents are on benefits or receive the child tax credit either. There is an assumption that parents will fill in the form.

There are loads of children who would benefit from the policy. They should be entitled to free school meals, given their families' incomes, although they might not be on benefits and might not meet the current, very narrow, criteria. The researchers argue that universality is in fact a much more efficient way of getting meals to the children who particularly need them.

It is only for the top 10 per cent of families, who are very well off, that the policy would not have a major beneficial effect on the family income. One of the reasons for that is the fact that wages are so low in Scotland—three quarters of the population earn less than £25,000 a year. The policy outcome would be better in Scotland or Northern Ireland than it would be in England. In my opinion, Morelli and Seaman prove that universality is the most efficient way to deliver the policy.

Mr McAveety: COSLA also mentioned using a "tax credit system to target groups who would genuinely benefit from a free meal."

If we could do the targeting around the tax credit system, we might address the concern that the academics raised.

Frances Curran: Not really. The benefits and tax system is really complex. It is quite difficult to define who would be eligible under the current tax system. The targeting approach assumes that the parents will fill in the forms—a proactive arrangement would be required to enable the children to get free school meals. If free school meals were delivered across the board, every child would get them and there would be equality. The commissioner for children and young people often argues that we need equality and that we should not means test children.

Mark Ballard (Lothians) (Green): On a visit to a citizens advice bureau, I was surprised to be told by the staff, who did some calculations, that I might be eligible for a bit of tax credit. That seemed odd, given my salary.

I have some questions on the figures you mentioned, including the cost of £66.3 million to £72.8 million, and on the robustness of your figures on the average cost per meal and the uptake. First, will you comment on the statement that a meal that meets the nutrient standards costs an extra 12p? That sounds like a small amount of money.

Frances Curran: It does, but an increased cost of 12p per meal was the outcome of implementing the new nutrient standards under the hungry for success programme. The Scottish Executive says that the cost was less than it expected.

A spin-off from the hungry for success programme was that it forced local authorities to find local producers. My bill would do that too, so NFU Scotland should support it. Local authorities now buy food from local producers with competitive contracts. They did not do that before because they bought in bulk. They find that the terms of buying that healthier produce are much more favourable than they anticipated.

Local authorities say—surprisingly, I have to say—that the additional cost of meals that meet the nutrient standards is only 12p per meal.

Mark Ballard: What is the £1.77 average cost per meal based on?

Frances Curran: That is a local authority figure that was given to SPICe. It is the cost to local authorities of providing 53 million meals per year. It is local authorities' estimate of what it would cost them pro rata to provide the 70 per cent take-up mentioned in the bill. I think that the figure is accurate.

What is more interesting, but not completely relevant to my bill, is how much of that figure is the cost of the dinner on the plate—Fergus Chambers

told us last week that it is 95p—and how much is other costs. That does not affect the figures in the financial memorandum, but I would be interested to know why there is disparity between local authorities. Some authorities can provide a school meal at a cost of £1 while others spend £1.70. That is interesting, but the figures in the financial memorandum are for local authorities across the board.

Mark Ballard: You say that there will never be 100 per cent take-up and quote take-up figures of 65 to 70 per cent. Given that your aim is universal provision, why do you think it is impossible to get 100 per cent take-up?

Frances Curran: That would be good, but it would take time to get to that stage. There will always be children who, for whatever reason, do not want to take a free, healthy school meal. Also, if we consider absences due to truancy, illness or holidays, that works out, on average, as two weeks out of the 190 days. If we take that figure and aggregate it, take-up will already be down by 10 per cent, on average, because not all children are at school every day and take a meal. The figures have been extrapolated and the maximum that we would get is probably about 80 per cent. However, we do not expect that in the first two years.

Mark Ballard: Do you have any comments on Glasgow City Council's figures for the cost of removing the stigma from pupils who get free school meals? The figures are £30,000 for a secondary school and £15,000 for a primary school. Your bill would remove any possibility of stigma.

10:30

Frances Curran: The figures say that there would be £2.6 million in start-up costs and £300,000 a year in running costs. We would save that money. I have not taken that into account in the figures for the Education (School Meals) (Scotland) Bill, but if the Scottish Executive paid for school meals, local authorities would save the costs involved in removing stigma.

I am not convinced by the measures currently being taken to reduce stigma. The briefing document from SPICe on the Executive's Schools (Health Promotion and Nutrition) (Scotland) Bill contains a graph that shows the take-up of free school meals in the 17 local authorities that have introduced anonymised schemes. Falkirk Council is soaring ahead—it would be interesting to know why—but everywhere else take-up of free school meals in secondary schools has gone down since the introduction of the technology in 1997. We have to ask why that has happened. The technology has not had an impact for the better,

so we can only conclude that it has had an impact for the worse, or that other factors are involved. The technology has certainly not dealt with the stigma issue, except in Falkirk.

Derek Brownlee (South of Scotland) (Con): I have a very simple question based on the COSLA briefing we received this morning. Its most relevant point is its final one: COSLA suggests that your bill is unnecessary because ministers already have the powers to extend free school meal provision if they choose to do so. Do you accept that?

Frances Curran: Yes, ministers do have those powers, but therein lies the problem. If ministers came to me tomorrow and said that they would be happy to introduce free and healthy school meals in primary schools and would do so within a certain timescale, I would withdraw the bill. The problem is that ministers are not committed to doing that, so the only thing to do is to pass a member's bill, to get the measures on the statute book. I would be very happy if ministers wanted to introduce free and healthy school meals.

Derek Brownlee: So the bill would force ministers to exercise their discretion in a certain manner.

Frances Curran: No, it would not force ministers in that way. The bill would amend section 53 of the Education (Scotland) Act 1980. Other subsections of section 53 give ministers powers to do with healthy snacks, for example. If my bill were passed, free school meals would be set in statute.

The Convener: As there seem to be no further questions, I thank Frances Curran very much for coming along to the committee.

Frances Curran: Thank you.

10:33

Meeting suspended.

10:34

On resuming—

The Convener: We will now take evidence from Scottish Executive officials. Maria McCann is head of branch in the support for learning division, and David Cowan is the bill team leader for the Schools (Health Promotion and Nutrition) (Scotland) Bill. They do not intend to make an opening statement, so we will proceed with questions.

Dr Murray: Last week, we heard from Glasgow City Council and COSLA that, since the introduction of hungry for success, there has been a marked decrease in the uptake of free and

charged for school meals—15 per cent and 17 per cent respectively. Fergus Chambers estimated that the service in Glasgow could lose £750,000 as a result of reduced uptake. I would welcome the witnesses' comments on his findings, which seem to be supported by the table in the annex to the SPICe briefing on the bill. The table shows a decrease in uptake of school meals between 1999 and 2006, particularly in secondary schools. The figures might reflect problems with implementation of the hungry for success recommendations.

The financial memorandum does not reflect the impact of reduced uptake. Should an estimate of possible losses to local authorities have been included, on the basis of the evidence?

David Cowan (Scottish Executive Education Department): I heard the evidence at last week's meeting and followed it up by speaking to COSLA representatives, who agreed that the bill's financial implications will vary between councils. Some issues that were highlighted in the meeting were based on experience in Glasgow and will not necessarily be the experience of other local authorities in Scotland. It is important to bear that in mind.

I spoke to contacts in other local authorities, to gauge their experience and ascertain whether they are as worried as their colleagues in Glasgow City Council. I should say that Fergus Chambers's figures were projections; Glasgow has not yet experienced a 17 per cent downturn in school meals uptake. The authorities that I contacted have experienced a downturn, but not nearly to the extent that was suggested during the meeting. East Ayrshire Council has experienced a 2.9 per cent downturn in secondary schools, against a backdrop of a 1.1 per cent drop in the school roll. The council is confident that uptake will bounce back and recover. North Lanarkshire Council's experience is similar; there has been a downturn but uptake is expected to recover.

The same pattern was experienced in primary schools when the hungry for success recommendations were implemented. There was an initial drop in uptake during the transition period, but children got used to the meals and uptake increased. We expect the same pattern to be repeated in secondary schools. Not all local authorities are experiencing the situation that Glasgow is experiencing. East Ayrshire Council said that it would just have to hold its nerve during the transition period.

Dr Murray: The figures in the SPICe briefing are from the Scottish Executive. In some local authorities the drop in uptake of school meals—free and purchased—has been considerable. For example, in my authority, Dumfries and Galloway Council, uptake in primary schools dropped from 61 per cent in 1999 to 47 per cent in 2006 and

uptake in secondary schools dropped from 60 per cent in 1999 to 35 per cent in 2006. I presume that you have seen those figures. If hungry for success is not the reason, why has there been such a dramatic fall in uptake?

David Cowan: Many factors are involved and it is difficult to pull out one that explains why uptake is falling. Work probably needs to be done on that. As I think Fergus Chambers said last week, food choice is not the most important element; there are others, such as queuing and the dining experience and facilities. When we consulted young people, we received feedback that the all-round dining experience was not always particularly pleasant, which is a reason why the hungry for success agenda was developed. Hungry for success is about not just nutritious food but the quality of the food and the dining experience. It seeks almost to make the canteen part of the curriculum, to ensure that the education and health benefits are considered.

Dr Murray: COSLA was concerned about the cost to local authorities of meeting the proposed new nutritional standards, which were not published until last week. Why did you not publish the new standards before the bill was introduced, so that COSLA might estimate the knock-on financial effect of the approach?

David Cowan: We did not know what the bill's scope would be until earlier this year. When we knew, we went ahead with the consultation. We wanted to gauge people's views, so we waited until the consultation period ended at the end of July before we pulled together the expert working group, which was done by the end of August. The group has proposed the new standards to be set out in regulations, but we do not yet know what the regulations will say because the Scottish ministers must consider the proposals.

Dr Murray: Can you offer any reassurance to COSLA, now that the proposed new standards have been published? Are there likely to be major differences between the new standards and the hungry for success standards that would have cost implications for local authorities?

David Cowan: I do not think that there will be cost implications for local authorities. You will have seen the proposals for lunches, which are not radically different from what was proposed in hungry for success. Most local authorities will have done the costings for hungry for success already, so the transition should be fairly smooth. A few recommendations in the bill could be considered controversial, such as those about vending machines and tuck shops; the bill's scope goes beyond lunches to include all food in schools.

We have seen the proposals, but ministers have yet to decide what they are, so we don't know

whether there will be cost implications for vending machines and suchlike, which was alluded to in COSLA's evidence last week. When we took evidence on the matter from local authorities, one or two told us that they have phased healthy products into, and unhealthy products out of, their vending machines and that it has been a cost-neutral experience.

Dr Murray: Is not one of the problems that young people could bring in the unhealthy option anyway? They do not have to buy from the vending machine in the school, so if they wish to eat Mars bars and drink fizzy drinks they can bring them in from home. There could be a longer-term loss if eating patterns do not change in the expected timescale.

Maria McCann (Scottish Executive Education Department): That is why it is important to remember that the bill is about health promotion and nutrition and that health promotion is the more significant part. As a result of the bill, health promotion will not be optional in schools; it will be central and embedded. If young people do not have the ability to make healthy choices outwith the school context, there will not be as much impact. Health promotion activities will cover the curriculum and form part of the full range of activities that young people are involved in at school. We want them to be able to make healthy choices in the short term and in the long term, so that is why it is important to remember that the bill is about health promotion in its widest sense rather than limited to school meals.

Dr Murray: There is evidence, not just from hungry for success, to suggest that that is quite difficult to achieve in a short time, particularly in secondary schools. There was discussion over the weekend about the experience south of the border, where it has been difficult to turn children's eating habits around. It might not happen quickly and therefore there could be financial consequences for local authorities.

Maria McCann: We see the effects of the first generation of hungry for success on pupils who are now moving into secondary, and differences in their eating habits have been reported. However, we are not saying that there should be no vending machines; we are saying that there could be healthy vending. If young people's tastes adjust and they choose the healthy options, we can still sell those to them. If children are going to spend money on snacks in school, they can be offered healthy choices.

David Cowan: It is important to remember that hungry for success has been rolled out in Scotland for the past three years and that the transition is still being made. The experience in England is markedly different, as the process has only just started and people there have not had the benefit

of hungry for success. It is possible that they are making faster changes than we are because they have not adopted a phased approach.

To back up Maria McCann's point, I spoke to people in local authorities yesterday and last week and their catering managers tell them that the first year pupils who are coming through—the first of the hungry for success generation—are not even looking for chips when they come to school; they are perfectly content with the healthy options.

Mr McAveety: Will you remind me of how much has been spent on hungry for success?

David Cowan: By 2008, it will be almost £120 million.

Mr McAveety: One of the concerns of Frances Curran, the member in charge of the Education (School Meals etc) (Scotland) Bill, was what that money was spent on.

David Cowan: It was costed out on making improvements to canteens and on healthy ingredients. We factored in the cost of an increase in uptake of school meals, but that has not happened across the board. The money was costed out based on various recommendations in "Hungry for Success".

Mr McAveety: I apologise if I am wrong, but I thought that COSLA suggested in its evidence that a little of that money would be spent on capital investments. Is there an inconsistency between the submissions?

David Cowan: No. Hungry for success moneys were intended for programme expenditure, but moneys for capital expenditure are available through the schools fund. Between 2003 and 2008, nearly £450 million will have been made available for capital expenditure on the school estate. Local authorities are free to spend that as they wish, but the hope was that they would take account of hungry for success and make some allowance for the initiative within their budgeting.

10:45

Mr McAveety: Fergus Chambers expressed the concern that, although progress has been made in Glasgow over the years towards making school meals more attractive, as we move to a new agenda of nutritional standards and expectations, we might reach a tipping point at which the appeal of the school meals service might diminish. I do not know whether that is a valid concern. How do you feel about that evidence? How can the Executive address that concern?

David Cowan: As I said, every local authority has its own experience of the implementation of hungry for success. Glasgow has made great strides in primary schools, although difficulties are

being experienced in secondary schools. However, the pattern tends to be that there is a downturn in the uptake of school meals before there is an increase. This all has to be seen in the context of health-promoting schools; these things cannot be done in isolation. We cannot just change the food and expect kids to take it; the initiative has to go hand in hand with the whole school ethos in which kids are being encouraged to think about the food that they eat and healthy lifestyles in general. We expect that that approach will be helped by making meals in school healthy, to back up those choices.

Mr McAveety: The other issue that we have been exploring over the past couple of evidence sessions is how the figures for individual and overall costs were arrived at. How did you arrive at the figure for the total cost of free breakfasts? Are overhead costs for supervision and so on included?

David Cowan: We asked local authorities about their experience of providing breakfasts and the cost of doing so. Each local authority provides and funds breakfasts differently and collects information about the costs differently. Basically, we had to make our best estimate on the basis of the evidence that we were given.

We have costed the price of each breakfast at between £1 and £1.26—that is the price range that we were given for breakfasts. Our estimate is based on that, but we would be surprised if there was 100 per cent take-up. In Glasgow, the take-up has been about 20 per cent—that figure seems fairly robust.

Mr McAveety: We have also been exploring the costs of the different elements of the whole package, especially the cost of tackling the stigma that is experienced by young people who take up the free school meals to which they are entitled. There seems to be a 50 per cent difference in the cost of tackling that stigma between the figure that we were given by Glasgow City Council and your figure. That is a big difference. Can you explain it?

David Cowan: Again, we asked local authorities to provide their figures for those costs, and we were told that the cost was about £20,000 on average for a cashless swipe-card system—if that is the way in which councils choose to tackle the issue—to each school of about 800 pupils. On top of that, local authorities would have to pay for equipment that would be used in all the schools in their areas for taking photographs for the cards and so on. The cost of that would be about £18,000. There would then be running costs of the swipe-card system of about £3,000.

It may be that Glasgow City Council faces slightly higher costs, as it has slightly higher numbers of pupils in its schools. That might

explain the difference in its figure for such a system. I stress the fact that we are not saying that schools must use cashless swipe-card systems, although they may choose to do so.

Mr McAveety: Does the funding for that come from the hungry for success budget? If we are talking about a technological solution, why can we not get the money for it through the modernising government fund?

David Cowan: I think that money was originally made available through the modernising government fund. At the beginning of September, Peter Peacock announced an additional £30 million for the schools fund. He suggested that that could be used for energy efficiency measures and improvements to school canteens.

The Convener: Can I ask about manufactured products? I understand that target maximum values for fats, sugar and protein were published in Scotland following the publication of "Hungry for Success" and that there has been a consultation that will lead to higher standards that have not yet been applied. Given the increased awareness of some of the processes that are involved in manufacturing foods—for example, New York has introduced a mechanism that prevents restaurants from using spray-on fat in the preparation of food—do we need to consider some way of putting further pressure on the manufacturers as part of this process?

David Cowan: You are talking about trans-fats, which are apparently not a big issue in the United Kingdom. Thankfully, we do not have to tackle that one.

We spoke to a lot of manufacturers and received a lot of responses from them to our consultation. Generally, they have been supportive of the approach that we have taken through hungry for success. We have stated clearly the target nutrient specifications, which has allowed them to develop products and work towards meeting those specifications. We want to continue to work with manufacturers to ensure that they continue to meet the specifications. That work is not happening in isolation—most manufacturers are already developing healthy product lines and are happy to support the agenda of providing healthy food in schools.

The Convener: You say that trans-fats are not a big issue in the UK. On what evidence do you base that?

David Cowan: I am told by a nutritionist on the working group that trans-fats are not a big issue in the UK at present.

The Convener: Well, I am not 100 per cent sure about that. I think that there are issues around the use of fats in food processing that need to be addressed.

Another issue comes out of what Fergus Chambers said last week. He perceives a problem arising from the fact that, although there is an agenda for healthy food in schools, outside the school gate children can buy carbonated drinks, crisps and other unhealthy foods. One argument is that we should abandon hungry for success and accept the reality that children can get alternatives. Another argument says that we should look beyond the school gate to see what controls we can put on the sale of food to children by people who seek to compete with school meals. As part of the broader agenda of improving children's diets, have you thought about licensing food vans and shops that sell hot or processed food to children, so that what happens at school is mirrored outside school?

Maria McCann: Definitely. That is an important issue. The food vans have received a lot of attention, and some local authorities use existing licensing provisions to ensure that the vans do not park outside schools. We have shared that information with all local authorities in Scotland.

There is a larger problem with permanent food outlets—shops and so on—which is a difficult issue. We have spoken to COSLA about that in the context of the community planning and community leadership agenda, and are seeking to involve people in the community and give them a sense of responsibility for all the young people in the community. That could seem naive, given the fact that we are talking about traders, but there have been some successes whereby such outlets have provided healthier options. The fact that people are in trade does not mean that they do not want to be part of the community agenda.

There is no easy solution in terms of the scope of the bill, but those are the channels that we have been exploring.

David Cowan: There is a wider health improvement agenda, and the Scottish Executive Health Department is doing a lot of work on that agenda, exploring issues such as the provision of healthier food in public buildings beyond schools—within the NHS, for example.

Specifically on shops, the department has been working on the neighbourhood shops initiative and has worked with the Scottish Grocers Federation and some major operators and convenience stores to encourage them to present healthier foods better in shops and to consider how they present what is available. I am told that that programme has met with considerable success.

The Convener: I suppose that it is not so much a financial issue, other than the point that Fergus Chambers was making about the reduced uptake of school meals, which is a drain on local authority resources. However, if cash is being spent

elsewhere on healthy food, that is an issue for the families concerned and for your objectives. One would have thought, in the context of this issue, that you would have been considering not only school meals as a way of taking forward the nutrition agenda but also licensing arrangements. That might concern another department but it is undoubtedly an issue that needs to be addressed if you are going to have a comprehensive outcome.

Maria McCann: I would add that there is a need to work with parents. Packed lunches will not be within the scope of the bill. However, we must work with parents as well as with children on thinking about what is a healthy packed lunch. You are right to say that we need to address many strands to get the outcomes that we are looking for.

Mr McAveety: The Food and Drink Federation told us that it does not accept the idea that the bill would not have any significant financial implications for food manufacturers. Have you been in dialogue with the federation? Is it pleased yet?

David Cowan: I have spoken to the Food and Drink Federation. It wanted to point out that it was not fully behind the statement that we made. However, we are continuing to speak to the federation, as we are continuing to speak to manufacturers. We based our statement on evidence that we received from food manufacturers.

Mr McAveety: So the federation is not yet fully behind what you have said.

David Cowan: The manufacturers have pointed out to us the fact that product development costs are involved in changing products. However, they have said that developing a healthier product is part of on-going product development. Yes, there are costs, but they can be absorbed in the product development budget if the companies are given sufficient lead time. Under the hungry for success programme, that time is available. The manufacturers have encouraged us to continue with that approach.

Mr McAveety: What lead time did they suggest would help them to arrive at a manageable cost?

David Cowan: It would depend on the product, but they suggested a timescale of one to two years.

The Convener: I do not think that there are any other questions from members. I thank our witnesses for attending.

It would make sense to me, given that the committee has combined its scrutiny of these two bills, if we were to produce one report on both bills

rather than two separate reports. Do members agree so to do?

Members indicated agreement.

The Convener: We will consider the draft report on 21 November, which will leave time for the bills to go to the lead committee.

Mark Ballard: Is that the Communities Committee?

The Convener: Yes.

Mark Ballard: Do you know what the Communities Committee is doing in relation to its scrutiny of the bills?

The Convener: According to the clerk, the Communities Committee has not yet set its timetable for the consideration of Frances Curran's bill. However, that should not necessarily impact on the way in which we produce our report. If we produce a report on both bills, the Communities Committee will be as well informed as we can make it about our financial considerations.

10:59

Meeting suspended.

11:00

On resuming—

Protection of Vulnerable Groups (Scotland) Bill: Financial Memorandum

The Convener: The second item on our agenda concerns consideration of the financial memorandum to the Protection of Vulnerable Groups (Scotland) Bill. We agreed to undertake level 3 scrutiny of the bill, which means taking oral evidence from an organisation on which costs fall and from Executive officials. As the timetable for our report on this bill is tight, we have had to schedule both those sessions for today, although that is not what we would usually do.

From the Scottish Council for Voluntary Organisations, I welcome Lucy McTernan, the director of corporate affairs, and Russell Gunson, the policy and communications officer. I invite Lucy McTernan to make an opening statement.

Lucy McTernan (Scottish Council for Voluntary Organisations): Thank you for the opportunity to discuss with you our views and concerns relating to the Protection of Vulnerable Groups (Scotland) Bill, as introduced in Parliament at the end of September.

This bill presents the third major upheaval in the child protection and disclosure regime in the past seven years. Across the voluntary sector, there is a high level of concern that, this time, it must be got right. We in the SCVO, along with colleagues across the sector, have been alert to the agenda for some considerable time to ensure that that happens.

The current regime, under the Protection of Children (Scotland) Act 2003, or POCSA, was extended to the voluntary sector with no preparation or consultation during the course of the act's parliamentary passage, and commencement had to be delayed until proper consideration had been given to its impact on the sector. The memory of that period and the problems that we encountered is sharp.

Having said that, it is important to say that much in the new set of proposals is welcomed by the sector as a way of improving or putting right the problems with the existing regime. However if the experience of the 2003 act and part V of the Police Act 1997 teaches us anything, it is that considering and planning the implementation of legislation in this area are just as important as the legislation itself.

We recognise that the bill is exceptionally complex, technically and legally, but for most people in the voluntary sector, the reality of living

with the practicalities of implementing it is of more concern. For many in the sector, a badly conceived scheme is perhaps worse than none at all. A question that is often asked is whether it is ultimately in the interests of children—and, now, vulnerable adults—if the unintended consequence of the legislation is that people are deterred from voluntary action, and services or projects that people benefit from are cut or closed. We have evidence of the impact of the implementation of the 2003 act on volunteering levels and on projects for vulnerable groups.

That is why the Finance Committee's scrutiny of the financial memorandum to the bill is as important as the Education Committee's line-by-line scrutiny of the bill. The issues of implementation must be considered and questions answered in parallel with consideration of the bill, not sequentially. That is why we are concerned about the fact that the content of the financial memorandum is incomplete and inadequate.

On the strength of earlier conversations with the Executive, we had expected to engage with officials over the summer months before the introduction of the bill on those financial and implementation issues and had done preparatory work in that regard. Unfortunately, however, that opportunity did not materialise and as a result we have a number of explicit concerns, which we have laid out in our written evidence. Since the introduction of the bill, we have met Executive officials and raised those concerns with them.

In summary, the concerns relate to the sheer scale of what is proposed in the creation of a comprehensive and inclusive scheme. The start-up phase will involve retrospectively checking all paid staff and volunteers, even if they have already been checked under the previous regime. In the voluntary sector alone, we estimate that that will affect nearly 1 million people. More than 100,000 of those will be paid staff, for whom a fee for checking will be charged. If that fee is set at £26, which is one of the levels that is mooted in the financial memorandum, that would bring a new cost to the sector of £3 million. We are calling on the Executive to fund or waive those fees in the start-up period and to cap the fee thereafter.

We are also calling on the Executive significantly to revise its estimates of the resources that will be required to raise awareness of the new legislation and to train people across the voluntary sector in order to reach those in the smallest and more informal organisations as well as the larger service providers.

We also wish to draw to the committee's attention the significant administrative burden that the disclosure regime brings with it, which the sector will have to absorb. Red tape is increasingly hampering voluntary action and every effort must

be made to make the system smart and effective. The principle of cost recovery must be implemented in grant and contract arrangements and account for the costs in full.

Thank you for the opportunity to make those points. We are pleased to answer your questions.

The Convener: The committee has agreed that John Swinney and Elaine Murray will take the lead in the questioning.

Mr John Swinney (North Tayside) (SNP): I thank Lucy McTernan for the written submission from the SCVO and the remarks that she made. I will start my questions by asking about the start-up costs of the scheme, to which she referred. The SCVO submission suggests that more than 100,000 paid staff in the voluntary sector might be liable to pay the fee of £26. Under the current arrangements, are paid staff or the voluntary organisations responsible for paying the fee?

Lucy McTernan: In the vast majority of cases, the voluntary organisation will pay for staff who are moving post or new staff; they will not require the individual to pay. The new proposals will apply to existing staff, who may have been in their jobs for five, 10, 20 or 30 years or even longer, and it is to be expected that the voluntary organisations will expect to pay those fees on their behalf.

Mr Swinney: Paragraph 228 of the financial memorandum to the bill states:

"All checks for volunteers working with children and protected adults in the voluntary sector will continue to be provided free, whether or not the individual also has paid employment in the sector."

I find that statement confusing because it leads me to believe that the Government is saying that a volunteer who also has a paid post within the voluntary sector will not have to pay the charge. Am I misunderstanding that paragraph?

Lucy McTernan: I think that that relates to the passporting scheme, which is one of the new proposals that the voluntary sector welcomes. At the moment, under the POCSA regime, if somebody volunteers more than once or if they are a teacher or work in the voluntary sector and also volunteer, they have to have separate checks every time they engage with a new organisation. The fact that they will require only one check under the new proposals has been widely welcomed as a step in the right direction. However, it is not yet clear whether a check that is secured via the central registered body in Scotland for a volunteer will also be acceptable to an employer.

Mr Swinney: Is it your understanding that the Executive will pay the fee for an employee of an SCVO-affiliated voluntary organisation who is also classified as a volunteer who works with children

or protected adults, or will the voluntary organisation or the individual be liable for the fee? That is the point that I am driving at.

Lucy McTernan: Our understanding is that, if they have accessed the check initially as a volunteer, it will be free. The question is whether that check will be acceptable to a new employer.

Mr Swinney: The position is not terribly clear from paragraph 228 of the financial memorandum.

Lucy McTernan: It is not. An awful lot of the detail of the regime's practical operation remains extremely uncertain. That is one of our serious concerns.

Mr Swinney: You make a general point that too much in the bill is left to secondary legislation. That is an issue that concerns the committee and has a bearing on our judgment of the financial costs. Will you identify the issues of delegated financial responsibility on which we might not have definitive answers that concern voluntary organisations at this stage?

Lucy McTernan: We have a number of concerns about the future implications of the bill and about things that are not clear at this stage. One concern that is not strictly to do with secondary legislation is about the enabling power that the bill gives the Executive to change the fee structure. We are told quite explicitly that the idea is that the disclosure system should be self-financing. We know that the POCSA regime is also supposed to be self-financing, but in the one year in which that regime has been operating there has already been a hike of 47 per cent in the fee for staff accessing checks. We are unconvinced at this stage, particularly on the basis of the estimates of the number of checks likely to be accessed through the disclosure system, as to whether the self-financing system will work at £20 or £26 per check, or even at £62, which is one of the other figures mentioned in the financial memorandum. The real concern is clearly that, unless there is an explicit cap on fees, they could go through the roof.

Another of our concerns is about the phasing-in period. According to the financial memorandum, the indication is that the phasing-in period will be three years, but it is not yet clear whether it could be longer. We think that a slightly longer phasing-in period would help the voluntary sector to absorb some of the administrative costs and to adapt its systems to the new regime more effectively, but that is not clear at the moment.

There is also a serious set of issues around the tracking of organisations that are in the system, in relation to the dimensions of the bill that deal with the sharing of child protection information. We are greatly concerned that there has not been

significant consultation about the implications in practice for that area.

There are costs related to the duty to refer, and we have concerns about the point at which membership of the vetting and barring scheme expires. Russell Gunson may want to elaborate further on that.

Russell Gunson (Scottish Council for Voluntary Organisations): The Executive has indicated that membership expiration would happen after 10 years, but that has been left to secondary legislation. The longer membership is, the lower the costs will be for the voluntary sector. Conversely, the shorter membership is, the higher the costs will be for the voluntary sector. We want policy statements and a degree of certainty from the Executive, so that we can plan ahead for the implementation of the bill's provisions.

Mr Swinney: You state in your submission that you believe that a cap on disclosure costs for the voluntary sector should be set out in the bill. Could you say a little more about what format you envisage such a cap would take?

Lucy McTernan: I have already said that we are extremely concerned that the aim of making the scheme self-financing would be a justification for the Executive to raise costs—possibly in short order, as has happened with POCSA—to the point at which they are simply not absorbable by the voluntary sector, either in the phasing-in period or thereafter. We would like some reassurance, right up front, that the fee cannot go higher than a set point in proportion to the income of the voluntary sector. We consider that to be of primary importance; we also believe that the Finance Committee should consider the cap and that the Education Committee should also consider it in its line-by-line scrutiny of the bill.

Mr Swinney: I have a question about the implications of the POCSA regime. You highlighted the fact that disclosure costs have increased by 47 per cent in the first year. Can you cite any examples of the impact of that on the operation of organisations?

Lucy McTernan: Over the past few months, we have been collecting evidence in the form of case studies from voluntary organisations. Russell Gunson has a few to share with you.

Russell Gunson: The main example of an organisation that has been affected by the POCSA system is that of an SCVO member organisation called Youth Scotland, which is the biggest non-uniformed youth organisation in Scotland. Over the POCSA implementation period, that organisation has seen a 15 per cent drop in the number of clubs, a 9 per cent drop in the number of young people attending the clubs, and a 9 per cent drop in the number of youth workers—both

volunteers and paid staff—in the clubs. Youth Scotland has just about recovered to pre-POCSA levels, but now we have another piece of legislation to disrupt its work once again.

Our other case studies reveal other issues to do with the direct costs that the new scheme will bring to organisations. To give you an example, WRVS Scotland—another SCVO member—has 12,000 volunteers working with vulnerable adults and old people across Scotland. It estimates that its administration costs in the phasing-in period alone will be £250,000. If you replicate that across the sector, you see the huge figure that we are talking about.

11:15

Another example is the Scottish Society for Autism, which works with a number of autistic children and adults and their families, providing training, education and support. It is an organisation with 600 members of staff and 300 clients, and it estimates that its direct start-up costs will be £15,000. It is already on a tight budget and in general the sector's funding environment is getting tighter and tighter. On top of that, organisations such as the SSA are being asked to find tens of thousands of pounds. We are very keen for the Executive to find funds to cover the start-up costs and mitigate the administration costs.

The last example is Inspire, an organisation that works with children and adults with learning difficulties in Aberdeen and across a wide geographical area. It provides 51 services, including 41 residential services, and has about 600 members of staff. For that body, the direct start-up costs will be about £15,000 in the phasing-in period. The administration costs on top of that will be huge given its geographical spread.

Those are just some examples, and we could obviously come back with more.

Dr Murray: The SCVO's submission states that the administrative costs to the voluntary sector will be £20 million in total. How did you arrive at that estimate?

Lucy McTernan: The examples that Russell Gunson mentioned are some of a range that we have collected from our member organisations. We have aggregated that evidence on the basis of our panel and database of the voluntary sector. It is fair to say that we are the leading authority on the size and shape of the voluntary sector in Scotland, which is why it is disappointing that, in the desk research that we understand the Executive officials did in preparing the financial memorandum, they did not ask us for information on the number of volunteers and staff members who will be affected to support their financial

estimates. As we have shown, we have collected real-life evidence on the impact of the administration and fee costs.

There is no easy answer to dealing with administration costs. We recognise that setting up a fund to cover them will probably just add to the bureaucracy and transaction costs involved. The ultimate solution for those providing public services under grant or contract is for them to be dealt with by a full-cost recovery regime. Those of you who are familiar with the voluntary sector will know that that is not widely implemented at the moment, but it should be in this aspect as well as in others.

We should consider a system that is smart and effective and which can be streamlined and implemented effectively. We know anecdotally that having to fill in the forms 14 times and getting them sent back, for example, is one of the most quoted reasons for no longer being a member of a management committee or volunteering in a child care position. The disclosure regime has had a major impact on volunteering, and bureaucracy is a large part of that.

Dr Murray: Could you provide the committee with the calculation that you did? If it is a large piece of work, it could be difficult, but if you could give us even a summary of how the figure was arrived at, that would be helpful.

Lucy McTernan: We would be happy to send that to you.

Dr Murray: The Executive states in the financial memorandum that, although it accepts that there will be additional costs in the first three years of operation, there could be a slight saving over 10 years. That is assuming that 50 per cent of volunteering posts are judged to be within the scheme. Is that a reasonable assumption?

Lucy McTernan: We have some major concerns with the calculation as laid out in the financial memorandum. We understand the argument that the nominal fee process will be more effective in the longer term than full checks and non-passporting in the current regime. As I have said, that has been welcomed by the sector. However, to claim that the scheme will save money is stretching the point too far. If we take into account the cost in the phasing-in period—we will assume that it is three years—and calculate the savings made in the longer term when there is turnover of staff, we estimate that it would take 15 years or longer for a break-even point to be reached.

Dr Murray: If you were to suggest alternatives to the three-year period during which all staff are brought into the scheme and the 10-year expiration, if you like, of the scheme, what would

be your suggestion for a more acceptable lead-in period and duration for the scheme?

Lucy McTernan: Obviously, that is a matter for debate. It is fair to say that many voluntary organisations have been at the front end of calls for an effective regulatory system and disclosure system, because we ultimately want children and vulnerable adults to be protected. Stretching the scheme as far as 10 years might not achieve anything, whereas a phasing-in period of three years, unless it is properly resourced and supported, will be very hard on the voluntary sector. We are probably looking at somewhere in between—perhaps a four, five or even six-year phasing-in period would make the administrative costs more bearable.

Dr Murray: I will ask you about your concerns. You expressed concern about the definition of “protected adult” because the range of individuals who could be considered to be protected adults seems to be fairly wide. How will that affect organisations? It could be argued that if an organisation deals with protected adults or vulnerable adults, it does not really matter whether a particular individual falls into that category at a particular time in their life; the organisation would have to go through this procedure anyway because it deals with adults in that category. Can you elaborate on your concerns?

Russell Gunson: We have concerns about the definition of “protected adult” in the bill. It is a service-related definition, which means that it could be fairly transient and fluid for organisations that provide services outside the regulated setting. For regulated organisations, most of the time all their clients will be protected adults. They will therefore have certainty. However, an ever-changing proportion of the clients of organisations that deliver services outside the regulated setting will be protected adults at certain points. We fear that it will be an administrative treadmill for those organisations to keep up with who is and who is not a protected adult at a particular point and therefore which of their staff can and cannot be a scheme member at a certain point in time. I suppose that we would need to work with the Executive on a solution to the problem. However, we can say categorically that the definition of “protected adult” that is used in the bill will cause huge problems and will increase administrative costs.

Dr Murray: Can you give an example of the type of organisation that might have a problem?

Russell Gunson: The WRVS, which works with vulnerable adults, would be a good example. The overwhelming majority of its client group will be vulnerable adults, but only a certain proportion of its client group will receive the services that the bill specifies as meaning that the recipient is a

protected adult. Therefore, only a proportion of the 12,000 volunteers will be allowed to join the scheme. The others will either go through the existing enhanced disclosure or not be in any kind of protection scheme. At certain points, a certain proportion of the WRVS's clients will be protected adults, but the proportion will be ever changing depending on what services those adults are in receipt of.

Mark Ballard: In Lucy McTernan's opening statement, she mentioned the need to raise awareness of the new scheme. Page 30 of the policy memorandum describes the procedure to be followed. In the example given, Mr Smith, who has been barred from working with children, moves to a new town and tries to offer piano lessons in his own home. The policy memorandum suggests that

"Parents, not knowing anything about his past and a little suspicious, check the guidance on the Disclosure Scotland web site about the validity of checks. The guidance is clear that"

the statement of barred status that Mr Smith is offering

"is out of date. One parent requests that Mr Smith applies for a new statement of barred status."

That seems to require quite a high level of awareness among the public of how the scheme should operate and of the time sequence that is involved in an individual such as Mr Smith obtaining a statement and subsequently being barred. I do not see much in the financial memorandum to cover the awareness raising that will be required to achieve that level of knowledge among parents of potentially piano-playing children in the town to which Mr Smith has moved. Do you share my concern?

Lucy McTernan: We are concerned that the financial memorandum does not make sufficient allowance for the wide range of training and awareness raising that needs to happen. Our main focus is on training and awareness raising among voluntary organisations, which will need to comply with the bill and to work with the new scheme and all the changes that will be involved in moving from the current system to the new one.

You are right to take a wider view. Public awareness is muddled because of the change from the Police Act 1997 to the Protection of Children (Scotland) Act 2003 and because of stories in the press. What an ordinary parent can expect of a voluntary organisation in relation to its staff and volunteers is extremely opaque. That can only be confused further by the bill, unless a comprehensive communications campaign accompanies it.

The financial memorandum allows £1.4 million for training and guidance on the vetting and

barring scheme for the entire child care and vulnerable adults workforce. If we look into that in a little more detail, we see that £320,000 of it is to allow the central registered body in Scotland to change its system. That does not allow much for general awareness raising. In just the first year of POCSA implementation, we managed quickly and effectively to use £360,000 in three months to get messages and resources out to voluntary organisations.

It is fair to say that we are concerned that the financial memorandum significantly underestimates what will be needed to ensure that people in positions of responsibility and service users know what the scheme is all about.

Mark Ballard: I concur entirely, particularly given what I read on page 20 of the policy memorandum, which describes what a guide leader would have to go through to assess a potential new volunteer to be a guider. Do you have an estimate of a more realistic cost for providing detailed training? If so, is that based on the experience of voluntary sector groups of the cost of training for POCSA?

Lucy McTernan: I hesitate to give a categorical figure here and now. What we would love to do—we had hoped to do it in the summer months—is sit down with Executive officials, work through the methodology of a campaign to raise awareness and to train people throughout the voluntary sector and put appropriate costings to that. The financial memorandum mentions a telephone helpline, yet best practice on the most effective telephone support exists in the voluntary sector. We could probably come up with a much better methodology and cost estimate if we were in direct negotiation on such issues.

Concern is felt throughout organisations in the sector—including voluntary organisations that the financial memorandum says will receive moneys, such as the CRBS—that the figures are not based on experience. Organisations have not been asked to estimate the likely costs of training or administration.

Jim Mather (Highlands and Islands) (SNP): I am interested in the cost of deterred volunteers. I have been reading Robert Putnam's book "Bowling Alone: The Collapse and Revival of American Community", which talks about the collapse of involvement in volunteering in America. I am concerned that deterrence may be worthy of more consideration in the financial memorandum. Do you have any idea what the percentage of fallout of deterred volunteers might be under the bill?

11:30

Lucy McTernan: It is difficult to put a number to that, because the reasons why people withdraw

from volunteering or do not volunteer are numerous. We can tell you that the disclosure system is now the most often cited reason for people to give up positions of responsibility on management committees and is one of the major barriers to people becoming involved in organisations that work with young people.

The bill is wider and will affect the vast majority of voluntary organisations which, by definition, are set up to serve vulnerable people. One can imagine few positions in voluntary organisations that do not involve routine contact with a child, a young person or a vulnerable adult. Therefore, the full range of organisations will be affected, which is a serious concern. The Executive has a widely supported volunteering promotion strategy and there is a shared commitment—cross-party and cross-sector—to improve the level of voluntary action and citizen participation in the country. On the one hand, the Executive says and does the right things to encourage people to become involved in their communities but, on the other, it is putting practical barriers in their way. We need to try to join up those two aspects.

Jim Mather: Are you aware of any research or surveys that have been carried out to get an indicative feel of how many deterred volunteers may be out there?

Lucy McTernan: It is hard to predict such matters, but on the basis—

Jim Mather: I was asking whether any research has been carried out to try to get a more accurate feel of the situation.

Lucy McTernan: Our colleagues in Volunteer Development Scotland have been monitoring that.

Jim Mather: Does that organisation have data on the past levels of volunteering, the current trends and the forecasts?

Lucy McTernan: It has detailed statistics on the subject, which we can send to the committee, if that would be helpful.

Jim Mather: Is it possible to put a value on volunteers and come up with a figure that would augment the financial memorandum?

Lucy McTernan: Several formulae are used to cost or value volunteer time. We could apply some of those formulae to give you an idea of the possible economic cost of the volunteer flight. However, the issue is not purely economic—it is wider than that.

Jim Mather: I accept that totally, but do you agree that quantifying that value would make the financial memorandum more complete and illuminating?

Lucy McTernan: The fact that the cost to volunteering is not mentioned in the financial memorandum is a major omission.

Ms Wendy Alexander (Paisley North) (Lab): I have a question on the numbers and a general point that emerges from the SCVO's submission. Forgive me if I have got this wrong, but the order of magnitude of the difference between your estimates and the Executive's is such that it would be helpful to bottom out the matter. Your submission states that start-up costs will be £3 million, training costs will be £1 million and administration costs will be £20 million. That £20 million is associated with the figures of 850,000 volunteers plus 106,000 paid staff. Is it the assumption that checking those 950,000-odd people once at £26 per head would cost about £20 million? If so, that cost would be incurred in, say, years 1 to 3. Do you have any estimate of what the on-going costs would be as a result of people becoming volunteers or moving jobs and so on? I am trying to get information on what the net on-going costs would be. The Executive's assumption is that it would be less than £1 million from year 4 on. Is the figure of £20 million best understood as a start-up cost or an on-going running cost? Is that the cost to get everybody on the system and, if so, what will happen thereafter?

Lucy McTernan: Our major concerns are about the first three years—assuming that the phasing-in period is three years—and about what it will cost to get everybody into the scheme to start with. The problem is that if we do not get people into the scheme effectively in the first three years, many volunteers will be deterred and services will be cut or closed down. The major concern is the hill that we will have to get over in the first three years.

We are still struggling in our work on the longer-term estimates, because we have a bit of difficulty understanding the tables and other information that the Executive has provided on the estimates of turnover of staff. However, from conversations with officials, we know that their estimates of the entire workforce turnover vary remarkably from our experience of the turnover of staff in the voluntary sector under the POCSA regime. That leads us to suspect that a lot more work needs to be done to develop those estimates.

As we said, we do not expect the initial sum of £20 million in red-tape costs to be funded from anywhere. However, the start-up costs of fees and awareness training are absent from the financial memorandum and resources to meet those costs will need to be found from somewhere. In fact, COSLA identified that in its written evidence. It said that the Executive was trying to have it "all ways". At the end of the day, somebody—either the individual or the organisation—has to pay. That is not highlighted.

Ms Alexander: For how long will a check have effect?

Lucy McTernan: Russell Gunson touched on the point earlier, when he spoke about the expiration of membership of the scheme. As we understand it, the current proposal is for 10 years. However, on the basis of the figures that we have in front of us, we have calculated that, for the voluntary sector, it will take 15 years for the scheme to break even. However, only two thirds of the way through that period, we will have a new spike because people will have to have a renewed check.

Ms Alexander: Two issues are obviously at stake. I want to ensure that we understand the situation fully before we take evidence from the Executive officials. First, given that someone will not be checked again until year 11, the assumption—or hope—is that if they are not an offender in year 1, they will not be an offender in years 2 to 10. Is that correct?

Russell Gunson: The scheme will give updates on the individual to the organisation if there is a change to their barred status or if any new vetting information comes through. The scheme will last for 10 years and the Executive will provide those updates for the full 10-year period. The scheme is less about hoping that nothing will happen and more about informing an organisation if something does happen.

Ms Alexander: Secondly, by having a 10-year time horizon, it does not matter if someone changes job, as long as their status does not change. Someone can go from being a volunteer to being a full-time worker or vice versa, or move from the guides to the brownies. Is that correct?

Russell Gunson: When someone moves job or takes on additional employment, they need to go through a nominal check. A full check is made at the outset for which the proposed cost is £26. The nominal check is made each time that the person takes on additional work or moves employment.

Ms Alexander: Is that also true for volunteers?

Russell Gunson: The bill does not state specifically whether the nominal check will apply to volunteers or whether it will be free. We assume that it will.

Ms Alexander: So if, over the 10-year period, a volunteer moves from the guides to the brownies to the rangers, we do not know whether that additional check will require to be made each time.

Russell Gunson: We do not know. That is one of the uncertainties that we hope to clarify.

Ms Alexander: My last question is on your submission. You say:

“We estimate that there are up to 106,000 paid staff”

and

“850,000 volunteers”,

so the total number of people involved is 956,000, which is equivalent to one in four adults in Scotland. The assumption is that in order that adults may work with children, we need a vetting and barring scheme for one in four adults. You go on to say:

“The proposed Vetting and Barring scheme will be the third major upheaval relating to working with vulnerable groups in recent times, following only a year after the (as yet incomplete) implementation of the Protection of Children (Scotland) Act 2003 (PoCSA) provisions. We therefore hope that this legislation will create a system that will work successfully for many years to come and we will work enthusiastically to make this happen.”

Time precludes us from taking evidence from the vast range of voluntary organisations that we know have incredibly strong feelings on the subject. Your submission is the work of the SCVO policy committee. You indicate that a number of your member organisations that work with children are anxious to see the implementation of the bill. However, I cannot believe that many of your other member organisations do not consider that the bill is a totally unnecessary piece of legislation, which risks doing great damage to the spirit of volunteering, especially in terms of working with children.

Without straying totally into the policy arena, I think that it would be helpful to have a few moments of exposition on your views of that area. It would help us in our questioning of Executive officials. What gaps have you highlighted? How many organisations in the sector support the bill? Did the SCVO ever consider opposing the bill on the ground that we do not need to check one in four adults every 10 years to see whether they should work with children? What are the potential downsides to the checks? I seek an indication of the degree of support in the sector for the bill, particularly among organisations that work with children. Has the bill attracted unanimous support among your member organisations and the one in four adults in Scotland whom they represent? Do they consider it to be a valuable piece of legislation?

Lucy McTernan: It is fair to say that many people in the voluntary sector, myself included, feel very passionately about this subject. However, we find ourselves working with an inadequate regime that does neither one thing nor the other. In the sense that this new piece of legislation will hopefully put right some of the problems in the current system, you will find that there is quite a lot of support for it in the voluntary sector.

Having said that, we have made points about the bureaucratic burden and the barriers to volunteering. The phrase “hammer to crack a nut” is one that we hear quite a lot. There is a great deal of concern, which is why I said at the beginning that we in the SCVO have been

extremely alert to this agenda ever since it became apparent that the Bichard recommendations were going to be followed through into new legislation as quickly as they have been. We are very concerned about it.

It is not just the SCVO and its policy committee that are concerned about this. After only a short time, we are already working with 40 major networks and voluntary organisations across Scotland that have specifically joined a coalition to campaign on this issue because they want to make sure that the legislation is not rushed and that all aspects of its implementation are fully considered so that it will work effectively and will not have the unintended consequences that many fear.

Ms Alexander: The new regime will bring one in four adults in Scotland into the net. The current regime is regarded as inadequate so we are going to extend the net even further, but there are alternative ways to examine the inadequacy of the current system without extending the net. How many individuals have been caught—I think that that is the right phrase—in the current, inadequate system? How much of an increase will it be to get to 950,000 adults?

Russell Gunson: Let us be clear that the POCSA system affects only new staff or staff moving employment at the moment. Disclosure Scotland's figures for the last full year placed the total number of checks in the voluntary sector at 60,000, and the total number of paid checks in the voluntary sector at just under 7,500.

Ms Alexander: That is what I wanted you to clarify. The current net captures 67,000—

Russell Gunson: No, the figure is 60,000 in total.

Ms Alexander: And the new scheme would capture 950,000 people. We are not talking about a tenfold but a 15-fold increase in the number of people caught in the scheme. Does the SCVO support that as a matter of policy? Does none of your member organisations have anxieties about that? It is an order of magnitude to move from checking 60,000 to 950,000 people; it sends a signal about the place of working with children and volunteering; and even the Executive estimates that we will spend £100 million on the scheme in the next 10 years. There must have been a policy discussion about whether the right way to protect children is to move from vetting 60,000 people to vetting 950,000 people.

Lucy McTernan: To be clear, the SCVO represents the generic interests of voluntary organisations. We are here to say what the impact of the proposed legislation will be on voluntary organisations.

Amongst voluntary organisations there is a live and passionate debate about whether this is the way to protect children and vulnerable adults. I am more than happy to share my personal views on the subject, but today we are talking about what the impact will be on voluntary organisations.

It is true that there will be a massive increase in the number of people affected by expanding the legislation to cover vulnerable adults and bringing that in within three, four or five years. We have to have serious concerns about whether Disclosure Scotland, the CRBS, individual voluntary organisations and the networks will be able to cope. It is a massive undertaking and that is the major point that we have been making to the committee today.

Ms Alexander: I fear that I am at risk of straying into policy dimensions so I will end here by saying that we are talking about a minimum of £100 million during the next 10 years for a scheme that will look at individuals only once every 10 years. I invite the SCVO to reflect on that before it gives policy evidence to the relevant committee. Will it continue to support this bill and the signal that it will send to the wider community? It will put a huge responsibility on the SCVO if it signals support for this sort of measure, which risks young people feeling that they are being criminalised for their desire to volunteer. The issue for this committee is whether spending £100 million, as a minimum, on a system that looks at an individual only once every 10 years represents good value for money for the public purse.

11:45

The Convener: I want to pursue the argument about proportionality in a slightly different way. I do not know whether you will be able to answer the question or whether it would be better to pose it to the Executive officials. You said that 60,000 people are checked under the existing system. How many individuals fail that check?

Lucy McTernan: The easiest way to answer that is to refer to the number of people who are currently on the lists that are checked against. The Executive will be able to tell you about that better than I can, but the last I heard was that the number of people was still fewer than 100.

Russell Gunson: I think that it is just over 100.

Lucy McTernan: It goes back to the point about the hammer and the nut. We are checking a fifth or a quarter of the adult population of Scotland against a list of 100.

The Convener: A quarter of the population of Scotland is being checked, at £20 a person.

Are some voluntary sector organisations more likely to come across people in that category than

others for which the possibility is extremely remote? Let us take the example of the brownies. It is not impossible that somebody who wishes to be a brownie leader would fail the disclosure test, but I suspect that that is more unlikely to happen with the brownies than with other organisations, given the type of individual who might come forward and the client group. Is the checking particularly disproportionate for organisations such as the brownies or guides? Other organisations that deal with a different client group or which attract a different type of volunteer, might have a better hit rate—if you want to put it like that—in terms of preventing people taking up inappropriate jobs.

Lucy McTernan: It is hard to generalise about what route one of the relatively small number of people who might want to abuse children or vulnerable adults will take. Presumably, they will take the route with the least risk of their being caught out. It is fair to say that the vast majority of voluntary organisations operate high levels of scrutiny, recruitment discipline and supervision of their staff and offer the highest levels of service to the children and vulnerable adults involved. I would have thought that the levels of risk in voluntary organisations are, arguably, lower than they are elsewhere in unregulated parts of the community that deal with kids and adults.

The Convener: I want to focus on proportionality. Would it be common sense to have a phasing-in system that was geared towards the vulnerable groups or organisations for which an external disclosure process is particularly relevant, rather than towards organisations for which it might be less relevant, bearing in mind that someone inappropriate could seek work with any voluntary organisation? Is there an issue with the one-size-fits-all approach, which is disproportionate in relation to different kinds of organisations?

Lucy McTernan: Very much so. In response to the proposals in the original consultation on the bill, the SCVO made suggestions about how the system could be tailored, with different tiers for different types and sizes of organisation, to reduce the bureaucratic burden and account for the different levels of risk. However, we see no recognition of that in the bill. We would value the opportunity to talk about that further.

The Convener: If I interpret correctly what you say, you believe that there is an argument for a hierarchy to be adopted for the introduction of the new system—assuming that it is introduced—whereby an organisation's need for the proposed procedure or the appropriateness of such a procedure to the type of activity in which the organisation is involved might be taken into

account. For some organisations, the procedure will barely be appropriate. Is that a fair summary?

Lucy McTernan: Again, it is hard to generalise because the type of organisation is of less relevance than the type of service that the individual is involved in providing or the type of post or role that they have, and how routinely they come into unsupervised contact with a vulnerable person. As you say, it is extremely difficult to create a one-size-fits-all scheme that will cover all the different ways in which voluntary organisations or other public or private sector services interact with vulnerable people.

The Convener: I am anxious to find out whether the whole elaborate bureaucratic system is geared to covering backs—perhaps in government or perhaps elsewhere—when the problem that it is supposed to deal with could, as you have highlighted, be dealt with much more cost effectively in a different way. Is that the view of the SCVO and its partner organisations?

Lucy McTernan: The SCVO's current policy is that we want the existing POCSA regime to be reformed to put right some of the problems that are deterring volunteers and costing the voluntary sector a great deal of money. However, many people in the voluntary sector, including me, would say that if we looked at the issue again from the other side, we might arrive at a completely different conclusion.

The Convener: Most of the different conclusions that would be arrived at would be less costly for the voluntary sector than the one that is proposed in the bill.

Lucy McTernan: I would argue that they would be less costly not just for the voluntary sector, but for Scotland as a whole. The more we undermine voluntary action, the more we undermine our communities.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): What will the million people who go through the proposed procedure get for their fee, which will be £20-odd or perhaps more? Given that an hour's checking will be done every 10 years, how thorough is the process? There are a million people to check. Surely the cursory nature of the checking means that it will be quite easy for people to slip through the net.

Russell Gunson: The Executive's proposals are that the full check—which will cost £26—will give the individual who goes through it membership of the vetting and barring scheme, which will mean that Disclosure Scotland's central barring unit will be able to update the individual's scheme record when their circumstances change and to pass on those updates to the organisations for which the individual works. Whether any system can handle a throughput of more than

956,000 people is an open question. I suggest that that is a question for the Executive.

Mr Arbuckle: Will you expand on that? Surely the follow-up work and the completeness of an individual's record are more important than the initial registration.

Russell Gunson: That is right. The scheme will stand or fall on the updating of its records and the passing on of those updates to the organisations concerned. It remains to be seen how effective the scheme will be—or we can ask the Executive now.

Lucy McTernan: Many of the questions about the bill have been about whether the new system of checking against the combined list can work and where the information that puts someone on the list in the first place comes from. Some of that falls back on the voluntary sector. Under the current system and the proposed new system, there is an obligation on people in positions of responsibility in voluntary organisations to refer to the list if they have suspicions about individuals. Whether that duty is effective is as yet untested in the first year of operation of POCSA.

Another set of issues relates to the cross-border operation of the legislation and whether we can get information from elsewhere in the UK in the context of people's movements and their taking up new jobs. Three of the staff in my after-school club are Polish and we have no information about them from their previous jobs when they were in Warsaw six months ago. The effectiveness of how people come to be on the list in the first place and the updating of the information that supports it is a big question that nobody has yet fully answered.

Mr Arbuckle: My question is an extension of the convener's. You indicated that the voluntary sector is worth £2.5 billion to the Scottish economy. You also said that you expect volunteers to melt away if the bill is enacted. How do you break up the £2.5 billion? Is half of it sports clubs, or a quarter of it the elderly sector? Which sectors are most vulnerable to the bill's provisions?

The Convener: That sounds more like a policy than a financial question.

Mr Arbuckle: I got the £2.5 billion into it as a starter.

Lucy McTernan: Our concern is not so much about finances. There are around 50,000 voluntary organisations in Scotland and the vast majority of them are small and local and in the fields of sport, arts and leisure. The big service providers in social care for children and vulnerable adults are smaller in number but larger in scale. Now that the bill extends provision beyond children and young people to vulnerable adults, it will probably affect 45,000 of the 50,000 voluntary organisations.

Ms Alexander: I want to press you for even the roughest estimate of how many of the 850,000

volunteers in Scotland—or one in four adults—will cross the line during any year and therefore require to be rechecked. We will also ask the Executive officials about that. As in the case of the council tax, I suspect that the number is much higher than the Government envisages. I will offer you a scenario in a moment, but for now, do you have any estimate of how many of those 850,000 might move from year to year from the brownies to the guides to the rangers and then back to the brownies? On your current understanding, if an individual were to do that, would they need to be rechecked every year and therefore four times in 10 years rather than once?

Lucy McTernan: We could look at the 60,000 people who are caught by the current regime and find out how many of them hold multiple checks. I am one such person—I have two checks because I volunteer in two different places that affect young people. The current record held by one person is 37 checks, but that is just anecdotal and we could explore the subject more systematically if we wanted to. You are absolutely right to make the commonsense point that volunteers are likely to volunteer in a number of different ways with several organisations, which means that under the new proposals, they will have to get a new nominal check—the £15 or slightly cheaper version—on numerous occasions. The new system offers some advantages, but it is not as simple as it looks.

Ms Alexander: You said that you have had two checks and somebody else has had 37. That is partly caused by the definition of what constitutes an organisation. Suppose I take my children to church on a Sunday morning and I help out at the crèche. Then the children get a bit older and I take them to the Sunday school for three to four-year-olds. When I move from the crèche to the Sunday school, do I need a £15 redisclosure check, as you understand it under the current system? I offer a brownies to guides analogy.

Russell Gunson: I am sorry, what was the first—

Ms Alexander: The first example was helping out with the crèche for babies on Sunday morning at 11 o'clock and then taking my children to Sunday school when they turn three. On your best estimate, would I require the £15 check when moving the children from crèche to Sunday school?

Russell Gunson: At your crèche you would take a full check at £26. Three or four years later when you went to the Sunday school, you would take a nominal check at £10. However, those fees are not set in stone by any means.

12:00

Ms Alexander: You may perhaps not want to comment on this—we will also ask the officials—but on a Sunday morning when I help out at the crèche, the Sunday school or the youth fellowship, somebody might not turn up and I might ask my husband to come and help. It seems to me that, with the way the system is currently structured, we could easily oscillate 37 times backwards and forwards through the system.

How can the Finance Committee support a bill that is so open-ended in its potential financial impact over the next decade that we cannot begin to estimate what will happen in the Sunday morning example that I just gave? I do not want people to be breaking the law, and I do not want us to be running up bills of hundreds of pounds, when people are just trying to be decent human beings.

Lucy McTernan: We are already in the kind of situation that you describe, and have been since the Protection of Children (Scotland) Act 2003. It may be only for roles that are connected to children rather than to vulnerable adults, but people are already having to decide whether they have one, two, three or more roles, or whether they help out on Sunday mornings or not.

Friends and colleagues in the faith communities have told the SCVO that churches and other faith groups are also caught by this problem. Technically, they are not voluntary organisations, but they will be affected because of the level of volunteering in their groups. Your example of a crèche, a youth fellowship or whatever is relevant.

The impact of the present legislation is widespread. The impact of the new legislation will be spread even wider, because it will also affect posts related to vulnerable adults. Because the proposal is to bring everybody into the scheme in a relatively short period, there will be an enormous hill to climb if the legislation is to be effective.

Ms Alexander: How has the figure risen from 60,000 to 850,000 volunteers? Forgive our collective ignorance, but that increase cannot be entirely due to including roles related to vulnerable adults. Some of the increase must be due to roles related to children.

Lucy McTernan: Under the current system, you have to be checked when you take up a new job or when you move from one job to another. I have started two volunteering jobs that are new to me so I have had to have two checks. Other people who are teachers or social workers or workers in voluntary organisations, but who also volunteer, can find themselves having a whole raft of checks.

Under the new proposals it seems that, over the three years of the phasing-in period, everybody

who has already been checked will have to be rechecked, and everybody who has not been checked but who is in a post will have to be added to the scheme as well. That is how you get from the current 60,000 checks to the projected 850,000 checks on volunteers.

The Convener: I thank the witnesses for a very lively session.

12:03

Meeting suspended.

12:07

On resuming—

The Convener: I welcome officials from the Scottish Executive: Andrew Mott is the bill team leader; Claire Monaghan is head of the children and families division of the Scottish Executive Education Department; Ian Storrie is from the children, young people and social care economics team of the analytical services unit; and Michael Proctor is an additional witness. I do not know where he is from so perhaps he could tell us.

Michael Proctor (Scottish Executive Education Department): I am from the children and families division of the Education Department and am taking the lead in setting up the new agency that is to be created.

The Convener: Thank you. The panel may make a short opening statement, as the previous panel did, before we ask questions.

Claire Monaghan (Scottish Executive Education Department): Given the statement that was made and what was said in the earlier evidence-taking session, we welcome the opportunity to discuss the finer details of the financial memorandum to the Protection of Vulnerable Groups (Scotland) Bill.

Proportionality was a strong theme in the previous evidence-taking session. I do not want to tread on policy territory because the committee is focusing on the financial memorandum to the bill, but it is worth making a couple of factual points about how the new scheme will work.

Currently, the disclosure regime checks around 450,000 people. The figure of 67,000 relates to the number of volunteers rather than the number of overall checks. We are talking about multiplying checks by a factor of two rather than 15 by extending into the protected adults scheme. I accept that the latter would seem a ridiculous scaling.

Another critical factor about how the new scheme will work is that there will not be a check once every 10 years; rather, scheme membership

will have a 10-year life cycle. When a person becomes a member of the scheme, they will go through a full disclosure check process that is similar to the current disclosure check process, in which information is drawn from the criminal history system and relevant local police force intelligence. The disadvantage of the current system is that a point-in-time check is made that is valid only on that day, which is why multiple checks must take place for people who move from the guides to the rainbows and through the system, for example, or for teachers who help with Sunday schools and swimming clubs. The new system's move away from a system in which multiple checks must be made is one of its major strengths.

From listening to the evidence that has been given and reading written submissions, I do not think that the reduction in bureaucracy that will result from the proposals has been recognised as a factor that sits alongside the costs that will be involved. One thing that frustrates organisations is the endless bureaucracy and form filling. People will become scheme members, and as they move around the system, a much swifter updated check will take place. For the vast majority of people, there will be no new information. Around 10 per cent of current checks identify information on conviction or intelligence, and there is no reason to suppose that that will vary significantly in the new system. There is information on only a relatively small number of people at the moment.

The other major advantage of the new system relates to the disqualification system. Currently, the number of names on the list is relatively small—I think that there are about 117 names on it, which I recognise may make the scheme seem disproportionate, given that we are potentially vetting 1 million people—but the problem is that people can be put on the list only through a court referral after conviction, which is still a relatively new provision, or when an organisation makes a referral. Under the new system, when someone applies for scheme membership and a raft of conviction or intelligence information suggests that they are unsuitable to work with children, it will be possible for the first time to disqualify them at the point of application.

The background to POCSA was the Dunblane massacre, and the background to the bill is in part the need to dovetail the provisions in Scotland with the Safeguarding of Vulnerable Groups Bill in Westminster, which is a response to the Bichard inquiry that followed the Soham tragedy. Intelligence existed in Soham but was not captured.

When one considers the policy, it would be easy to make an initial judgment that the system feels disproportionate and that we are looking for a

needle in a haystack. However, that needle in the haystack can do an incredible amount of harm. By bringing together the systems in the way that the bill will do, we will reduce the bureaucracy that frustrates many users of the current system.

On the financial aspects, we acknowledge that the bill's provisions are complex and interrelated and that, to a certain extent, that carries through to the financial memorandum. In generating the best estimates of how much the bill will cost, finessing the detail and producing the financial memorandum, we have benefited considerably from the operating experience of Disclosure Scotland since 2002 and the 20-plus months of the disqualification list.

We readily acknowledge that the implementation of POCSA did not go terribly well and I am sympathetic to the SCVO's concerns about that. However, we have learned a huge amount from the past four years of operating the systems and, as a consequence, the financial memorandum has a much stronger and more robust basis.

It is also worth concurring with the SCVO on the fact that implementation is the key to getting the system right. Partly due to the difficulties that arose around POCSA, we have invested heavily in implementation. We have 10 work streams sitting behind the legislation, one of which is a voluntary sector work stream, so that we can work with the regulatory bodies, local authorities and the voluntary sector on details such as the determination thresholds and transitional arrangements.

We accept that the legislation, of which the financial memorandum is one component, could be skewed if we do not get the implementation detail right. We are on message with the concerns of the SCVO. We do not necessarily share all of those concerns, because we have learned a huge amount and are working proactively with the whole sector, but I reassure the committee that the Executive has the issues at the centre of our radar and is working through them.

We make it clear in the financial memorandum that the costings are based on a set of assumptions and estimates. Those have been made to generate a set of figures; they are not predetermined decisions, particularly those on fees, the programme of retrospective checking and the duration of scheme membership, all of which will be the subject of secondary legislation. The reason for taking that route is that we recognise the significant impact that those dimensions and issues can have on users, so we want to have the opportunity to get things absolutely right, so that implementation is not flawed.

12:15

I would like to say something about retrospective checking, given that it has featured so significantly. There is nothing in the bill that requires a church or an employer to insist on everyone in their workforce or everyone who helps out at the Sunday school being a scheme member. That is one of the distinctions between the system that is proposed for Scotland and the system that is being developed down south. Down south, it will be an offence to have someone undertaking regulated work who is not a scheme member. We have not adopted that approach in Scotland, precisely to avoid the concern that was raised earlier about bringing a lot of people into the category of potential offenders.

It will be an offence for someone who is disqualified from working with children or protected adults to undertake regulated work and for an employer to employ someone who is on the disqualification list to do such work. However, it will not be an offence to have someone who is not a scheme member doing such work. Therefore, the policy is positioned as a tool for employers to use as part of a safer recruitment policy, but not as an essential element.

Therefore, in some ways the concerns about retrospective checking are artificial. The provisions are to do with managing the process, so that we do not end up taking Disclosure Scotland into meltdown because everyone decides on day one to push a million people through the process. It will not be necessary for every single person to become a scheme member. However, the finer detail of the policy is that with scheme membership will come the safeguard of continuous updating.

There will be parallel databases and scheme membership criminal history systems, so if someone subsequently does something that suggests that they might become unsuitable to work with children, that will raise a flag and information will be sent to the central barring unit. Employers will have the reassurance not only that somebody has been through a system that has demonstrated that they are not unsuitable to work with children, but that if something that suggests that a person is becoming unsuitable is flagged the employer will be notified of that.

I hope that that was a helpful contextualisation of the financial memorandum. We are happy to answer any questions.

Mr Swinney: You said that there had been a robust consultation process involving other organisations. I refer you to the consultation response that the committee received from the SCVO, which stated:

"SCVO was disappointed overall with the consultation process for the Bill."

It also said that the Executive proposals that were discussed with the SCVO

"were less than fully worked up."

This morning, we have heard from the SCVO about the consultation process and about the fact that the promised consultation on the financial memorandum did not materialise until much later in the process. Can you shed some light on how the consultation process operated and also tell us what information has been fed to ministers about the concerns of organisations such as the SCVO about the financial implications of the bill?

Claire Monaghan: Andrew Mott will outline the consultation process that was used in producing the bill.

Andrew Mott (Scottish Executive Education Department): In March and April, we held a number of consultation events. At first we issued an open invitation, and then we tried to ensure that a representative sample of employers and users from all the different sectors was there. At that stage, the proposals were a lot broader and not as focused as they are in the bill, so we asked about what costs would be acceptable and got a range of figures back. Over the summer, we have worked up the detail of the policy from the consultation. It is only as one develops the detail of the policy that the costings come into sharper focus. As we were doing that, we had in our minds the feedback from the earlier events. The SCVO and others are also on the implementation group that we have, which meets every month to discuss relevant issues.

Therefore, we started off with quite a robust and successful series of consultation events in March and April, but it was only as we finalised the provisions in the bill that much of the fine detail fell into place.

Claire Monaghan: I am not sure about the background to your point about the financial memorandum and consultation. A commitment was not made to consult on the financial memorandum, although a commitment has been made to consult on all aspects of the secondary legislation, especially the fees, because we recognise the concern that exists in relation to those, particularly given the increase in Disclosure Scotland fees. Importantly, the bill provides for what we see as maximum flexibility around fees, although they will be subject to secondary legislation. They will not be "open-ended", as was stated earlier.

Mr Swinney: It is rather difficult for the Finance Committee to act as a guarantor of the public interest on an issue such as this when paragraph 201 of the financial memorandum states:

"The fee structure is still to be decided."

Perhaps “maximum flexibility” is the new definition of open-ended; it sounds pretty open-ended to me. We have before us a financial memorandum that talks about one of the key determinants of the way in which the economics of the bill add up; yet, it states:

“The fee structure is still to be decided.”

Claire Monaghan: There is a distinction between the costs of the scheme, which are set out in the financial memorandum, and how those costs will be recovered, which is the fee structure. The financial memorandum sets out three possible options, but there are other options. For example, it might be decided that a subscription approach is the right way. That is the sort of thing that will be teased out in secondary legislation.

Mr Swinney: Paragraph 205 of the financial memorandum sets out the experience with POCSA. The fee was set but there was a lower than expected take-up rate, so it had to be increased by 47 per cent to balance the books. Given that recent experience, can you understand the nervousness of the Finance Committee about agreeing a similar proposition? The one that we have before us is styled on the same model—in effect, the fee will relate to the number of applications that are processed.

We are being told that

“The fee structure is still to be decided”,

and in the past few months, there has been a 47 per cent increase in the fee for disclosure applications under POCSA.

Claire Monaghan: It is worth recording the fact that the 47 per cent increase covers four years of operation; it is not a 47 per cent increase over a short period of time, although I am not saying that the increase is not large—47 per cent is 47 per cent. However, the key aspect of the financial memorandum is the overall costs of the scheme, rather than the fee that is set.

By way of illustration, the financial memorandum sets out three different fee models that could flow from those costs, to provide the reassurance that the committee seeks around the possible consequences for the sector. Overall, there will not be a significant increase in the fee to the average user of the system, as most people go through multiple checks within the existing system. If there are existing applicants and then nominal checks on that pattern, there will not be a significant increase.

Andrew, do you want to add to that?

Andrew Mott: It might be helpful to take a step back. The current system has no memory, so if someone reapplies for an enhanced disclosure, all the same checks have to be done again. The

financial memorandum basically says that a certain amount of money needs to be spent on linking up information technology systems. Much boils down to ensuring that the police criminal history system, the Disclosure Scotland systems and the listing systems are all joined up. If there is that up-front investment in joining up the systems and the system has memory—if there is a scheme record that is, if you like, the corporate memory of an individual—the system can be run more efficiently and protection can be improved. We believe that the numbers make sense if you take a step back and look at it from that perspective.

The financial memorandum goes into a lot of detail and we have had to make a number of assumptions. For example, one of the underlying assumptions is that, broadly speaking, activity levels will not change. At the moment, a demand is placed on the disclosure system whenever someone changes post and an application is made. Our assumption is that that kind of employment activity will remain constant. Against that background, we consider how much more efficiently the new scheme will operate than the current system, in which someone has to apply for enhanced disclosure every time they change post. I do not know whether that is helpful.

Mr Swinney: We still have in front of us a financial memorandum that tells us:

“The fee structure is still to be decided.”

I find that an obstacle to signing off the financial memorandum.

Let us move on to another issue. Paragraph 224 of the financial memorandum states:

“no additional cost will be incurred by local authorities”.

However, the submission from COSLA describes that paragraph rather colourfully as “naive”. COSLA then makes the substantial point that, in the past six months, local authorities were responsible for 46,000 applications to Disclosure Scotland, representing a cost of £920,000, with

“very little retrospective checking of existing staff.”

Given the fact that local authorities are responsible for three quarters of the disclosures that are processed by Disclosure Scotland, meaning that they employ a significant proportion of the people who would have to be checked under a year-zero scheme such as the one that is being proposed, how can you say that there will be no additional cost to local authorities? By and large, local authorities will pick up the tab for the disclosure requirements of their staff.

Andrew Mott: There are two elements to that. The first is a bit of a sideline but it is worth mentioning that local authorities pay for the disclosure checks of some individuals as a matter

of practice, although there is no legal obligation on them to do so. Leaving that to one side, the important thing is to look at the 10-year time horizon. We believe that the cheaper and easier nominal checks—which, we hope, will be easier to administrate—should not incur an additional cost over that time period. That is our basic argument. For example, in social work, the current procedure, I think, is that checks are done every three years. With scheme membership, local authorities could move away from that necessity.

Mr Swinney: Yes, but COSLA makes the fair point that there will be a substantial upsurge in the number of local authority staff who will require to be disclosure checked in the first three years in order to gain admission to the scheme. Off the top of my head, I cannot think how many local authority staff come into contact with children, but it will be a heck of a lot more than 46,000. If they all have to go through the system in the first three years, the financial memorandum is weak in saying that

“no additional cost will be incurred by local authorities.”

Notwithstanding the fact that local authorities do not have a statutory duty to pay the fee for disclosure checks for their staff, most local authorities would think it reasonable to pay if an individual member of staff worked with children or protected adults in the course of their professional responsibilities.

12:30

Andrew Mott: Your question takes us back to the point about the need to consider the 10-year horizon—

Mr Swinney: I do not understand the point that you are making. There will be a three-year start-up period, will there not?

Andrew Mott: Yes.

Mr Swinney: I thought that everyone would have to be checked within those three years.

Claire Monaghan: That is the assumption that was used to generate the costings in the financial memorandum, but it is not a legal obligation under the terms of the scheme.

Mr Swinney: The beauty of a financial memorandum is that it contains—I hope—definitive financial assumptions that can be tested. I am testing the assumption that local authority staff will be checked within three years and I want to get a feel for the financial implications of such an approach. In paragraph 224 of the financial memorandum, you say:

“no additional cost will be incurred by local authorities as a result of the introduction of the new vetting and barring scheme.”

I am pretty sure that that would not be the case.

Claire Monaghan: I will invite our economist to answer you in detail. However, the key point about paragraph 224 is that it refers to a 10-year life cycle. We accept that costs will not be evenly distributed during that period.

Mr Swinney: Members of the Finance Committee have a problem. COSLA tells us that in the three-year initial period—let us say from 2007 to 2010—local authorities will be financially up against the buffers and will have to find an extra £X million because of the bill. We must come to a judgment on that. In theory, there could be no costs over a 10-year period—I could manage away all sorts of costs over 10 years. However, there will be costs in the first three years—unless I am getting something wrong.

Claire Monaghan: The key point is the interaction between overall costing and the fee structure. For example, a decision could be taken to spread the cost evenly over 10 years by having an annual scheme membership that carried forward. The cost could be evenly distributed rather than front-loaded on to users of the system. I accept the difficulty that the committee—

Mr Swinney: With the greatest of respect, that is not what is proposed, as I understand it.

Claire Monaghan: In the financial memorandum, the overall costs are calculated and illustrations are produced about how costs might be distributed on the basis of three different fee models.

The Convener: The Finance Committee operates with two budget time perspectives: next year's budget and its implications; and the longer-term spending review period, which is normally three years. Therefore, in a sense, an attempt to claim that future spending review periods might compensate for costs in the current spending review period is not relevant to the framework in which we operate.

Ian Storrie (Scottish Executive Education Department): The costs are in the financial memorandum. We place the costs on individuals, because the legislative requirement for the payment of the disclosure fee falls on the individual. We have no robust evidence of how much employers pay. If employers choose to pay the costs themselves, which they might, that is a matter of employment practice. Indeed, I will put on my economist's hat and say that whether employers are, ultimately, paying the cost is challengeable, given that they might simply pay £20 a year less in salaries or £20 a year more in council tax. We did not feel comfortable about making such assumptions so, in the financial memorandum, we made the assumption that because the legal burden falls on the individual,

the cost will fall on the individual and not on the local authority.

Dr Murray: The SCVO said in evidence to the committee that it was not content with the consultation on the cost of the scheme. On the basis of evidence from its member organisations on the cost of POCSA, the SCVO calculated that the burden on the voluntary sector would be around £20 million. Will you comment on that?

Andrew Mott: We would be interested to know how the £20 million figure was assembled. The scheme will operate at different levels, the first of which is the disclosure costs that arise when a person is recruited—we talked a bit about the fee in that context. Next, there is the duty to refer. We argue that good employers and voluntary organisations are concerned about the welfare of vulnerable groups, and the trigger for referral is serious. The employer or voluntary organisation must have dismissed the person or transferred them to other work. Referral would not happen on a whim. The organisation will already be doing a lot of work to manage the issue in the setting. The duty to refer is part of a tool to ensure that, if an organisation thinks that someone is not suitable to work with vulnerable groups, that is confirmed by their being put on a list so that they cannot work with vulnerable groups in other settings.

It is possible to overlay the administrative costs. [*Interruption.*] Did I say something wrong?

The Convener: No. We closed the blinds because we decided not to have the sun streaming into your face.

Mr McAveety: This is the point at which the interrogation gets harder.

Dr Murray: I take your point that the cost is theoretically borne by the individual and not by the employer, but you are widening the scope considerably by introducing the concept of a protected adult. If local authorities pay for checks on their employees, they will incur costs because they have large pools of people who work with protected adults. The SCVO said that it is difficult for those in the non-registered sector to know who needs to be registered and who does not. Because the definition of “protected adult” is rather loose, it is difficult to assess the cost of including that group of vulnerable people in the provisions.

Andrew Mott: It is important to bear it in mind that local authorities and others already do enhanced disclosure checks on people who work with vulnerable adults. There might be a shift to focus on the vulnerable adults who are relevant in this context, but it is not as if there is no activity on that front at the moment.

Ian Storrie: On the point about displacement, local authorities would still do all the checks if

there was no disclosure system, but the disclosure system brings together the many checks into a one-stop shop. That is a useful tool for employers because, otherwise, they would have to go to lots of different people to gather the information that they need as part of safer recruitment practice. Smaller voluntary sector organisations and smaller employers are likely to lack the resources or the understanding of how to interpret the information and I suggest that Disclosure Scotland reduces the administrative burden.

Dr Murray: Some of your calculations are based on the estimate that 50 per cent of volunteers will require to go through the process. Is that based on the current disclosure process?

Ian Storrie: It is based on evidence from Volunteer Development Scotland, but it is an arbitrary assumption. Volunteer Development Scotland gave us a list of reasons why people volunteer and it is fair to say that not all volunteers will fall under the provisions of the bill. I am not particularly strong on the definitions, but the information stated that 68 per cent of volunteers raise money. We assume that the other 32 per cent have contact with children and will therefore fall under the provisions of the bill.

The information also stated that 74 per cent of volunteers participate in activities that will definitely involve their being subject to the provisions in the bill, so we had two outliers. Because 32 per cent definitely have contact and 74 per cent was the other extreme, we used 50 per cent as an arbitrary mid-point. We believe that between 32 and 74 per cent of volunteers will fall under the bill's provisions.

Dr Murray: Would it not therefore have been better to present a range of costs in the financial memorandum? Paragraph (i) of section 201 in the financial memorandum states that, if the 50 per cent assumption is wrong,

“the total volume of activity will change, as will the cost of subsidy to the Scottish Ministers”.

If you have a range of estimates, for figures from 32 to 67 per cent, would it not have been better to produce a range of costs based on that?

Ian Storrie: The financial memorandum, with model 3, contains figures for the worst-case scenario, which is that 100 per cent of volunteers will fall under the scheme.

Dr Murray: I do not want to stray too far into the policy, because the Education Committee will deal with that, but I am a bit puzzled by Claire Monaghan's comment in her introductory remarks that people will not have to be in the scheme—that they will more or less be able to volunteer to be in it and will not be forced to be part of it. If people

are not forced to be part of the scheme, what on earth is the point of it in the first place?

Claire Monaghan: The key point is that it will not be an offence for someone to undertake regulated work while they are not a scheme member. The only way in which an employer or a voluntary organisation will know that somebody is not disqualified from working with children will be by pursuing the scheme membership route. One of the reasons for not creating an offence, as has happened in England and Wales, is that we acknowledge that issues will arise at the boundaries. One issue concerns understanding whether work is regulated. Another is that, to use Wendy Alexander's example, if we had such an offence and if a person did not turn up for Sunday school and somebody else was telephoned to help, that person would be committing an offence if they were not a scheme member. That would be an extremely unfortunate unintended consequence of the bill.

The route that we have chosen will mean that such issues at the boundaries will not be problematic. We know that the vast majority of large employers already have everybody fully disclosure checked and that they will have their staff as scheme members in the new system. However, it will not be an offence for smaller organisations to have people who are not scheme members undertake regulated work. The measures are part of safer recruitment overall.

Dr Murray: I understand the benefit in that approach for smaller organisations, but does that not illustrate a problem with the entire approach? It is either too prescriptive or, if we relax it, we remove the protection. There may be many small organisations that deal with children or protected adults and which may not be responsible in employing people in the way that larger voluntary organisations or local authorities will be. However, those organisations would not be committing an offence.

Claire Monaghan: They would be committing an offence if they had someone who was disqualified undertaking regulated work. The only way in which they will know that will be by scheme membership. The assumption is that, for the majority of people who have contact with children or protected adults, employers or organisations will want the reassurance of scheme membership. We expect there not to be scheme membership only with those who have occasional access as a result of unforeseen circumstances. The bill will not mean that such people commit an offence, which is the right approach.

Ms Alexander: Claire Monaghan helpfully clarified some of the details of the scheme, but I want to revisit that. She said that employers will want to reassure themselves about employees. Of

course, that should have been the case in Soham. An estimated 106,000 employees in Scotland will be affected. We are creating a scheme that will affect 10 times as many people as would be affected if we included volunteers. Perhaps we should probe whether we need to bring into the net another 900,000 volunteers to deal with the 106,000 employees.

I have a couple of precise questions. Claire Monaghan mentioned that there are 450,000 scheme members at the moment. The new coverage will be 950,000 or 1 million. Is the increase related entirely to those who work with protected adults, or are we widening the net with respect to work with children too and, if so, how?

12:45

Andrew Mott: An important point to make, which might have been missed, is that on the basis of our modelling of the workforce we estimate that between 300,000 and 400,000 of the 800,000 volunteers are also doing regulated work. A teacher in a school who volunteers as a scout leader would be doing regulated work in a school setting and in a voluntary setting. There is substantial overlap.

Some of the numbers can be a little confusing. It is important to distinguish between volunteer posts and individual volunteers. There might be a certain number of volunteer posts, but people who have it in their hearts to volunteer often do so in more than one capacity. There is another overlap there.

A teacher in a school will be required to join the scheme by the local authority, so they will become a scheme member in that way. If they then want to help out with the scouts, a nominal check could be done, which we hope would address people's concerns. There are three main concerns about the disclosure system—

Ms Alexander: I am sorry to interrupt, but I am trying to get clarity on the numbers. At the moment, there are 450,000 in the scheme and there will be 1 million in the new scheme. Clearly, that is a difference of 550,000. Who are the 550,000 who are being brought into the net by the bill?

Ian Storrie: The 450,000 are not in the scheme at the moment. Approximately 450,000 go through the disclosure system every single year. Some of the 450,000 might have been checked the previous year. The only way in which someone can trigger a disclosure check at the moment is by moving post. If the people who are already in the net, from the children's workforce, were to move post, they would trigger a disclosure check.

Ms Alexander: We need clarity on the point about the 450,000 people being in the net, which

Claire Monaghan raised in the first place. I am trying to understand how the net is being widened to include 1 million under the new scheme.

Claire Monaghan: There are two new categories, the first of which is people who will be working with protected adults. Secondly, for the first time it will be possible to get checks for personal employers—the simplified statement of barred status—such as piano teachers and dance teachers to whom people entrust their children on a Saturday morning. It is difficult to completely disentangle the figures, because a number of posts, such as general practitioners and others in the health sector, will cover both children and protected adults. Do we have a figure for the number of people who will fall within the scheme just in the protected adults workforce? Presumably that is the figure that Wendy Alexander is interested in.

Ian Storrie: I am afraid that we do not. That is particularly problematic in the health service, where people would fall into the net for both reasons.

Claire Monaghan: How did we reach the modelled figure of 1 million?

Ms Alexander: The data that are given suggest that there are 850,000 volunteers and 106,000 employees. I am interested not in the 106,000 employees, but in the 850,000 volunteers. How many of them are in the system at the moment? What extension will bring 850,000 into the new scheme?

Claire Monaghan: Some 67,000 are disclosure checked at the moment.

Ian Storrie: A few things are getting confused here, so I will give you the breakdown of the 1 million. The 106,000 is the number who are employed by the voluntary sector. I am not sure that we know how many are in the scheme at the moment. On the basis of there being 1 million volunteers, we modelled that 350,000 of them would also be employed in the sector. We believe that the workforce in the sector to be regulated in the future is 580,000 employees; an additional 500,000 volunteers, who would not be captured under their employment status, would also come into the system.

Ms Alexander: And they are not in the system at the moment.

Ian Storrie: The system does not exist at the moment.

Claire Monaghan: We do not have a scheme at the moment. That is the key thing. We have point-in-time checks.

Ms Alexander: That is what I am trying to get to. We do not have 450,000 in the system at the moment.

Claire Monaghan: We have 450,000 checks done each year. We will then have 1 million scheme members.

Mark Ballard: If somebody moved jobs several times in a year, they would be checked three times, so they would show up as three—

Claire Monaghan: We have figures on multiple disclosures.

Ms Alexander: I am trying to find out the width of the net that will be cast. I think that we have agreed that the legislation will cover one in four—around 1 million—adults in Scotland. How many of those 1 million adults are covered by the current scheme—can you give me your best guess?

Ian Storrie: A significant proportion would be covered if they were to move post under the current system.

Ms Alexander: No. I asked how many of those 1 million people, or 850,000 volunteers, are currently covered.

Claire Monaghan: Well, 450,000 people are currently covered.

Mark Ballard: But that figure of 450,000 might simply be one person moving 450,000 times. You cannot say with any certainty how many people are covered.

Ms Alexander: Do you have any idea how many people are covered?

Claire Monaghan: We have a handle on the figures for multiple checks, but we do not have any scheme against which we can calibrate such matters. Instead, we have a set of best guesstimates. I think that Michael Proctor probably has the best handle on figures for the present system.

Michael Proctor: The problem is that, as Claire Monaghan said, no scheme exists at the moment. Certain jobs are covered by part V of the Police Act 1997, which allows prospective employers to check whether an applicant has a criminal record. As a result of that, Disclosure Scotland received somewhere in the region of 345,000 applications; however, fewer than 200,000 of those applications involved enhanced disclosures.

Ms Alexander: As far as this matter is concerned, we are totally uninterested in employees. I want to know how many volunteers are caught in the current system.

Ian Storrie: We know that, every year, 60,000 volunteers apply to the disclosure system and that about a third of those applications are duplicates.

Ms Alexander: So there might about 40,000 such individuals in Scotland. Correct me if I am wrong, but will this bill not catch 20 times as many people?

Ian Storrie: That is not strictly right. The fact is that if people move post they will be captured by retrospective checks.

Claire Monaghan: I should point out that the figure of 1 million also includes the employed sector.

Ms Alexander: I was referring to the assumption that there are 850,000 volunteers. At the moment, 40,000 people might apply to the disclosure system, and the bill will catch 20 times as many people, which gives 800,000.

Claire Monaghan: But we do not think that all those 850,000 volunteers will be eligible for scheme membership or will require to be checked under the scheme.

Michael Proctor: At the moment, if those 850,000 people were to apply for posts either in volunteering or in employment in those client groups, they would all come within the scope of the current legislation and would be required to have a disclosure check. However, an awful lot of people out there have never had any form of check, and some of them will be unsuitable. We know that, of the 200,000 or so enhanced disclosures a year, about 25,000 come up with some criminal information. The total figure is unknown.

Ms Alexander: That was the second point that I wanted to pursue. In her opening remarks, Claire Monaghan said that 117 names were on the disclosure list at the moment. However, she suggested that there would be information of interest on 10 per cent of the overall figure, which means that perhaps 99,850 will need to be looked at. How was that 10 per cent estimate reached? What criteria would trigger another look at an application? I do not believe that 10 per cent of the population have a serious criminal conviction.

Claire Monaghan: It is not an estimate. At the moment, 10 per cent of enhanced checks reveal any information.

Ms Alexander: What information are we talking about?

Claire Monaghan: It is wide-ranging. Michael Proctor will say a bit more about that.

Michael Proctor: Each year, somewhere in the region of 25,000 enhanced disclosures throw up information about criminal activity. Probably 1 per cent of those raise such serious concerns—for example, the people might have convictions for violent or sexual offences—that you would probably want to bar them from the workforce in question. At least half of those 25,000 disclosures throw up totally irrelevant information on, for example, driving or theft and dishonesty convictions. Such convictions might not be serious enough to bar those people from the workforce,

but an employer might question whether they should be employed in the post.

Ms Alexander: Do 10 per cent of the Scottish population have a criminal conviction? That seems unlikely.

Claire Monaghan: That is what the figures come up with. Ten per cent of enhanced disclosure checks return some sort of information.

The Convener: In what proportion of those cases does the information relate to speeding, for example?

Claire Monaghan: A large proportion of the convictions or intelligence does not suggest that the person is unsuitable. However, we can get at the Ian Huntleys of this world only by going through a process that identifies all the intelligence for individuals.

Ms Alexander: What is the nature of that intelligence? Is it just criminal convictions?

Michael Proctor: The information that comes up during an enhanced disclosure check is criminal convictions, spent or unspent, and any intelligence that the police hold about that individual.

Claire Monaghan: The chief constable must deem that information to be relevant before it can be held; that is a key point.

The Convener: What proportion of that information would consist of minor traffic offences, for example?

Michael Proctor: We are doing some more detailed analysis of what the certificates contain. At the moment, the disclosure system in effect produces the information, puts it on a certificate and lands it on the employer's desk; the employer must then make a decision on it.

What we have done so far seems to suggest that somewhere in the region of 1 per cent of crimes are really serious; the individuals in question would probably be barred from the workforce. At least one half, possibly 55 per cent, of the information would be irrelevant. The remaining 44 to 45 per cent would need to be considered in some way; there might be a combination of violent offences and drugs offences, or breach of the peace, which would not lead to the immediate conclusion that the individual was unsuitable, but would mean that their case required proper consideration.

Ms Alexander: Is all the information revealed to the potential employer? Let me draw an analogy. Let us suppose that I decide to volunteer at the creche at church. There I am, in my mid-40s with my two little children under the age of 1, and the church that I attend does not want to feel responsible if it has not disclosure checked people

because that would leave the church vulnerable. It therefore asks everyone who helps out at the creche and the Sunday school to be checked by Disclosure Scotland. I am checked and a letter goes to the minister and the kirk session that says that, when I was aged 18 in 1975, I had a speeding conviction. That is what the proposed scheme will mean for 800,000 volunteers in Scotland.

Michael Proctor: That is what the scheme currently means.

Ms Alexander: We have just established that the current scheme covers only new volunteers, but we are bringing 800,000 people into the net.

I have one more policy question to ask. Do you believe that bringing into the net everyone who has ever been a volunteer and continues to be a volunteer will have any impact on the level of voluntary activity in Scotland?

Claire Monaghan: That is an incredibly important area. I acknowledge that there is a concern that the bill could mean a reduction in the number of people volunteering.

We could, however, argue that the reverse will happen. The proposed system, which will involve multiple checks and a complex form—although the Disclosure Scotland form has been simplified in the past day or so—will be more straightforward for volunteers and voluntary sector organisations and it will give more assurance to those organisations that the people who are volunteering for them have been through a process that means that they are not deemed to be unsuitable. It is also about reassuring parents and those who have protected adults in their families that they can be confident that the people with whom they are coming into contact have been more thoroughly checked than they would be under the existing system.

Ms Alexander: To avoid the scenario that I set out, which is plausible—although I should put on record the fact that I did not get a speeding conviction when I was 18—was any consideration given to providing only relevant information to the employer? To provide information on any conviction, of any kind, at any point in the past 60 years, to every kirk session and guide group seems to me to be not only a profound invasion of privacy, but perhaps unnecessary, since our stated objective is not to have Ian Huntleys employed in our schools. You have talked about unintended consequences in managing down that risk. What consideration was given to whether an employer should be told of matters such as a speeding conviction, which patently have no relevance to child protection issues?

13:00

Claire Monaghan: Over the past couple of months, largely in response to the concerns that we are hearing about the bill, we have been exploring with employers and organisations what use they make of the information and how valuable they find it. Our experience suggests that people in organisations are very mature in dealing with the information. They are human beings too, and 10 per cent of them will have speeding convictions and so on.

The key point in developing the bill has been to take the existing system and build positively on it. The existing system shares any convictions and, where relevant, intelligence information with employers. What we are doing is not new in that sense. The point that Wendy Alexander is making is that by widening the net, we are sweeping in more people; therefore, if you take the view that that is an invasion of privacy, you would be invading more people's privacy. Somebody who has something in their past that they are concerned about may consider that to be a disincentive to applying to an organisation.

Unlike the existing system, in which someone must potentially be in a position to get a check, one of the key elements of the new system is that people can apply for scheme membership prospectively.

Andrew Mott: An individual should know their own history, if you like, so what comes out of the system should not be a surprise to them. As Claire Monaghan said, an individual can unilaterally join the scheme—without a countersigning body, in other words—so, if they want to, they can get a measure of its effects.

I have two further points. First, we have introduced the statement of barred status for personal employers because we did not want sensitive information going out to all and sundry. Secondly, to return to the point about what is relevant, the classic example is the school bus driver. There are two elements to employing such a person. First, you want to ensure that they are suitable to work with children; as part of that, the scheme will tell you that they are not unsuitable. Secondly, and quite separately, you want to ensure that they are a competent driver. In the latter situation, any driving convictions that come back are relevant. That applies equally to a voluntary organisation, for example to a scout leader who is required to drive the scout minibus. There is the child protection side of it and there is that other side to it.

Mr Swinney: My experience is of the Boys Brigade rather than the scouts. If someone wants to drive a minibus full of children, they should go through a separate test or assessment that has

nothing to do with disclosure checking and everything to do with whether they know how to drive a minibus as opposed to a car—which is what I happen to have a driving licence for.

Claire Monaghan: I think that the point was an illustration rather than a general application.

Mr Swinney: I am not sure whether it was a good example.

Claire Monaghan: A key component of the system is that it happens with the consent of the individual. When an individual becomes a scheme member, the organisations that are relevant to that individual are recognised, and no information—unless it is an indication that the person is barred—flows around the system without the explicit consent of that individual. Nothing in the information that an employer is being made aware of should come as a surprise to the individual.

Mark Ballard: My first question takes us back to earlier evidence from the SCVO that £360,000 of training money was used in three months to help with the implementation of the current regime. As I understand it, the figure of £360,000 was for the voluntary sector alone. The figure in the financial memorandum for training for the new regime is £600,000 for the entire care and children workforce. There seems to be a discrepancy between funding for training for the current regime and funding for training for the new regime.

Andrew Mott: The figures in the financial memorandum were derived by looking at the extent of POCSA and uplifting the figures in line with the wider application of the scheme.

Claire Monaghan: One of the key points is that this is not new. A large number of the organisations affected are now familiar with vetting and with POCSA. This is primarily about updating the system and covering the people who fall within the extended scope of the legislation. Ian Storrie might have some more detail on the figures.

Ian Storrie: According to the figures that I have, POCSA appears to apply to 41 per cent and we have upscaled on that basis. Is the £360,000 that was mentioned not comparable to the £1.4 million?

Claire Monaghan: Yes.

Mark Ballard: The £1.4 million covers the development of training materials and the operation of a telephone helpline and includes money for the CRBS to develop its systems. I am talking about training. I think that the £600,000 is for the delivery of training. That is what matters. The £1.4 million includes other things and I do not think that money for the CRBS to develop its systems necessarily counts as money for training for the voluntary sector.

Ian Storrie: I am not sure whether the £360,000 is not comparable to the total of the four figures cited in the financial memorandum.

Mark Ballard: The evidence that we have from the SCVO is that the Executive made £360,000 available to the voluntary sector for training for one year. That is what I am comparing the £600,000 with. The £600,000 is not just for the voluntary sector—it is for faith groups and other public and private organisations. There seems to be a big discrepancy there.

Andrew Mott: We will have to check the exact figure that was spent on POCSA. The thinking behind the figures in the financial memorandum is that the strategic people in the organisations will be trained as part of the roll-out of the scheme. There will not be a big bang on day one; there will be a phased implementation, so the operational training can be embedded in the annual training, biannual training or whatever it is that organisations give their staff. The thinking is that by putting the training in at the top, it filters down through the system.

Mark Ballard: You think that the filtering down will be free and that there will not be an additional cost or a burden on voluntary sector organisations to do the additional task that you have identified.

Andrew Mott: We hope that, as part of safer recruitment generally, all organisations have an on-going training programme into which training on this can be embedded. The operation of the disclosure scheme is in general a relatively small part of employers' recruitment costs.

Mark Ballard: I was talking about volunteers, in the light of the SCVO evidence about volunteers. In an example given in the policy memorandum, there is lots of stuff about a volunteer going on to the Disclosure Scotland website and generating

"a pass code (e.g. 16 digit PIN number) for the online check"

and thereby notifying Disclosure Scotland. In the example, the guide leader

"performs an online check using the pass code"

and discovers that the person in question

"is not barred but there is new information since the last scheme record."

That is a complicated procedure. It will take a lot of training for guide leaders to deal with that process.

Andrew Mott: I will talk you through that example. I agree that it sounds complicated—

Mark Ballard: It is complicated.

Andrew Mott: Okay. If I could talk you through—

Mark Ballard: It might have advantages, but it is complicated and training will be required.

Claire Monaghan: Absolutely.

Mark Ballard: And there is not enough funding. According to the evidence from the SCVO, there is not enough money in the pot to ensure that training is done properly in the voluntary sector, let alone in the wider organisations that will be covered by the legislation.

Andrew Mott: We are happy to work with the SCVO and other organisations in developing the implementation plan and the details of the training.

I ask you to bear with me as I return to the example of the person who just shows up and the online check. The big advantage would be that if the person was a scheme member already—for example, if they were a teacher—and they showed up at the scout troop and said, “Here is my scheme record. I want to help out with the scouts,” instead of having to fill out a great long form and apply again, the scout leader could get the scheme member to log on to a computer and generate the authorisation. The scout leader could then log on as well and access the scheme record. They would be able to know in 10 minutes whether they could employ that person.

Mark Ballard: But the scout leader would have to have fairly detailed knowledge about how the scheme worked to be able to log on and do that. Many people have problems even with online banking, and what we are talking about is a whole order above that.

I would like to move on to the issue of awareness. Claire Monaghan talked about the new people who will be brought into the scheme, including piano teachers and dance teachers. On page 30 of the policy memorandum, we are given an example scenario involving a piano teacher. When a new piano teacher arrives in a town, the parents—because they do not know him—log on to the Disclosure Scotland website and learn that the statement that the piano teacher is offering is out of date. I am a new parent, and I do not know how Disclosure Scotland works in that respect. How much money will have to be spent on raising awareness among the general population so that, before they send their kiddies for piano lessons, they understand what they should do with the Disclosure Scotland website?

Andrew Mott: There is an issue to do with awareness raising on which I will give the committee some background. There are two different costs, the first of which is a compliance cost. For parents employing a piano teacher, the system is entirely optional—it is a facility for them.

Mark Ballard: What is the point of it if it is optional?

Andrew Mott: It is an offence for the piano teacher to undertake regulated work if he is listed. It is also an offence for an organisation to employ a listed person, but it is not an offence for a parent to do so. The check is simply an additional tool for parents. Whereas previously they had to rely on the reputation of the individual, they will now have an extra check that they can make. There is no compliance issue.

Mark Ballard: How will parents know how that additional tool works?

Andrew Mott: Obviously, we will have to disseminate that.

Mark Ballard: How much will that cost?

Ian Storrie: I do not think that there is any provision for such awareness raising in the financial memorandum. There is provision for awareness raising only among employers, not among parents.

Ms Alexander: Having looked at the evidence that is available, you have rightly stressed that about 1 per cent of people have committed a crime that would give an employer—or, indeed, a voluntary body—serious concern about their working with children. Could that information not be provided, at a much cheaper cost than £100 million over 10 years, by simply creating a list of the 1 per cent of people who had those convictions against them and saying that it was an offence to employ them? The list could be made publicly available. If the problem is with only 1 per cent of 1 million people in Scotland—bear with me while I do the maths—we are talking about 10,000 people. Such a list would save having to create a system to check the records of 1 million people. I wonder why that policy solution, which would have a much cheaper cost, did not present itself.

13:15

Claire Monaghan: One of the key points is the fact that people can be listed not just for a conviction or intelligence, but because of things that they have done in the workplace. POCSA currently provides for organisational referrals when people have done things in the course of their work that have forced their employers to remove them from unsuitable positions. That is not information relating to a conviction or intelligence.

Ms Alexander: Okay. So, how many organisational referrals were there in the first year under POCSA?

Claire Monaghan: There were 67.

Ms Alexander: Those 67 people could be added to the list and notified. That would still save us policing almost another 990,000 Scots. That is

not a frivolous point. It would save us a lot of money not to have to police 990,000 Scots.

Michael Proctor: The current disclosure regime provides all the information to employers. However, as we heard from the SCVO earlier, it is difficult for people who sit on the management committees of voluntary organisations to make decisions on the basis of their interpretation of that information. The new scheme will ensure that the information is considered properly and consistently so that, by the time they receive the information back, they will know that the person is not unsuitable for that type of work and they can take a decision on whether to employ them.

Recognising the 1 per cent—those who have committed serious child sex offences or whatever—is the easy bit. The difficulty is with the 10,000 or so people a year over whose criminal history there is serious concern that requires more considered evaluation in deciding whether they are unsuitable. Over the past few weeks, I have looked at a small sample of information that comes back from those disclosures. There are people with five or six convictions for violence, which may be drug related, and proper consideration needs to be given to the balance between the number of convictions, the nature of those convictions and the time that has passed since the last conviction in order to determine whether a person poses a risk.

Ms Alexander: You have given us three possible sources for the information that is going to be held in the system: first, a criminal conviction; secondly, information that a chief police officer says is relevant; or, thirdly, information on an individual that has been referred by an organisation. I have no difficulty whatsoever with that. We know that 1 per cent of people have a serious criminal conviction and you have rightly said that you would want to increase the number covered to somewhere between 1 and 10 per cent. Out of the potential 1 million people in the net in Scotland, that would add up to a list of between 10,000 and 100,000 people. Why have we chosen the route of inviting applications from 1 million people when the only evidence that is held comes from official sources or referrals from organisations?

Claire Monaghan: I presume that the point is that to find the needle in the haystack there is another route.

Ms Alexander: And what is that route?

Claire Monaghan: The point that you are making is that the sources of information could be used to say, "This is a needle; therefore, it will be on the list."

Ms Alexander: I am asking whether there is any mechanism in the scheme—under which 1 million

people have to apply—for capturing more detail as a result of applications than is available through criminal convictions, the chief police officers and organisational referrals. You have told us that that is where the information that you send out to employers comes from.

The Convener: I suppose the question is, if you want to find a needle in a haystack, do you do so by inviting every bit of hay to submit an application?

Claire Monaghan: The key thing is that, with the bill, the answer to that is yes. We are exploring whether there is a different solution.

Andrew Mott: Whether you believe it or not, the financial memorandum says that the cost of running the proposed system would not be greater than the cost of running the current system. It is not fair to say that it would require an additional £10 million a year over the next 10 years.

Leaving aside issues to do with child protection and vulnerable adults, we need a system of giving employers information. We are building on the systems that we have to create what we think is the most minimally bureaucratic natural progression from those systems. The workforce is dynamic—people are entering and leaving it all the time—so we need an on-going system. We could not just make a snap assessment of Scotland now and publish the data. We think that we have constructed a system that will make the best use of disparate bits of the current system and that we can provide a more efficient system by investing in information technology and bringing together those bits.

Ms Alexander: You are asking one in four adults in Scotland to participate in a system whose outputs will consist of information that is held centrally. I am struggling with that. You are asking them to participate in a system whose outputs will be criminal conviction data that are already held, information from the chief police officers that is centrally held and information resulting from organisational referrals. What will be the gain of asking one in four adults to participate in such a system? You have not mentioned any outputs that would not be held centrally at the moment or that could be held centrally. How can it be minimally bureaucratic to ask one in four adults in Scotland to participate in such a system? There is a risk that if one in four adults participates in it, details relating to the 1 per cent of people in whom we are interested will be missed.

Training has been discussed. Rather than tying people up in knots in attempting to police 99 out of 100 volunteers about whom there are no concerns whatsoever, I would much prefer every guide and brownie group and every Sunday school and youth fellowship to know that a self-referral

process exists and that the participation rate in that process should be higher than the current residual rate. What data will be captured as a result of the process that has been proposed?

Claire Monaghan: Having a continuously updating mechanism is a key advantage of a system. Unfortunately, people who want to harm children have a perverse incentive to try to stay below the radar and keep off the system. The proposals will create a database of scheme members that will allow processes to be triggered when new information or intelligence about such individuals comes to light, particularly when they move across jurisdictions. I see the advantage of the approach that you have identified at one point in time, but it does not carry the benefits that arise from continuous updating of information.

Ms Alexander: I am sorry, but are you saying that it is impossible for people continuously to update criminal convictions, information from the chief police officers or information from organisational referrals? Of course such information can be updated in real time. The issue is whether we need to have 1 million people participating in a scheme to capture information that is centrally held.

Michael Proctor: Of course such information can be and is continuously updated, but there is a missing connection between lists and people who are in the workforce. The scheme that you have suggested would require every employer and voluntary organisation to check lists virtually on a daily basis to ensure that none of the people whom they employ is on them. We aim to have automated checking to alert people. We want to make things simpler and more efficient.

The Convener: We are beginning to drive too far into policy matters.

Mark Ballard: I want to bring the discussion back to costs, but I first want to ask Andrew Mott in particular a question about information. It was said that nothing in a disclosure should be a surprise. Paragraph 36 of the policy memorandum refers to conviction and non-conviction information. A footnote to that paragraph states:

"Non-conviction information will include relevant police intelligence and inclusion on the Sex Offenders Register, inclusion of certain civil orders ... and relevant information held by local authorities and regulatory bodies through regulations."

An individual will know whether they are on the sex offenders register, but I do not know how they would know what intelligence the police had about them. The police could have misleading intelligence about somebody else with a similar name or about somebody with similar problems. Surely it is possible for the information in the disclosure to be incorrect, as it could be based on

police intelligence that the individual may not know about. That could mean that there will be difficulties if the disclosure goes to a person's kirk elder.

Andrew Mott: You have raised several issues. First, there are mechanisms for correcting incorrect scheme records. Somebody who wanted to contest something could do so.

The regulations will be specific about information from regulatory bodies and local authorities. I am speculating, but I think that information relating to a person having been struck off by a regulatory body—they might have been struck off from working as a social worker, for example—or to the imposition of practice conditions could be relevant. An example of relevant information—although I do not know how realistic it is—would be that of a social worker being told that they cannot work with children but can continue to practise geriatric social work or whatever. That is the kind of thing that an individual would know about.

The Convener: We have five minutes left. We have to focus on cost.

Mark Ballard: Okay. Section 80 lists all the relevant persons for the purposes of the legislation, including councils, chief constables of police forces, the Scottish Crime and Drug Enforcement Agency, the Scottish Social Services Council, the General Teaching Council for Scotland, care service providers, managers of educational establishments and registered social landlords. Those are all listed as sources of information. Does the financial memorandum include any cost prediction for those organisations? I am thinking in particular of the first three years when they will, all of a sudden, have to supply large amounts of information. Surely a significant requirement for staff time will be placed on all those who are listed as relevant persons.

Claire Monaghan: For the purposes of clarity, the persons named in section 80 are relevant for the purposes of part 3 of the bill. They are listed for the purpose of sharing child protection information rather than information on vetting and barring. The organisations deal primarily with vulnerable children or those who may be presenting for child protection. The ethos of part 3 is to make explicit what is currently implicit. Financial provision is made in the financial memorandum for the costs that will flow from that, which are primarily to do with training and awareness raising.

Mark Ballard: But I am talking about the staff costs that will fall to organisations such as those that I listed in supplying information on one quarter of the population of Scotland, as Wendy Alexander pointed out. Surely that will require significant staff

time for those organisations. That does not seem to have been factored into the bill.

Claire Monaghan: For clarity, that is not what that section provides. The organisations—

Mark Ballard: Okay. In a footnote on page 7 of the policy memorandum, I note a reference to the relevant organisations that are expected to supply conviction and non-conviction information—local authorities and relevant bodies are mentioned. Surely significant costs will fall on those organisations in terms of the non-conviction information that they will have to supply on a significant proportion of the population of Scotland.

Claire Monaghan: The bodies that fall within the scope of providing additional information for the vetting and barring provisions are primarily the regulatory bodies. Andrew Mott might want to say something further on that.

Mark Ballard: Is the General Teaching Council for Scotland included?

Andrew Mott: Briefly, the General Teaching Council already has a number of automated systems. Anyone can go to its website and check whether someone is a registered teacher. The website has a hierarchy of secure levels. We would like to work with the GTC to integrate its information into the Disclosure Scotland system. No big bureaucratic burden is involved. At the moment, if the GTC strikes off a teacher, Disclosure Scotland is notified. We want to make the best of technology to minimise the burden.

Mark Ballard: Integrating IT systems does not come cheap.

The Convener: We have to close down the session. We have only one minute left and we still have another item to consider.

The one question that I absolutely need to ask is on the executive agency, as that is where most of the cost will arise. The permanent secretary gave us an understanding that no new executive agencies were being planned. However, we understand that this new executive agency will have 28 to 30 staff. Is there an explanation for that?

Claire Monaghan: The key point is that Disclosure Scotland exists, as does the team that works on the disqualification list. The executive agency will bring together those two parts in order to discharge the functions that are provided for in the bill. We are not creating a non-departmental public body; it is an executive agency under a framework document that specifies the distance that ministers will have from the decision making. I ask Michael Proctor to add to that.

Michael Proctor: It is—

The Convener: We are talking about a new executive agency. You will have to bring Disclosure Scotland staff on to Executive terms and conditions.

Claire Monaghan: Yes.

The Convener: It is an expensive way of dealing with things.

Claire Monaghan: The key point is that the agency will offer users an end-to-end service. Instead of having to point people in one direction for disclosure information and another for barring information, the two functions are being brought together. Given that the agencies carrying out those functions exist, I am unclear as to how additional costs will arise from bringing them together.

The Convener: There are a series of follow-up questions, which we will need to deal with by correspondence. I am sorry, but another committee is due to meet in this committee room at 1.30 pm and I will have to stop the meeting at that time.

I apologise to the members whom I was unable to call and ask them to send to the clerk any questions that they were unable to put. We will ask the Executive to deal with them by correspondence. I thank the witnesses for coming before the committee.

Items in Private

13:30

The Convener: We move quickly to item 3, which concerns items in private. We need to decide whether to consider our draft report on the financial memorandum to the Commissioner for Older People (Scotland) Bill in private at our next meeting. Are we agreed?

Members *indicated agreement.*

The Convener: We also have to decide whether to consider our draft report on the financial memoranda to the Education (School Meals etc) (Scotland) Bill and the Schools (Health Promotion and Nutrition) (Scotland) Bill and our draft report on the financial memorandum to the Protection of Vulnerable Groups (Scotland) Bill in private at our meeting on 21 November. Are we agreed?

Members *indicated agreement.*

The Convener: Finally, we have to decide whether to consider our draft report on the financial memorandum to the Custodial Sentences and Weapons (Scotland) Bill in private at our meeting on 28 November. Are we agreed?

Members *indicated agreement.*

Meeting closed at 13:31.

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