

SOCIAL INCLUSION, HOUSING AND VOLUNTARY SECTOR COMMITTEE

Wednesday 5 April 2000
(Morning)

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SOCIAL INCLUSION, HOUSING AND VOLUNTARY SECTOR COMMITTEE 14th Meeting 2000, Session 1

CONVENER

*Ms Margaret Curran (Glasgow Baillieston) (Lab)

DEPUTY CONVENER

*Fiona Hyslop (Lothians) (SNP)

COMMITTEE MEMBERS

*Bill Aitken (Glasgow) (Con)

*Robert Brown (Glasgow) (LD)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Mr John McAllion (Dundee East) (Lab)

*Alex Neil (Central Scotland) (SNP)

*Mr Lloyd Quinan (West of Scotland) (SNP)

Mr Keith Raffan (Mid Scotland and Fife) (LD)

*Mike Watson (Glasgow Cathcart) (Lab)

*Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

WITNESSES

Isabel Bryce (Volunteer Development Scotland)

Jim Duffy (Scout Association (Scottish Council))

Brian Magee (Volunteer Development Scotland)

Jim Morrison (YouthLink Scotland)

CLERK TEAM LEADER

Martin Verity

ASSISTANT CLERK

Rodger Evans

LOCATION

Committee Room 2

Scottish Parliament

Social Inclusion, Housing and Voluntary Sector Committee

Wednesday 5 April 2000

(Morning)

[THE CONVENER opened the meeting at 10:03]

The Convener (Ms Margaret Curran): I welcome everyone to the meeting. As we have a busy agenda, I will try to rattle through it—as usual—so that we can make progress. First, do members agree to take item 7 in private?

Members indicated agreement.

Petitions

The Convener: The second item on the agenda is consideration of petitions, the first of which is PE53 from Mr Frank Harvey, asking the Parliament to take steps to ensure that young people are not discriminated against by Partick Housing Association. We have received a reply from Scottish Homes, and the recommendation to the committee is to note that response and to forward it to Mr Harvey. Is that agreed?

Members indicated agreement.

Mr John McAllion (Dundee East) (Lab): In the covering letter, we could congratulate Mr Harvey on the national prominence he has brought himself through his petitioning. *[Laughter.]*

The Convener: Is that the way to get in the papers?

Mike Watson (Glasgow Cathcart) (Lab): Mr Harvey is keeping John in a job.

The Convener: The Public Petitions Committee must be one of the most overworked committees in the Parliament.

The next petition is petition PE106, which is again from Mr Frank Harvey. It is about the sale of local authority housing stock, which has exercised our minds somewhat in this committee. The committee is invited to take the issues raised in the petition into account in its wider consideration of the housing stock transfer issue. I do not think that there is any doubt that the committee has carried out a thorough examination of housing stock transfer, so I suggest that we deal with the petition as part of that.

Members indicated agreement.

Voluntary Sector Report

The Convener: The next item on our agenda is the voluntary sector report. We will consider a report from Karen Whitefield, which Karen has supplied to the committee.

Fiona Hyslop (Lothians) (SNP): I suggest that we be allowed a short time to read the report, as we received it only this morning.

The Convener: Members may take a couple of minutes to study the report. The meeting will be adjourned for two minutes.

10:06

Meeting adjourned.

10:07

On resuming—

The Convener: I reopen the meeting and ask Karen Whitefield to introduce her paper on the voluntary sector.

Karen Whitefield (Airdrie and Shotts) (Lab): The paper gives an outline of what has been happening in the voluntary sector over the past few months, along with the things that I have been doing. I am sure that the committee appreciates that because of the death of my father I have been away from my parliamentary duties for some time to deal with family commitments. For that reason, I have not been as active in the past few months as I had hoped to be.

The one thing that is not included in the paper and that I would like to flag up is the invitation that I received to speak at the Coal Industry Social Welfare Organisation conference in February. The purpose of my being there was to speak about the work of the committee and, in particular, how we would interface with the voluntary sector. I took up the invitation and went to the conference, which was very well attended—more than 300 people were present. Fiona Hyslop attended as a delegate from former coal-mining communities. Representatives spoke about how the coalfield regeneration money might be of assistance to miners' welfare and to communities. The conference was useful, as it enabled me to make some good contacts, which I will follow up in the next few months.

I have highlighted the issues that have been brought to my attention in recent months by organisations and individuals who have contacted me. The main thrust of my work was an article that I wrote for "Third Force News", the weekly newspaper of the Scottish Council for Voluntary Organisations. The response to that has been

varied. I have received some responses and responses are still coming in—I received one this morning. I will give the committee a full run-down after the recess of what they say about priorities for the voluntary sector and for the committee.

SCVO has written to me separately to flag up issues about the lottery and the need for it to be more focused on Scotland. Much of that area is reserved, but the committee may have to consider it and then make representations on the matter to our Westminster colleagues.

I hope to visit some councils for voluntary service over the recess. SCVO has been very helpful in giving me a list of contacts around Scotland. Some of the work that I will do over the recess will concentrate on that. That will give me a better feel for what is going on in volunteer bureaux across the country and how they think that the consultation is going. I will feed that back to the committee.

Obviously, many voluntary organisations are interested in Scottish Criminal Record Office checks. We will do some work on that this morning. I was keen that the voluntary sector should get a little bit of the committee's time before the recess. I think that the organisations that are present this morning will welcome the fact that we can have some input into the Scottish Executive's review of SCRO checks.

Finally, we will have to consider charity law reform. Last week, the Executive announced that it had established a review group, whose members the Executive listed for public information. They include representatives of various voluntary bodies, lawyers and accounting professionals. The committee will have to examine that issue and have some input into the review.

The Convener: Are there any general comments before we go into the details of how the committee will pursue issues?

Fiona Hyslop: I would like more information about how Karen Whitefield thinks that charity law will develop and what the key political issues are. We could have a useful, brief discussion about that.

We are conscious, particularly in relation to the drugs and anti-poverty inquiries, of the issue of how voluntary organisations should have access to the committee. An exciting possibility, which we should certainly consider, is using the internet to enable a larger number of people to access us. We should set ourselves the task of producing a paper on how we expand involvement in our inquiries.

Karen touched on the lottery. The paper does not outline the concern that many arms of the lottery and new opportunities fund do not have a

separate Scottish allocation. There has been a great improvement when there have been separate allocation bodies. The new opportunities fund takes such a huge part of the lottery's distribution that there is a strong case for our examining the operation of the fund—perhaps a member could be given that task—and presenting a view.

Those are the three most politically sensitive issues. We should give ownership of them to individual members rather than letting them lie for a long time.

The Convener: The paper on the drugs inquiry recommends that we use the internet as a way of getting evidence. Embedding the use of the internet in all our inquiries is a useful strategy and I hope that all reporters and anybody who heads up preliminary work for an inquiry will bear that in mind. I hope that work has already started on that and that we will receive progress reports. We need to have a brief discussion now about the new opportunities fund and charity law.

Mr McAllion: I agree that someone should present a paper to the committee on the lottery, the new opportunities fund and so on. One of the problems of voluntary sector funding in general is that it has always been time limited. Good projects are given pump-priming money to start up, but they then run out of funds and disappear. The national lottery new opportunities fund repeats that mistake over and over again. The committee must address that fundamental problem.

Yesterday, the Minister for Health and Community Care emphasised in a speech the importance of diet and establishing breakfast clubs and so on. Such clubs existed in Dundee 10 years ago, but no longer exist because the funding ran out. We are always reinventing projects that existed in the past but did not have funding to continue. The voluntary sector must have stable funding, but the way in which it is funded at the moment is not stable. The committee must address that point.

10:15

The Convener: Would it be too much of a task for the committee to begin with a review of funding strategies for the voluntary sector?

Mike Watson: I echo Fiona Hyslop's point about the new opportunities fund. I have experience of the passage of the National Lottery Bill in another legislature, when the six good causes, as they were termed, and the new opportunities fund were being established. An attempt was made to write into the legislation a Scottish arm of the new opportunities fund, in the same way as there is a National Lottery Charities Board for Scotland. However, that attempt was unsuccessful, although

there is a person who is meant to have responsibility for Scotland. I would like to examine the extent to which that approach has been effective in the first year or so of the operation of the new opportunities fund. We need to consider the fund's focus on Scotland and I would like to build that into any review.

John McAllion's comments were self-evidently important: we must consider continuity of funding in more detail. However, the overview that you suggested, convener, would be helpful.

Karen mentions CVS under point 4 of her presentation. Does that stand for Community Service Volunteers?

Karen Whitefield: Yes.

The Convener: Does it not stand for councils for voluntary service?

Karen Whitefield: Yes.

Mike Watson: CSV Scotland, which stands for Community Service Volunteers Scotland, is an important organisation. I would like to examine the extent to which volunteering as an activity might be enhanced. There are gaps in volunteering because people are not aware of the activity or are not able to take it up for a variety of reasons.

I should declare an interest—I am on the board of management of the Volunteer Centre in Glasgow and, for that reason, I would like to be involved in an examination of volunteering in Scotland. I think that more people could become involved in volunteering if only they knew about the opportunities available to them.

Mr Lloyd Quinan (West of Scotland) (SNP): I echo what members have said on funding. I think that we should broaden our review and take it beyond the new opportunities fund. Many voluntary organisations—particularly smaller ones—play a vital role in society. They spend an enormous amount of time and, more important, money on making applications for funding. The knock-on effect of failure is that they must curtail their programmes for the next few months or year, because they have used funding that they have raised in order to make applications for other funding.

I have spoken to a great number of organisations, including smaller organisations and umbrella organisations. They share the belief that it would be a great advance to create a centralised grant applications support system for the smaller organisations, which could be related to the Scottish Council for Voluntary Organisations, CVS Scotland or Volunteer Development Scotland. That would make such applications a cost-negative exercise for smaller organisations and would be a way forward.

To examine only the new opportunities fund has certain implications. Problems include the complexity of making applications to that fund and the limited time scale within which it demands applications. People have told me that the process of bidding for funds forces them to put all their eggs in one basket. The committee should also examine that.

I have been contacting voluntary organisations across the country since the members' business debate on SCRO checks. They seem to agree with the general theme of that debate, which Angus MacKay noted, although I do not know how far advanced he is in taking the matter forward. I have spoken to him privately but we are not getting anywhere. We must extend the parameters of SCRO checks to cover those working with vulnerable people as well as those who work with young people. We know of incidents where elderly people have been abused, but the current plans for the use of SCRO checks will exclude that area.

The committee has to consider seriously not just the cost implications of SCRO checks but whether, by recommending that SCRO checks are used in organisations that deal specifically with youth, we would be leaving a large number of elderly people and vulnerable adults with learning difficulties open to dangers. We should consider the situation holistically.

Robert Brown (Glasgow) (LD): Three-year funding dominates the issue. The problem is that, despite statements of good intention by the Scottish Executive, there are funding problems at local government level. There is no doubt that there is broad agreement about the nature of the problem; the question is how we resolve that problem. It may be that changes in the funding arrangements would be of assistance. Some of the proposals are innovative. Some of them work and some of them do not. Obviously, there must be a much greater ability to retain the better projects, not least in the drugs field. It takes a long time to build some projects up and, if they are destroyed, they must be built up from scratch, which is a huge waste of resources. We must try to secure repeat lottery funding and so on for such projects and hit on some way of assessing projects that will enable us to sort out the wheat from the chaff. It would be desirable if that process was owned more by the voluntary sector itself.

The Convener: I agree. However, we must ensure that accountability is not undermined.

Alex Neil (Central Scotland) (SNP): We should not restrict our examination of the funding issues to the lottery. Many other funding issues are relevant to the voluntary organisations, such as how they are affected by VAT and so on. Many of those issues are reserved matters but, as Karen said, we should make representation to

Westminster on them.

Many organisations, particularly smaller, locally based ones, have difficulty weaving their way through the huge number of funding sources, some of which are large and some of which are small. The lottery is a good example of that problem. Numerous agencies disburse lottery funds. A rationalisation of the public sector organisations would be useful, as would a one-stop shop that local organisations could go to when they were trying to put together a financial package. I am working with a local football team that is trying to develop its facilities. A one-stop shop would help us. One-stop shops are being set up to assist enterprise and they should also be set up to help voluntary organisations.

John McAllion's point was important. The lottery will not provide revenue; it will provide only capital for the set-up costs. No one wants to be a funder; everyone is scared to dip their toes in the water. We should be innovative and entrepreneurial in our approach to funding new types of projects. The terms and conditions on which money is made available should be reconsidered. Organisations with genuine cases can be put off in their attempts to secure funding because they have to go round the houses. Ironically, the ones that suffer the most are the ones that can least afford it. The ones that are well resourced employ professionals to secure funding. We end up with a situation that is the opposite of what we are trying to achieve.

The Convener: I think that we are all agreed. There is consensus that we need to broaden our scope to include funding, but the lottery would be a key part of that investigation. The key question is how we should take things forward. Karen is pursuing general voluntary sector work. What is your view, Karen?

Karen Whitefield: I am happy to come back to the committee after the recess with a paper suggesting some of the avenues that we might want to explore. That would give everybody a chance to have their say about what else needed to be included, and we could discuss that as a committee.

The Convener: That would be useful.

Karen Whitefield: Through my contact with the voluntary sector, I know that funding affects organisations daily and is high on their list of priorities. However, we must be careful about building up the expectations of voluntary sector organisations and then not delivering. If we are to do something, we must make a commitment to include it on our timetable. We must not just say that we will do it and not deliver on that promise.

The Convener: That is right. We need to keep an eye on the situation. Much of the analysis that

we will need to help us grasp the issues can be gathered from written submissions or informal discussions. We will be having witnesses in for the drugs inquiry, so there is no reason why we cannot set aside half an hour at the end of that session to discuss other issues. We must learn to work in that way, with a block of witnesses on one theme and another part of the meeting to keep us up to date on the other issues that we are considering. More information needs to be developed on the funding strategy before we produce a report or move to a more detailed investigation.

Alex Neil: Perhaps Karen could consider whether we need a special adviser on funding. It is a wide field and there are experts who know all about it.

The Convener: Could you consider that in your paper, Karen?

Karen Whitefield: Yes.

Mr Quinan: I suggest that we ask the Scottish Parliament information centre for a mapping exercise on the voluntary sector. *[Laughter.]*

The Convener: I am laughing because I keep having meetings with SPICe and the staff there keep asking what we mean by a mapping exercise.

Mr Quinan: Okay. I shall leave that to you to define for them. Large parts of the voluntary sector are becoming tied up in the delivery of policy, but other parts of the sector are not in the business of delivering policy, particularly in the arts and sport. Those are vital organisations, but they are finding themselves more and more marginalised as the cake gets smaller or is apportioned in large blocks to organisations that are tied to the delivery of social inclusion projects.

Although we all agree that it is vital that the voluntary sector is involved in such policy areas as the regeneration and maintenance of communities, it is not just the lunch clubs and food co-operatives that form an essential part of that fabric. The local choir and the amateur dramatic society are also important in providing good community resources, and such groups are finding themselves marginalised. We must champion those voluntary organisations that do not have access to the new funding that has been made available in the past few years, which is tied directly to the structuring of social policy. We must defend them.

The Convener: Absolutely. We have some information from SCVO, which gives a map of the voluntary sector in Scotland. There is an interface with what I call the community sector and there is a huge overlap between the community sector and the voluntary sector at the smaller scale. The

voluntary sector is vital to community infrastructure. We will not be doing our job if we deliver only half the policies that we are supposed to deliver.

Mr Quinan: SCVO is the largest of the umbrella organisations, but we must remember that there is diversity within those organisations, particularly on the issue of the compact. We must not always simply take the line that SCVO puts. I am not saying that it is necessarily the wrong line, but we must always remember that it operates more or less on a majority voting system. If most of the bodies in that organisation take a specific line, that becomes SCVO's line. We must remember that a large number of voluntary sector organisations may not go along with that view. The umbrella organisations present a view, but there will also be disparate views among member organisations.

Alex Neil: Some organisations are involved in the delivery of public policy on behalf of public agencies. We must consider displacement. I get the feeling that some lottery funds are now being used for what general mainstream taxation revenue should be used for. The whole point of the lottery was that it would generate additionality, to use the in term, not that it should replace funding by the state or by local government. That is an issue that we must address up front.

The Convener: I refer that to Karen Whitefield. We also need to talk about charity law. What is the situation, Karen?

Karen Whitefield: In the past week, the Executive has announced a review of charity law and has said who will sit on the review panel.

The Convener: Is a timetable attached to that?

Mr Quinan: I know that an announcement was made last week, but there was also an announcement last August. We must get on the Executive's case about this. Angus MacKay and Wendy Alexander have both announced that they will consider it. Back in September, I lodged questions about who would be in the review group, but I have not yet had a reply.

10:30

Karen Whitefield: I know that it was made public last week because I received a press release about it.

Mr Quinan: I know, but it was announced a long time ago. I want to know what happened in the interim.

The Convener: Do you suggest that we write for clarification about time scales and subject matter?

Mr Quinan: Yes.

Alex Neil: It would be useful to have a copy of

the press release, as I certainly did not get one.

The Convener: I do not think that I have seen the press release, but I will double-check, as that could be due to my failure with new technology. We will ensure that everybody receives a copy. We will write to the minister for clarification of the role, the remit and time scales, and on whether the committee will be informed of the work.

I assume that we will want to express a view at some point, so we will need to organise the taking of evidence. Karen, could you examine that as well? It will depend on the timetable, but could you begin to schedule a recommended programme of work on charity law?

Fiona Hyslop: It might be helpful if Karen outlined some of the contentious issues in relation to charity law. Rather than addressing that in a mechanistic way according to what the Government plans to do, we should find out what the issues are.

Karen Whitefield: I am happy to provide an outline of those issues.

The Convener: So you will put that into your paper?

Karen Whitefield: I think that there will have to be two separate papers. Although the issues overlap at times, charity law should be kept separate from funding.

The Convener: I think that you are right that we need to keep the matter on the agenda. We will ensure that voluntary sector issues are embedded in our other work anyway.

Is there anything else in the paper that we should highlight before we move on? We will consider Scottish Criminal Record Office checks, and I am sure that Lloyd Quinan will keep raising general points. Karen Whitefield will liaise with Martin Verity about the agenda for our meetings.

Scottish Criminal Record Office Checks

The Convener: Item 5 is Scottish Criminal Record Office checks, on which we want to start work.

Robert Brown: Before we proceed, I am not sure whether this is included in the definition of interests, but I think that it should be noted that I have a part-time assistant who also works for Volunteer Development Scotland.

The Convener: Thank you.

I warmly welcome our witnesses. I think that we know you reasonably well, as we have all met you in various capacities. I am sure that you were interested in our earlier discussion and that we will have many conversations about those issues.

We have invited you here today to talk about SCRO checks; you have already been briefed about the information that we are seeking from you. Thank you very much for the paperwork that you provided; it was very useful in getting to grips with some of the issues. I ask you first to introduce yourselves and then to give us a brief presentation on the subject.

Brian Magee (Volunteer Development Scotland): Convener, thank you for inviting us here today to discuss SCRO checks. I head up the policy work in Volunteer Development Scotland.

Fitting this subject into a two or three-minute presentation will be a challenge, but I will attempt to do so. Although VDS welcomed the increased access that was contained in part V of the Police Act 1997, we were dismayed by the proposed cost of SCRO checks and called for them to be waived across the board. Since then, we have had discussions with some of our networks, particularly the national chairs of voluntary organisations, whom we meet three or four times a year, and our Scottish volunteering policy forum.

Some across-the-board issues have emerged as a result of those discussions. The first concerns the financial aspects of police checks. Those checks cost between £5 and £10, which, given the fact that 50 per cent of Scotland's population volunteer, has huge implications. Furthermore, a recent report has shown that there are also many hidden volunteers, known as community service volunteers. As volunteering means £4.1 billion a year to the social economy, a sizeable source of income to that economy might be jeopardised by the introduction of costs.

Any discussion of costs should include not only the issue of youth work but agencies, such as drug agencies working with peer education projects,

which work with young people with a history of criminal behaviour. Those agencies might well be put off by the imposition of costs of police checks. Furthermore, we should take into account a huge tier of 2,994 supported parent-children groups—such as the Scottish Pre-School Play Association, which works with 60,000 children a year—that will be affected by the introduction of police checks and their respective costs.

Other issues about the costs of checks are the turnover of volunteers—given the fact that it is not paid work—and the organisational implications of police checks, particularly for smaller volunteer-led community-based organisations.

We must also address certain ethical issues. For example, the Human Rights Act 1998 and the Rehabilitation of Offenders Act 1974 must be examined in the light of this legislation. Furthermore, we must take account of the fact that, according to figures supplied by the APEX Trust, one in nine females in Scotland has a criminal history and one in four males up to the age of 24 has a criminal conviction. As a result, many people who might want to work with children will be affected by the legislation.

We have frequently mentioned the practical problem of organisations' current inability to access indemnity and insurance. For example, the recently leaked audit from the Metropolitan police's security inspection unit showed that, in 16 London boroughs, there was an error rate of 86 per cent in the criminal record information that was being processed. False negatives and positives in that information had huge implications for indemnity and insurance.

Work has also been done at Plymouth University, by Joanne Smith, on the need for clear guidance. A hypothetical case was circulated about a man who had a conviction of sexual assault. Six local authorities said that they would accept that person to work with children. That has implications for what is needed to help organisations to work through the legislation, and that is why Volunteer Development Scotland has been campaigning and arguing for a training unit to give clear guidance to smaller volunteer-led organisations in particular, as they will need that guidance most.

We are not in favour of retrospective checking, unless a person moving within an organisation takes on a significantly different role. On Lloyd Quinan's point about the need for legislation to be extended to vulnerable groups, we say that there is a need to define vulnerable groups and then to move to legislation in that area. We also need to define regular work. It is in the legislation, but is not defined. Police checks are only one part of the process of working out whether someone is suitable to work with children, young people and

vulnerable groups.

The Convener: Thank you. We will explore many of those points in our questions to you.

Jim Morrison (YouthLink Scotland): I represent YouthLink Scotland, the intermediary body for voluntary youth organisations. Brian Magee has dealt comprehensively with many of the issues, and I do not want to go over them all again, but I would like to add to some of his points.

YouthLink very much supports the introduction of SCRO checks, especially the enhanced criminal record certificate. That is the one level that we believe will be important to the voluntary youth sector. However, the introduction of SCRO checks is only one further mechanism that will be added to the already comprehensive child protection policies that voluntary youth organisations now have in place.

Clearly, the cost implications of SCRO checks worry us. In particular, there are nearly 80,000 volunteers in the voluntary youth work sector. Members can imagine the effect on finances: increased charges would be required in order for us to pay for SCRO checks.

For part V of the Police Act 1997 to be effective, training on its implementation is necessary and should be compulsory, and finance will require to be found.

I would also like to discuss the idea that voluntary youth organisations would prefer to make the decisions on interpreting SCRO checks, and not use an intermediary body or central registration body.

The Convener: That was a useful summary. We will explore some of those issues further.

Jim Duffy (Scout Association (Scottish Council)): I am the chief executive of the Scout Association (Scottish Council). We are affiliated to the Scout Association, which is a UK-wide organisation. The Scout Association (Scottish Council) has a specific remit, and has powers to vary UK policy for Scotland to reflect differences from the rest of the UK.

We are pleased to have the opportunity to speak to the committee; we were delighted at the debate that took place in the Parliament several months ago, which showed that there was much knowledge and interest in the voluntary sector, particularly in relation to SCRO checks for volunteers.

We welcome the possibility of additional information being made available to us. That will further strengthen our vetting procedures and the mechanisms for protecting young people from harm. We believe that the SCRO check is a welcome additional element to our vetting

procedures, but it is certainly not a replacement for those that we have in place already.

Over many years, the association has developed a fairly comprehensive adult appointment and vetting system. The system is underpinned by a confidential inquiry system, which is operated at UK level. We have highlighted in our paper our concern to ensure that the integrity of our checking system is not undermined by what we do in Scotland. It is important that access to criminal record information allows us to check UK-wide, because there is significant movement of people throughout the United Kingdom.

10:45

What are the key issues on SCRO checks? First, there is the issue of charging, which has been highlighted and which I will come back to in a minute. I want to deal with the issue of optional checks. It has been said that cost is not a major problem, because the checks are optional. It is our firm view that there is no option. Once we have the ability to get additional information, which could protect young people, through SCRO checks, we do not have a choice about whether to use the information. The need to protect young people as well as pressure from insurers mean that we would be on a hiding to nothing if we failed to use the information that was potentially available to us and a child was subsequently harmed who might otherwise have been protected. We do not believe that the idea that checks are optional has any credibility.

We estimate the cost of checks in Scotland at around £70,000 a year. The Scout Association in Scotland does about 7,000 confidential inquiries a year. There are 65,000 at UK level. The volume of demand is increasing, because the organisation is increasingly dependent on support from parents and other helpers, in addition to adult leaders, to provide the level of services required to support young people. Although the volume of uniformed volunteers has been fairly static, there has been a substantial growth in volunteering by parents and others, all of whom have to be checked, because it is our view that any adult who is in a position where they have the potential for unsupervised access to young people must be checked. We have no option.

I draw attention to our concerns about levying a charge on volunteers, or, as in our case, on organisations. We have taken a decision that if charges are levied, we will not pass them on directly to individuals, because that would be a disincentive to volunteering. The charge will have to be borne by the wider membership. The implication is that, for an increasing number of people, the costs of scouting will become too high.

We already operate an abatement scheme through which we help more than 5 per cent of members in Scotland with the cost of their membership fee. There are problems of poverty and deprivation in certain communities, which mean that the costs cannot be borne by individuals. We do not know what the overall cost of SCRO checks will be, as elements are unquantifiable at the moment, particularly the internal administrative costs.

I will not continue any further, as the other key points that we would have wanted to raise have been raised by colleagues and will come out in further discussion.

The Convener: Thank you. We will raise a number of issues in questions.

I will kick off the questions, but I will leave the issue of costs to my colleagues. I know that that is the issue uppermost in your mind. To clarify, as a matter of principle, do you accept that voluntary organisations should have access to the information that is available through SCRO checks?

Jim Duffy: Yes. As a matter of principle, we want access to any additional information that will improve protection of young people.

The Convener: And the other witnesses?

Jim Morrison: I very much back that position.

The Convener: Therefore, you agree with having access to the information as a matter of principle.

Brian Magee: Yes. It is also a matter of principle, because there should be equity with the statutory sector, which already has access.

The Convener: Before we move on to discuss your concerns, could you say a little more about your existing vetting procedures? You said that you have given time and thought to them. What are their strengths and weaknesses, and what have you learned from the process?

Jim Duffy: Our vetting procedure has various components. Scouting is divided into groups, districts and areas in Scotland, and anybody who wishes to volunteer their services would have to be interviewed by a district appointments committee or area appointments committee. Those committees are made up of volunteers. The starting point is the completion of an application form, which gives certain details of the individual. They are also required to identify two referees, and references are taken up.

In addition, we have a confidential inquiry system. For any person who wishes to offer their services to the association, a confidential inquiry is undertaken through our UK-level administration. There are two principal components to that. One is

our own records system of existing leaders and former leaders, which goes back many years. The other is a service that is based on information from newspaper clippings. That may sound a bit strange, but it works quite well because anybody who has a conviction for crimes against children would be recorded through that system. If someone applied to the association who had the same name and was the same age as a person who had committed an offence that would make them unacceptable, we would undertake further checks on that individual.

The system is as comprehensive as we can make it without having access to real criminal record information. That is a stumbling block for us. If we had access to criminal record information, it would iron out some of the difficulties that we have with the system. Although it is as comprehensive as we can make it, it still has certain inaccuracies. We still have to go back to individuals to check out the veracity of information, whereas a criminal record check would enable us to do that fairly quickly without having to enter into further discussions.

The Convener: So the weakness is lack of speed and lack of access to criminal records.

Jim Duffy: Speed is important, but lack of access to hard information about criminal convictions is the key issue. Only the enhanced criminal record certificate would provide us with the additional non-conviction information that we need. That information could help us to identify people for whom there are reasons for us to be wary of putting them in charge of young people. At present, it is difficult for us to identify clearly the nature of that information, and the matter requires further exploration.

The Convener: When you reflect on things that have gone wrong in the past, do you think that those problems could have been addressed if organisations had had access to criminal records?

Jim Duffy: Probably in a minority of cases. Let us be clear about this: criminal record information will not solve all our problems. It might help us to identify another small group of people who could potentially put young people at risk, but Thomas Hamilton, for example, would not have been identified through a criminal record check, because he had no criminal convictions. It is not a stand-alone measure. We would have to undertake criminal record checks in addition to local references, interviews and so on.

Jim Morrison: YouthLink represents 46 organisations, so it is difficult to speak for all of them. Different organisations have different procedures. The scouts have possibly the most comprehensive child protection procedures at present.

Local knowledge is vital. SCRO checks are only as good as the day that we get them—we do not get information on anything that happens afterwards. In the future, it is vital that we get as much information as possible; local information, observations and comments are extremely useful.

Brian Magee: Judith Unell's research in the 1990s showed that criminal record checking did not reduce the harm to children, because so few people who went through the system had criminal records. However, that does not detract from minimising risk by putting another plug in the hole.

Volunteer Development Scotland has a publication called "Protecting Children", which was recommended by Lord Cullen as an excellent code of practice to be used by organisations in Scotland until something better replaced it. We have been delivering training based on that publication as best we can. We have provided training to organisations such as the Scottish Rugby Union, the Church of Scotland and the Roman Catholic Church, to help them to develop their own child protection policies, including recruitment and selection procedures and so on.

The Convener: Is there anything missing from the current vetting procedures that we should be considering?

Brian Magee: We need to consider mechanisms for spreading good practice.

The Convener: We should be concentrating on the overall standards.

Brian Magee: We need to put those in place. That is the major gap in the current provision. Legislation is useful, but what is important is ensuring that people understand how to use it. It is good practice that will minimise the risk to children, rather than police checks.

The Convener: What made things go wrong in the past? Was it a matter of organisations having different patches or was it to do with the legislation?

Brian Magee: It was about organisations not being up to speed, or knowing what to look for, how to select or interview people, or how to check their suitability. Organisations did not know how to manage individuals and provide appropriate support. They needed to build a culture of openness so that volunteers, paid staff, children and young people could be part of their own protection measures. Those were the big mistakes that were made in the cases that have been examined in detail.

The Convener: Thank you—that is very helpful.

Jim Duffy: One of the key deficiencies has been the inability of organisations to share information with one another. We all have our own record

systems and hold information about people who we believe are unsuitable to work with young people. However, there is no clear mechanism whereby we can legally share that information with other organisations. That is a failing.

Robert Brown: You mentioned Lord Cullen's report in relation to good practice and so on. Is there a case for the Scottish Executive to develop a more widespread and revised code of practice?

Brian Magee: The Deputy Minister for Community Care has asked several members of the part V voluntary issues review group to examine the training needs of organisations, specifically in relation to part V of the Police Act 1997. A bigger issue should be considered—child protection. Some tentative work on training needs analysis is under way.

Robert Brown: There are three requirements. The central issue is child protection, but there is also the issue of the protection of organisations and the human rights issue surrounding the protection of information. Does good practice currently provide protection of the information that is shared so that there are no leaks of confidential information? As you are dealing with localised groups, there might be problems with gossip and so on. Is that an issue?

Brian Magee: The Scottish Office produced guidance in 1989 on how to apply and use information obtained from the Scottish Criminal Record Office. That was well written and I hope that that will be carried over to the new guidance. Jim Duffy might want to comment on that.

Jim Duffy: As I said earlier, we hold information and I would like to think that it is not being leaked. That is a strength for individuals, but it is a weakness when it comes to preventing people who have been barred by one organisation from simply going to another that may have a weaker system. There is a clear need for much more support in the development and operation of vetting and child protection procedures. YouthLink has been doing some work in that area. Jim may want to say something about that.

11:00

Jim Morrison: YouthLink has set up a committee, made up of all the volunteer organisations, on child protection. One of the first things we are doing is a survey of every organisation's child protection policies. We are concerned that some small organisations may not have moved. By doing the survey, we will be able to see whether organisations have a child protection policy, whether they have implemented it, what the problems have been and whether they have done any training.

We believe that training is the key to many of the issues relating to child protection. Once we have done the survey, we will be able to say where we stand. The kind of co-operation that Jim Duffy has spoken about, involving the sharing of information, is possible through the committee that we have established, as most of the volunteer organisations are represented on it. I think that we can move forward, sharing information and good practice.

Robert Brown: Are legislative or practical changes necessary to allow you to exchange information, without that leading to problems? Earlier, you said that you are not keen on the criminal checks system being introduced retrospectively. At first glance, that seems to contradict the other steps that you are taking and to reduce the protection that may be available. Is this a question of resources, or could such checks be introduced over time? If you do not have them, there would appear to be a gap in the system.

Brian Magee: The project leader in SCRO, who is putting in place the provisions in part V of the 1997 act, has advised the part V review group that the system would crash if retrospective checking were introduced. We also have to consider the implications of retrospective checking, given that it would allow evidence of criminal convictions to be unearthed not just for volunteers, but for paid staff. What would that mean in terms of employment legislation, and what would be done with the information? For those reasons, organisations will be advised that it is good practice not to carry out retrospective checks, although under the legislation they will not be prevented from doing so.

Jim Duffy: We would not favour undertaking retrospective checking immediately, because of the capacity constraints on the system. However, we feel that over time all the people who are currently with the system, as they move to different appointments in our organisation, will be checked. We are not ignoring those who are currently in post.

Karen Whitefield: I would be interested to know whether the organisations represented here today believe that they will be required to implement SCRO checks even though they will not be compulsory. Do you feel that there will be pressure on you to do that from members of the general public who use the services of voluntary organisations?

Jim Duffy: There will be pressure from two sources. I have already alluded to pressure that will be brought to bear on us by our insurers, who will require us to undertake the checks that are available to us. There will also be pressure from parents and the wider community. Some people suggest that checking parents may involve an

infringement of civil liberties, but in 99.99 per cent of cases parents tell us that they are pleased that we are checking them with the means that we have, as it reassures them that our organisation is looking after young people. If it becomes clear that SCRO information is available to us, we will be under pressure from parents and others to use it.

Jim Morrison: I support what Jim Duffy has just said. I do not think that the checks are optional; we will have to do them, as there will be pressure on us. One of the problems will be deciding whom to check, as voluntary youth work in Scotland is supported by a range of helpers. The range of people who need to be checked must be clarified.

Brian Magee: If the definition of regular work that is arrived at turns out to be similar to the 1989 guidance on what constitutes substantial access—and we are hoping that it will not be too different—the liability for not checking where there is contact with children will fall to the organisations. The review group hopes to call in the insurers for a meeting once it is surer of its position so that it can inform them that police checks are required not when there is any contact with children, but when there is regular, work-type contact. We hope to arrive at a narrower definition of contact than that which is currently in the public mind.

Karen Whitefield: There are different levels of checks. This morning, some of you have referred to the enhanced checks. Are those the checks that will be carried out in the vast majority of cases? Are they the checks that you are suggesting are necessary, because they are the only checks that will provide you with sufficient evidence to make a real difference?

Brian Magee: These checks, which contain information on non-conviction history and other criminal activities at local level, are countersigned by the organisation with the applicant. Both the applicant and the would-be volunteer or paid member of staff receive a record of the check. That is the most useful sort of check for voluntary organisations.

Karen Whitefield: This morning, the scouts have said that they estimate the cost of SCRO checks for them at £70,000. I would be interested to know what your annual budget is and what percentage of your annual budget £70,000 would constitute. Have any other organisations estimated the cost of implementation of SCRO checks? The scouts have also said that they believe that they would have to reimburse volunteers for the cost of checks. Is that the feeling in other organisations that are represented here this morning?

Brian Magee: In the next couple of months, work will be carried out by a consultancy firm called Accent Marketing and Research, which was commissioned by the Scottish Executive to answer

the questions that you are asking. It will be a wide-ranging survey of the extent to which these checks are needed and provide the preliminary, baseline information that is needed to start to cost checks.

Jim Duffy: Without having the exact figures to hand, I would estimate that the £70,000 to which Karen Whitefield referred represents approximately 30 per cent of our operating income in Scotland. Last year the administration grant that we received from the Scottish Executive education department was £30,900. The cost of SCRO is getting close to twice the level of the support that we receive from the Scottish Executive.

Isabel Bryce (Volunteer Development Scotland): We are hopeful that the costs may be waived and that there will be a change by December. Our sister organisation in London, the National Centre for Volunteering, has recommended that all voluntary organisations should include the increased costs for volunteer police checks in their budget for next year. That will have a significant impact on voluntary sector funding.

Karen Whitefield: Is YouthLink aware of whether its member organisations intend to charge the volunteers or whether they will attempt to reimburse the costs? What is your understanding of the position generally?

Jim Morrison: We have not carried out a survey of our members on that, but the consensus is that organisations would not want to charge individuals. It is hard to recruit volunteers, so the costs might fall to the voluntary organisations.

Karen Whitefield: You referred to those who would need to have checks done. Many voluntary organisations have people who help them out occasionally and volunteers who are with them throughout the year. Others have parent helpers who help with trips. People come from other countries to take part in activities with the scouts. Who would you recommend should be considered for checks?

Jim Duffy: Our policy is—as I have said—that any adult who might have unsupervised access to young people must be checked. It is difficult to define “regular”. Overseas visits have been mentioned. On such visits, some people offer home hospitality. Such a visit might be for a week or a fortnight. We need to ask whether that requires individuals to be checked. A coach driver might be away with a party of youngsters for a week or a fortnight. That driver might do such a trip only once. Does that person lie outside the requirement to be checked because their contact with the young people is not regular? It is extremely difficult to define “regular” in a way that is appropriate to the requirements of safeguarding young people.

Brian Magee: The review group is examining the probation period. That might cover one-off contact. In terms of protecting children, risks can be minimised by reducing adults’ one-to-one access to children. Good practice can be used to minimise risk without putting everybody through police checks.

Karen Whitefield: This will be my final question. What do the witnesses think should be implemented along with SCRO checks to ensure that vulnerable children and adults are protected and that all possible safeguards are used to ensure that the interface with voluntary organisations is safe?

Brian Magee: SCRO checks must be backed up by solid training, advice and information.

Jim Duffy: I agree.

Jim Morrison: Yes, I agree.

Mr Quinan: Brian Magee mentioned omissions and inaccuracies in the criminal records system. That poses enormous problems, because people who should not be excluded will be and vice versa. Charging voluntary organisations for checks is not a positive way forward, but if that happened, would it not open up the possibility of voluntary organisations being able to take legal action against the Scottish Criminal Record Office on the basis that it had provided inaccurate information? We could find ourselves in a rolling programme that could cause great confusion and increase massively the outlay of voluntary organisations and the budgetary requirements of the Scottish Criminal Record Office.

Brian Magee: There might be legal cases in which SCRO was being sued by organisations that were supplied with false information. Equally, organisations might be sued by individual volunteers. As members will know, litigation can be directed wherever one chooses.

11:15

Mr Quinan: Non-conviction information could cause problems, but we are talking about SCRO checks as opposed to UK criminal records checks. Any offences that were committed in Northern Ireland, the Isle of Man, the Channel Islands, England or Wales are unlikely to be reported. Organisations would, for the reasons that you have outlined, comply with SCRO although that was not a statutory requirement, but might still find themselves the subject of litigation because of a lack of information.

Brian Magee: If George Clelland from SCRO were here he would say that the non-conviction information that can be supplied is accurate.

In terms of links with other databases in the UK

and elsewhere—Interpol, for example—if an address triggers and warrants a search, those other databases will be accessed. That will depend on the supplier of the information giving the address in the first place.

Mr Quinan: Are you saying that such a system will stand or fall depending on the quality of the information that is available?

Brian Magee: Yes.

Mr Quinan: I would like to ask all the organisations what level of confidence they have that the present structure provides accurate information.

Brian Magee: There are occasions on which people are engaged as volunteers when their identity is not checked through a driver's licence or any other means. We need to work on that and improve it and this meeting is helping us to move that agenda forward.

Jim Morrison: I would back that up. Organisations are anxious to get volunteers, especially in remote and rural areas, and they are glad to take on people who move in to those areas and offer their services as volunteers. That is cause for concern, because those people are taken on without any kind of check being done on them. We must examine that.

Jim Duffy: We would not be confident about the SCRO being a stand-alone system for vetting. It must be part of a series of measures involving local information and SCRO information. We would not be confident about using the SCRO as a replacement for what we already have.

Mr Quinan: On a number of occasions you have mentioned regular work. It seems that there are two words in particular—"unsuitable" and "regular"—that require clear definition. Between organisations, is the definition of "unsuitable" a movable feast? When do you expect us to have clear definitions of those words?

Brian Magee: The University of Plymouth's research showed that different bodies do not share a view on what is relevant in terms of the types of convictions that affect the suitability of volunteers. We must examine what burglary, shoplifting and so on mean in terms of an individual who wants to work with children and vulnerable groups. Training will be crucial in helping management committees to make decisions about suitability.

Mr Quinan: I worked on a voluntary project in Northern Ireland in which a large number of the volunteers were convicted criminals, including what some people might call terrorists. The project dealt with young joyriders, some of whom had long lists of convictions for car theft. I would venture to suggest that, by any normal definition, none of

those people would have been acceptable volunteers, but they were the only people who could properly run that organisation and the project.

Brian Magee: That is balanced by the fact that for some people volunteering is a route back in to society and their community and it provides rehabilitation.

The Convener: We will hear questions from Bill Aitken and Mike Watson.

Bill Aitken (Glasgow) (Con): My question has been answered.

Mike Watson: One of my questions has also been answered. I would like to ask about costs. I was surprised by the percentage that Mr Duffy mentioned in respect of the Scout Association and the figure of £70,000. Does £70,000 represent 30 per cent of your annual expenditure?

Jim Duffy: No—of our retained funds in Scotland. We levy a membership fee on our members and a proportion of that is paid over to UK headquarters for central services. There is a retained element for the Scottish headquarters operation; £70,000 could represent up to 30 per cent of the retained element.

Mike Watson: In respect of the Scout Association—I visited a scout troop in my constituency recently, so it is in the forefront of my mind—if you had to increase membership fees by 70 per cent, would that involve individual scouts, or would it involve organisations paying annual membership fees?

Jim Duffy: The membership fee falls on all youth and adult members.

Mike Watson: So that would have a direct impact.

Jim Duffy: Can I clarify that I am talking about the headquarters operation. We support 783 independent scout groups, which are charities in their own right. In addition to that, there are 31 areas and 127 districts, which are also charities in their own right. I am talking about the headquarters operation, not the total cost of scouting in Scotland.

Mike Watson: Can I ask each of the organisations whether they have a cost figure for the current checks? I assume that the other two witnesses would confirm Mr Duffy's comments that the SCRO check should be additional to the existing checks—you would not be able to relax the checks that you do already, so there would not be a saving that you could offset against the new cost.

Brian Magee: I have figures from the Scottish Pre-School Play Association. If it has 60,000 volunteers and even half have contact with

children, that would be 30,000 times £10. If the check is not applied retrospectively, only new entrants would involve a cost. Most of those groups do not have a budget, so where would they find the money?

Mike Watson: What is the current cost of the checks that you undertake? What proportion of your overall turnover does it represent?

Brian Magee: Checking tends to be part of an organisation's recruitment and selection procedures. I do not think that there is a separate costing at the moment, because it is not an external costing. You begin with the advert and then set up interview panels and gather references. There are time costs such as those, but I do not think they have been financially costed—there are time implications but not external charges.

Mike Watson: Robert Brown mentioned this point. You all feel that the enhanced category 3 information would be the most beneficial. Brian Magee mentioned what he called the false negatives and false positives; in other words, inaccurate information. In reply to a question from Lloyd Quinan, he said that the non-criminal information would be factual. There seems to be even less likelihood of that being strictly factual than the criminal conviction information. That has civil liberties implications.

Brian Magee: When I said factual, I meant that it would not be at the level of allegation or rumour. It would be something that the police would ensure existed—it would be their job to do that. It would be a police decision whether it was accurate non-conviction information.

Mike Watson: With all due respect to the police, they may give you information that they believe to be factual, but which may not be so. Do the civil liberties aspects give you cause for concern—you could receive anecdotal information or personal impressions of people?

Brian Magee: We have asked the overall question about the Human Rights Act 1998 applying to this piece of legislation—I hope that someone in a legal department somewhere is checking it.

The Convener: So do we.

Jim Duffy: I can give accurate costings for our organisation at a UK level. The administration of our vetting system, which is reckoned to be the most comprehensive in the voluntary sector, costs us £100,000 a year. With the addition of criminal record information and criminal record checks, that cost will go up to £750,000 a year and will be pro rata in Scotland.

Mike Watson: So there will be a sevenfold increase.

Mr McAllion: Points have been raised about non-conviction information in enhanced certificates. Someone may lodge a complaint against an adult and the police may investigate it but decide that there is not sufficient evidence to convict. Is that the kind of factual information you are talking about?

Brian Magee: Yes.

Mr McAllion: So something that would not stand up in court is information that could be used against an individual. It is written into the Scotland Act 1998 that everything that this Parliament does is subject to the European convention on human rights. There is no way that that kind of information would sustain a challenge to the European Court of Human Rights.

Brian Magee: This is 1997 legislation, which predates the Human Rights Act 1998, so that is to be tested.

Mr McAllion: If an individual felt that they were barred from volunteering because of non-conviction information, they would have every right to go to the European Court of Human Rights and, in all likelihood, their rights would be upheld.

Brian Magee: We could have a test case.

Mr McAllion: Would it not be useful to drop that part of the enhanced certificate?

Brian Magee: It then comes back to what Jim Duffy said.

Jim Duffy: You would end up with a criminal conviction certificate rather than an enhanced certificate, because the only information that it would contain would be spent and unspent convictions. This supplementary information is the difference between the second level check, which is the criminal conviction certificate, and the enhanced criminal record.

Mr McAllion: The supplementary information may interfere with people's human rights. People will always argue about the balance between protecting children and protecting volunteers from malicious and unfounded complaints. There will be volunteers who are guilty—but you cannot prove it—and innocent volunteers who are barred from working for you because of this enhanced certificate.

Jim Duffy: It is our understanding that information would be passed over to organisations only on the approval of the individual who has been checked. I may be wrong, but my understanding is that the person would have to be given the opportunity to confirm that the information was accurate before it was passed on to a third party.

Mr McAllion: So a volunteer has the choice to say, "I am not prepared to submit an enhanced

criminal record certificate," in which case they would not be employed?

Jim Duffy: The individual would have to give authority for information to be passed over.

Mr McAllion: Yes, but they would have to hand that information over or they would not be allowed to volunteer; so it is not a choice. The choice would be to work with children or not.

Jim Duffy: My concern is primarily about volunteers, which in our case is the vast majority—7,500 people as opposed to 13 paid staff. We might take a different view in relation to employed staff. We would want access to any information that we could legally get.

Mr McAllion: Can information legally be used against a person if it is unsupported by corroborative evidence? That is what we are asking. What is the use of those certificates? Anybody could make an allegation against someone to stop them volunteering.

Brian Magee: The information is not at the level of allegation; it would be corroborated.

Mr McAllion: If it were corroborated by evidence, the police would have charged them and the case would have gone to court. Charges are not brought because there is insufficient evidence to support the allegation.

Brian Magee: People can be charged and not convicted, so charges would be included.

Mr McAllion: Would a case in which the police dropped charges because there was insufficient evidence to support it not be used?

Brian Magee: I think it could be included.

Mr Quinan: Correct me if I am wrong. Would the non-conviction information be when someone has been charged by the police but either the Crown Prosecution Service or the procurator fiscal's office has chosen not to proceed with the case?

Brian Magee: That could be one kind of non-conviction information.

Mr Quinan: Would it include access to the criminal intelligence files held by the police, which—for want of a better description—are at least suspect for accuracy?

Mr McAllion: Even more worrying, I probably have a file of my own on that one.

Mr Quinan: I think we both have, John.

The Convener: Steady on. We are getting carried away here.

Brian Magee: That is why it is so important that at the other end of the system, when that kind of information comes back, there is somebody who is expert enough to be able to interpret its relevance

and its weight. You are questioning legislation that was passed at Westminster in 1997.

Mr McAllion: Its being passed at Westminster does not mean that it is appropriate.

The Metropolitan police are obviously very inefficient and their checks cannot be trusted. Are we saying that Tayside, Strathclyde, and Lothian and Borders police forces are all so much superior to the Metropolitan police that they can be trusted? Do huge implications for expenditure not arise from bringing the police up to speed and making available this kind of information, which affects people's lives?

11:30

Brian Magee: I can only promise that I will take those observations back to the review group.

The Convener: I think that we might raise one or two issues as a result of this discussion.

Mike Watson: Currently, when you check on somebody who offers themselves to a voluntary organisation and find that they are not suitable, do you give them details of why they are not suitable?

Brian Magee: The advice for good practice is that anyone who offers their time should be shown consideration because that is important to them. We could seek some other opportunity for which they would be suited.

Generally speaking, good practice would not be just to tell people that they cannot volunteer because they are not suitable, although we do not operate a non-rejection policy—only Community Service Volunteers operates that policy. It is important to help people find roles for which they are suited. It will be the job of the local volunteering agency network, which is about to be sewn up this year so that there is an agency in each local authority area, to implement good practice. I do not say that good practice is followed across the board.

Alex Neil: I will ask a few specific questions that arise from recent answers. You mentioned that the information would be made available to your organisation only if the individual concerned agreed to make it available. If the individual, for their own reasons, decided not to make the information available to you, would you automatically debar that person as a volunteer?

Jim Duffy: It is difficult to respond to that question as it is hypothetical and we do not know how the system will work. There has been much discussion about mechanisms that could be employed, but we do not yet have a definitive picture. We do not have access to the type of information that it is suggested might be available through the enhanced criminal record certificate,

so we have no way of judging whether it is sound to make a decision on someone without that information if they refuse to give it. As we do not have that information, we have to make judgments on the basis of our current procedures.

I think that appointments committees would be concerned if somebody refused to provide information, as that would inevitably raise the concern that there was something to hide—whether or not we feel that that is right. We are talking about information being handled and decisions being taken by volunteers. We are getting into an area in which I know there are concerns about civil liberties. Much work still needs to be done, both by the review group and by the user group that has been established to consider the mechanisms for getting access to SCRO.

Alex Neil: I will ask about the category of conviction. Would someone who had been convicted of dangerous or reckless driving automatically be debarred from working with children?

Jim Duffy: I think that that would depend on the circumstances in which they were going to operate. This relates to Lloyd Quinan's question about how we define suitability. I think Brian Magee has said that there must be much more discussion on how we define suitability. If a voluntary organisation were seeking a volunteer driver, I would suspect that someone who had a string of convictions for motoring offences would be unsuitable.

Alex Neil: So you would decide on individual cases.

Jim Duffy: The decision would be tempered according to the position for which the person was applying.

Alex Neil: What about spent convictions? I am not a lawyer, but I think that convictions are considered to be spent after 10 years. If a person in their 40s or 50s, who has reared a family and so on, volunteers some of their spare time to your organisation, but had committed an offence in their 20s, how would you tackle that situation?

Brian Magee: I think that we would consider what had happened in the intervening period, how that person's life had moved on and whether it had replicated what had happened earlier. Somebody could have got upset because there was a long queue to get into the dome on the opening night and been convicted of something, but it might have been a flash in the pan. All that would have to be taken into consideration.

Alex Neil: You would take that into consideration.

Jim Duffy: It is fair to say that there is a concern

among some volunteers who are in that position; people who were convicted a long time ago for something that is quite irrelevant to the volunteer position that they hold at the moment. Some people have raised concerns about the vulnerability that they feel as a result of people in their community getting access to information about their past. Part V of the 1997 act allows for information to be made available to voluntary organisations. The point that I made earlier was that we do not feel that we have a choice in this matter. Once that information is available to us, we have to use it. It is not for me to make any further judgments.

Alex Neil: Do you build safeguards into your procedure so that if, for example, you get access to information that someone was convicted for punching someone in a disco queue 20 or 30 years ago, that information does not become general knowledge, whether you take that person on or not?

Jim Duffy: It is clear that we will have to do that. Jim Morrison and Brian Magee both said that there will need to be considerable investment in training people in the voluntary sector to handle, interpret and use information wisely.

Alex Neil: I have two more questions. Your response to Robert Brown's point about retrospective checks is understandable. If you had reason to suspect someone who has been working as an employee or a volunteer for your organisation for one or two years, or longer, would you undertake a retrospective check?

Brian Magee: We would need to examine our equal opportunities policy to ensure that such a check did not infringe it. One might have to take other measures.

Alex Neil: So retrospective checks would be out of the question?

Brian Magee: A change in someone's access to children would warrant a retrospective check. That could be applied across the board and would be a much more measured equal opportunities-based approach.

Alex Neil: I will not pursue that as you have given the gist of your policy.

Finally, we have had information on the scale of the costs in relation to total income. Can you briefly give us an indication of the scale of the problem? How many incidents are there annually across Scotland—in the scouts, for example—in which people are asked to leave, or people who apply to volunteer are turned down? How many people do you recruit as volunteers or employees, and how many of them are turned down? How many employees and volunteers are asked to leave your service because of unusual or

potentially criminal behaviour?

Jim Duffy: We undertake about 7,000 checks, which represents the number of people who apply to have a volunteer involvement in the organisation each year.

I want to correct an earlier figure, having reconsidered our figures. The SCRO cost is nearer to 25 per cent than 30 per cent, but it is still a substantial figure.

Alex Neil: Of the 7,000, how many would—

Jim Duffy: I cannot give you that information at this stage. It would be fair to say that it is relatively few, but that is not to play down our duty of care for young people and the requirement for us to carry out the checks that are available to us.

Alex Neil: As a follow-up, could you indicate to us in writing the scale of the problem, not only for the Scout Association but for other organisations? We are potentially using a sledgehammer to crack a nut.

The Convener: That information would be interesting for the committee.

Brian Magee: The researchers have Judith Unell's report, which describes the situation throughout the UK.

Alex Neil: It is the Scottish figures that we are interested in.

The Convener: And some of the individual organisations. We need to pursue that, but we are running out of time.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): This morning's evidence has been very interesting. The issue is the protection of children and vulnerable young people. The evidence has shown that the voluntary sector takes the matter seriously. I was interested in what was said about the benefit to be had from groups sharing information. That would save time and money for organisations in the voluntary sector. Has the idea been discussed in the review group? What key issues has that group discussed, and is there a deadline for its report?

Brian Magee: When the legislation is implemented, information could be shared—for instance, if someone moves to another organisation—through accessing SCRO. In the case of Thomas Hamilton, access to SCRO was not possible and each new organisation received no information from police records. He did not have any convictions anyway. Jim Duffy is an authority within the Scout Association, and can tell you about the problems that that organisation had with Thomas Hamilton. The sharing of information may have decreased as a result of the increased accessibility of SCRO.

Jim Duffy: The problem is that we are covered by the Data Protection Act 1998 and cannot disclose information of a certain nature to anybody else. SCRO is now the main mechanism whereby people can get access to a common archive of information. In the past, it has been suggested that there should be some sort of central registration body for volunteers. That would take things on to a completely different scale from that which we are discussing.

Brian Magee: There may be a totally new discussion on the index for unsuitable adults, which will provide that register. That is in the making, in terms of Scottish legislation, and you may want to call us back to examine that.

The Convener: Yes, we want to address that.

Cathie Craigie: What about the timetable for the review group? We are discussing the matter today because of the cost implications for the voluntary sector. Not many people in the committee would support the levelling of that cost at the volunteer or the cash-strapped organisations. December 2000 is looming. What is the deadline for the review group's report?

Brian Magee: The review group has one more scheduled meeting in May, and might have to schedule other meetings depending on the date of the implementation deadline. Our briefing paper indicates that in England the implementation date has been shifted to July 2001. If we go ahead with the implementation in December 2000, primary legislation will be necessary to prevent access to SCRO from south of the border.

There is not much time for any of us to make recommendations about cost or anything else to do with this piece of legislation if the deadline is December 2000. If this committee can do anything to support what we have been saying, particularly on the issue of waiving the costs, that would make us happy.

Fiona Hyslop: I note the point that you make in the second paragraph of your written evidence about the timetable. As implementation in England has been postponed until July 2001 by the Home Office, do you think that it is reasonable similarly to delay implementation in Scotland, bearing in mind our concerns over the costs? Would your organisations support that?

11:45

Brian Magee: That depends on the readiness of SCRO to deliver. The statutory and voluntary guidance needs to be in place, and the training must be set up in advance of the implementation of the legislation. Additionally, access from other quarters would have to be blocked. If those elements were in place, we would have no

opposition to that deadline.

Fiona Hyslop: The December deadline or the July deadline?

Brian Magee: The December deadline.

Fiona Hyslop: What about the other organisations?

Jim Morrison: I would agree with that.

Jim Duffy: We would have to go along with that, but it would cause us significant financial difficulties, as we have not budgeted for SCRO costs in the current financial year.

The Convener: I shall draw matters to a conclusion. Your evidence was so interesting that we have run well over time.

Mr Quinan: I would like to correct an inaccuracy in what I said earlier about a statement that was made by the Executive in August. The statement was not made in August, but in October.

The Convener: Well, there you are. Thank you for that information.

Thank you for your interesting written and verbal evidence. We will take a couple of minutes to reflect on it and decide how we will pursue matters. I dare say that we will be in touch with you again on this and other matters.

I will just keep ploughing on. We are well over time, folks, but let us reflect on the evidence for a couple of minutes, as a lot of issues have emerged that we must reconsider.

Karen Whitefield: We have good evidence of the implications of SCRO checks for the voluntary sector—not just for uniformed organisations, but for the many organisations that deal with children and vulnerable groups. We need to reconsider the matter. We also need to feed in to the minister the views of the committee, based on the evidence that we have heard this morning.

Mr Quinan: We all thought that this evidence would deal primarily with cost implications, but what has emerged from it is concern over the potential creation of havoc in the voluntary sector in many ways—not just through costs. In some ways, the immediate cost of the checks is the least of the problems. Tightening up the structures and arriving at definitions that will prevent 10 years of litigation will pose greater difficulties.

The Convener: Should I write to the minister, saying that we have heard this evidence and highlighting our concerns over human rights, definitions and costs? Should I also ask for a response, and for the minister to pass on to the committee detailed information about the work of the review group?

Members: Yes.

Mr McAllion: Would that come through the communities budget, or through the justice and home affairs budget?

The Convener: I understand that Angus MacKay appointed Jackie Baillie as convener of the group. Is that right?

Robert Brown: Was not the convener appointed by Jim Wallace? Two committees were involved.

Alex Neil: Angus MacKay suggested that we also write to the Justice and Home Affairs Committee, enclosing a copy of the evidence that we have received. There are implications here that have not been properly thought through.

Mr McAllion: We should check out the European convention on human rights.

The Convener: I will write a substantial letter to Jackie Baillie, on behalf of the committee, highlighting our concerns. I will also write to the Justice and Home Affairs Committee.

Mr Quinan: When we first discussed the matter in Parliament, it was within the justice remit.

The Convener: I understand that it was passed over to the voluntary sector remit and that Jackie Baillie was asked to convene the group.

Mr Quinan: Can we find out what our relationship is with the Justice and Home Affairs Committee? Whatever happens, it will be the justice committee that will put this into train.

The Convener: I will check that out and get back to you. I am not avoiding your question; it is just that we are so short of time that we have to rush a little. We are 35 minutes over time, and we still have the budget to consider.

Drug Inquiry

The Convener: The next item on the agenda is the logistics of our inquiry into drug misuse and deprived communities. This is an update on our on-going discussions. After discussion with our adviser, we have outlined a schedule for visits and a methodology for taking evidence. There are a few rough edges that we have to tidy up—if that is what you do with edges. For example, we have to ensure that we take evidence properly and that we use the *Official Report*. I am confident that we can tidy things up, after which we will come back to the committee.

Mr McAllion: How do we decide who should go to Dublin or Grampian? Do we draw lots?

The Convener: I do not know.

Mr McAllion: Because I am for Dublin.

The Convener: Okay—bids for Dublin now please.

Are there any specific points that members would like to raise?

Mike Watson: I would like to ask about the proposed visit on 8 May, when half of the committee will go to Edinburgh and the other half to Glasgow. As the convener knows, the social work department in Glasgow manages 12 drug addiction projects. We should visit the department and meet Iona Colvin, who is the principal officer on addictions. It may also be valuable to visit one of the projects. I know about the one in Castlemilk because it is in my constituency.

The Convener: I will ensure that those points are incorporated in our programme.

Robert Brown: From the papers that we have, I see that we expect to receive more than 80 written responses, which is a hell of a lot. Will the Scottish Parliament information centre do any kind of analysis of those responses on our behalf?

The Convener: Mary Dinsdale is working very hard on this. Mary is making a summary of responses and will produce a briefing for us by 26 April. I have asked that especially interesting information be selected and brought to our attention.

Alex Neil: I will leave aside the controversial issue of who is going to Dublin, but should individual members advise Martin Verity of the visits that they would like to go on? If there is an imbalance, we can resolve it in committee.

The Convener: Yes, I was going to suggest that. If we feel that there is an imbalance for reasons of geography, party or interests, we could discuss that and perhaps swap some people

around. When members make their requests to Martin Verity, things may resolve themselves naturally and we may not have to worry about swaps.

Alex Neil: My second point is perhaps slightly more controversial, but I feel that it is relevant. In recent days, there have been clear indications from the Prime Minister, and others at UK level, of a change in thinking on certain aspects of drug policy. That may impact on any recommendations that we make. *[Interruption.]*

Mike Watson: Oops.

Alex Neil: You see? I knew it was controversial.

The Convener: Yes, Mike is obviously a little anxious about this.

Mike Watson: You always move me, Alex.

Alex Neil: It is usually the beans you spill, Mike, not the water.

I think that we need to hear from someone at UK level, for example, an official or a junior minister from the Home Office. I do not want to make this into a controversial political issue, and I certainly do not want to make it unnecessarily confrontational or party political. However, given that a change in thinking has been indicated, we should take that into account, and try to find out exactly what the change has been.

The Convener: I have always made it clear that I do not want us to get lost in issues such as the legalisation of certain drugs, because that would make us lose focus. I do not want to get sidetracked. Would it be a good idea for us to write to seek clarification on any changes in thinking?

Alex Neil: Yes.

The Convener: Depending on the answer, we could fit any such changes into the context of our inquiry. If there has been a change, we certainly need to know.

Mr McAllion: They will definitely write back to say that there has been no change in policy.

Mr Quinan: I would like to ask people's opinion on a slightly different issue. Our adviser, Dr Laurence Gruer, is considered one of the leading experts in the field, and he clearly is. Consequently, when incidents occur, Laurence is asked for his comments by the newspapers. He was quoted in a number of papers at the weekend. Should we say to Laurence that, yes, he should continue to offer his comments as he has done over many years, but that he should make it clear to reporters that they should make no reference to the fact that he is advising this committee? One of the papers mentioned that he was our adviser. I do not want to make a big deal of this, but when Laurence gives his views, they could be regarded

as being the views of this committee.

The Convener: I take your point. I will seek clarification on the issue and bring it to Laurence's attention.

Fiona Hyslop: Our taking of oral evidence will start with officials from the Executive and will continue in May. When will we be told of the people that it is recommended that we take evidence from?

The Convener: I am glad that you have raised that point. The clerks have asked us to remit the taking of evidence from the people who were supposed to be coming on 10 May. We want to sift through written evidence and material first, and then e-mail people over the recess so that we can get them booked in.

Martin Verity (Clerk Team Leader): We will be going through all the written evidence and, on the basis of that, we will recommend to the committee the people to call to give oral evidence. However, if we are doing that on 26 April, it does not leave much time to call the first witnesses to the first oral evidence session on 10 May. It is probably reasonable to assume that there will be some particular organisations from which the committee will want to hear evidence. The clerks are suggesting that the committee should remit to the convener the decision on who to call to give evidence at the first session on 10 May. The other witnesses would then be allocated a session on the basis of the summary of written evidence.

Fiona Hyslop: I am quite happy with that, as long as one or two members of the committee are consulted.

The Convener: There is no problem about consulting.

Fiona Hyslop: What are the criteria for judging which witnesses are appropriate? It is unfortunate that Keith Raffan is not here, but we should know by now the sort of evidence that we want to take.

The Convener: There will be different sorts of evidence that we will want to take, as happened with our housing inquiry. I think that the people who would come here would be officers and policy makers, and perhaps deliverers of services. The people who are experiencing the problem directly—the families, the individuals, people from the communities—would be outside.

There is a clear distinction. The evidence that we get in here will be the result of thorough and probing questioning; the evidence that we get outside will be more the result of listening and of gathering information. We will take evidence based on the objectives of our inquiry. We will want to consider new strategies involving through-care and follow-up, and to consider what assistance communities need. In here, we will

consider professional models and policies, and the way in which they are funded and are accountable; out there, we will listen to experience.

I think it would be appropriate to hear from some of the national organisations such as Scotland Against Drugs and the Scottish Drugs Forum. We could both visit them and have them visit us.

Mike Watson: Is what we will do on those dates set in stone? Has anything been set in motion on arranging the visits? I make no secret of the fact that I will not be able to be there, in particular on 8 May, because I have a long-standing commitment to speak at a conference on that date. I understand that such clashes are bound to happen, but if it were possible to reverse the visits on 8 and 22 May, I would appreciate that.

12:00

The Convener: Does anyone have similar points to flag up?

Alex Neil: Perhaps now is the time to raise the matter of what will happen when the Parliament meets in Glasgow. Am I right in saying that there will be no committee meetings on the Wednesday mornings?

Mike Watson: I think that the implication is that the Parliament will meet in the mornings.

Alex Neil: But from the point of view of our committee meetings during that two or three-week period when the Parliament is in Glasgow, which I think includes the week beginning 8 May—

Mike Watson: No. It is the weeks beginning 15 and 22 May.

The Convener: I have asked the clerk to incorporate that information into our programme.

Alex Neil: As we are on the subject anyway, what will happen about our committee meetings while the Parliament is sitting in Glasgow?

Mike Watson: The times will change.

Martin Verity: The conveners liaison group has discussed the committee timetable for that period. I understand that the committees will continue to meet in Edinburgh while the Parliament is meeting in Glasgow, and that will have an impact on the timetable. There may be a difficulty with Monday 15 May; that session may be changed to Tuesday 16 May.

The Convener: Is that date for a visit?

Martin Verity: No, for a meeting of the committee.

The Convener: But that would not prohibit us from making a visit on Monday?

Martin Verity: No. The visits are a separate matter.

Mike Watson: I am not sure what Martin is saying. Why would 15 May be affected? That is a Monday. I know from my position on the Finance Committee that the three committee sessions of Tuesday morning, Tuesday afternoon and Wednesday morning will all be concertinaed into Tuesday—there will be morning, lunchtime and afternoon meetings. Presumably, we will get one of those Tuesday slots.

The Convener: Yes.

Alex Neil: We should not get mixed up on this. As I understand it, the Monday meetings are additional.

The Convener: Apart from 15 May.

Alex Neil: Is that not an additional meeting as well?

Mike Watson: That is what I meant. I do not understand why 15 May creates a problem.

The Convener: Monday 15 May is on our programme as an oral evidence session.

Martin Verity: That can be shifted to 16 May.

Mike Watson: Perhaps I am missing something, but why is a Monday meeting affected by the fact that the Parliament is meeting in Glasgow that week?

Fiona Hyslop: We have not had confirmation that we will not meet, for example, on Wednesday 17 May in the morning because we will be in Glasgow. Clarification of basic information such as that would be helpful.

Alex Neil: Can we also have clarification that we are not meeting on 16 May in Edinburgh? In other words, is the meeting on 15 May an additional meeting on a Monday, which would have happened anyway, or is it a substitute for what would have been the Wednesday meeting on 17 May? Or are we having the special meeting on Monday 15 May—[*Laughter.*]

The Convener: You are confusing everybody, Alex. I will confer with the clerk and get the programme back out to members tomorrow. We will sort it out.

Cathie Craigie: It looks as if we are not meeting at all on Wednesdays between 10 May and the end of May, and that we are substituting the Wednesday meetings for—

The Convener: We are really short of time. I will get the information out to members tomorrow.

Irrespective of the specific dates of meetings, are there any other issues on the drug misuse inquiry? It seems not. Good. We can move ahead

with that.

That brings the public part of the meeting to a close. We will discuss the budget process in private session.

12:03

Meeting continued in private until 12:32.

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