

Consultation on the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 remedial order 2015

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

The Care Inspectorate

Title Mr Ms Mrs Miss Dr Please tick as appropriate

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

QUESTION 1

Do you have any views/observations on this Order?

Comment

We consider that the changes to the law are reasonable and appropriate in order to strike a balance between protection of the public and vulnerable groups and the rights of individuals not to have to disclose routinely minor criminal convictions which are spent and should not affect any decision on suitability or increase risk to vulnerable people. We consider that the process for identifying the list of offences which will never be filtered from a certificate and those which should be disclosed subject to the rules has been thorough and the power of the Scottish Ministers to amend the lists by affirmative order is an additional safeguard.

QUESTION 2

In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the amendments to legislation in this consultation document may have on any particular groups of people?

Comment

The potential impact should be to decrease the risk of discrimination in selection and recruitment against those who may have offended in the past where that past offending behaviour would not reasonably be material in the recruitment decision. It may assist in increasing the number of those in the workforce who are eligible for posts where a higher level disclosure is required.

QUESTION 3

In relation to the Equality Impact Assessment, please tell us what potential there may be within these amendments to legislation to advance equality of opportunity between different groups and to foster good relations between different groups?

Comment

We do not propose to comment on this aspect of the Order.

QUESTION 4

In relation to the Business Regulatory Impact Assessment, please tell us about any potential impacts you think there may be to particular business or organisations?

Comment

There may be a potential impact on businesses if the right of appeal (against spent convictions being disclosed subject to the rules) increases delay to the recruitment and selection process. However, we understand that it is anticipated that the number of such appeal cases is expected to be relatively low. There may also be an impact whereby businesses need to devote resources to learning and development to ensure they understand the changes and ensure their policies and procedures reflect the new law when asking applicants for employment to make a disclosure about any criminal record. However, clear guidance from Disclosure Scotland will reduce such impact.