



Disclosure (Scotland) Act 2020

Introduction

Aim of today,

- To introduce the Disclosure (Scotland) Act and highlight the main forthcoming changes to the PVG process.

Agenda,

- Areas of change – think about how this will impact us.
- Answer any questions
- What now...

Disclosure (Scotland) Act Changes

Changes break down into 3 general principles:

Safeguarding

Simplifying

Privacy

Safeguarding

Legal Requirement

- Anyone doing work/volunteering with vulnerable groups will be required to be a member of the PVG Scheme.
- It will be an offence to work in such a role without first joining the PVG Scheme or to employ someone in a role who you have not confirmed is an appropriate PVG scheme member
- There will be a grace period between April and June.

Safeguarding

Regulated Roles

- Replace the concept of ‘doing regulated work’ with ‘**Regulated Roles**’ that qualify for PVG scheme membership
- Roles will be determined by power or influence they have over children or adults who are protected as a result of receiving a service
- The presence of specific activities within the role will determine the disclosure type.
- Easier to understand and for employers to identify when to utilise PVG scheme

Safeguarding

Regulated Roles

- There will be 2 types of regulated roles, roles with children and roles with adults.
- Children will be under **18**, Adults will be **18** and above.

<i>Leisure activities</i>	Providing cultural, leisure, social or recreational activities for protected adults/children
<i>Sports activities</i>	Coaching protected adults/children in relation to sports or physical activity
<i>Religious activities</i>	Providing religious activities or services for protected adults/children
<i>Miscellaneous</i>	Driving or escorting protected adults/children in connection with transport services provided exclusively or mainly for children/protected adults.

Safeguarding

Referrals

- **Employer & Organisational Referrals will continue**
- **Court Referrals**
 - Removal of Court Referrals.
 - Legal Requirement PVG Scheme would ensure these can safely end.
 - Courts will still provide information on Automatic Barring offences
- **Police Referrals**
 - Police Scotland would be under a duty to make a referral to Disclosure Scotland when they have detected a person unlawfully working with vulnerable groups.

Safeguarding

Personal Employment / Self Directed Care

- Introduce provisions around permitting umbrella bodies acting on behalf of those receiving personal care through self directed support to receive vetting information and support safe & fair recruitment.
- Current route of accessing statement of scheme membership for those providing self directed care will also continue.
- Existing legislation does not provide for private citizens who employ personal assistants to refer their employees to Disclosure Scotland.
- Will strengthen safeguarding around self-directed support and personal employment.



Any



Questions

Safeguarding

Simplifying

Simplification of Disclosures

- Disclosures would be across 2 distinct levels
 - **LEVEL 1** and **LEVEL 2**
- VSDS/DS are committed to increasing training and guidance to ensure that enrolled bodies/applicants get the best out of the new system.

Simplifying Disclosures

Basic Disclosure



Level 1

Standard Disclosure
Enhanced Disclosure



Level 2

Enhanced Disclosure (with Children & Adults Suitability)
Enhanced Disclosure (with Children Suitability)
Enhanced Disclosure (with Adults Suitability)



Level 2 with
Suitability

PVG Scheme Record
PVG Scheme Record Update
PVG Existing Member
PVG Statement of Scheme Membership



Level 2
(PVG Scheme)

Simplifying Disclosures

Current product / Equivalent product	Current	Future
Basic Disclosure / Level 1	£25	£25
Standard Disclosure / Level 2	£25	£25
Enhanced Disclosure / Level 2 with barred list check	£25	£25
PVG scheme record / Level 2 (PVG) (Join)	£59	£59
PVG scheme record / Level 2 (PVG) (Existing)	£59	£18
PVG short scheme record / Level 2 (PVG) (Existing)	£18	£18
Statement of scheme membership / Confirmation of PVG scheme membership	£59 (Join) / £18 (Existing)	£59 (Join) / £18 (Existing)



Any



Questions

Simplifying

Privacy

Membership Length

- End of lifetime PVG Scheme membership, replaced with (renewable) time-limited membership of **5 years**. (Scheduled for 1st April 2026)
- Those joining the PVG Scheme tend to remain in it long after they no longer undertake regulated work.
- Members can make multiple applications during 5 year period.
- Helps to ensure employers are not notified of sensitive information on an individual after they have left regulated roles/work, reducing the risk this presents to an employer within **GDPR / Data Protection Act 2018**.

Privacy

Age Restrictions

- There will be a minimum age of **16 years old** on obtaining a disclosure check.
- Under 16s will be allowed to be in a regulated role but you will not be able to PVG check them.
- Convictions accrued between the ages of **12 and 17** will not automatically be released on a disclosure.

Privacy

Information to Employers

- There will not be a change in the sharing of results process for groups enrolled with VSIDS.
- Remember that completing an appropriate check will be mandatory – what will your process be to ensure the results are shared with you?
- The process is to share the information digitally, paper copies will still be available.

Privacy

Reduce Disclosure Period for Certain Convictions

- Reduces the periods certain convictions will be disclosed for from **15 years** to **11 years**.
- Necessary that relevant and serious convictions continue to be disclosed.
- **11** years mirrors arrangements elsewhere in the UK but allows for significant extended disclosure of relevant spent convictions on Level 2 disclosures.

Privacy

Other Relevant Information (ORI)

- Police Scotland will have a duty to consider representations from applicants before they decide that ORI should be included on a disclosure.
- Applicants will be given the right to apply to the independent reviewer for review of the police decision to disclose ORI.
- ORI plays an important role in safeguarding. Scottish Ministers intend that it must continue to be available to protect the public.
- It is presently used very infrequently; certificates containing ORI make up a small percentage of the total number of higher level disclosures.

Privacy

Application Process for Removable Convictions

- Current system involves applicants making an application to a sheriff for removal is deemed to be complex and disproportionate.
- Introduce an internal application to Disclosure Scotland for removal of relevant spent conviction information from a disclosure.
- Followed by a right to apply for review by the independent reviewer.
- Will improve fairness and transparency for applicants, without eroding the vital safeguarding role of disclosure



Any



Questions

Privacy

Key Changes - Summary

- **Legal Requirement PVG checks**
- **Regulated Roles**
- **Standard Conditions** (Late 25)
- **Referrals**
- **Personal Employment**
- **Simplifying Disclosures**
- **Digital Delivery**
- **Accredited Bodies**
- **Membership Length** (April 26)
- **Age Restrictions**
- **Childhood conviction**
- **Application Process for Removable Convictions**
- **Reduce Disclosure Period for Certain Convictions**
- **Other Relevant Information (ORI)**

What About Now?

- **Current PVG Scheme will continue until implementation of new Act***
- VSDS/DS will continue to offer training and support to organisations
- VSDS/DS can offer training/support visits to individual groups if requested
- News/events will be published on our website and in our regular e-mail newsletter.

What About Now?

- Removal of interest form, for groups enrolled with VSDS - [Guidance and Resources - Volunteer Scotland](#)
- Disclosure Scotland will then remove your organisation's interest in the individual. This will help Disclosure Scotland identify those who no longer need to be in the PVG scheme, eliminate unnecessary monitoring and prevent information being sent to you which you are no longer legally entitled to.



Any final Questions



Information

Today has been an information session, there may be changes to the legislation prior to implementation, that impact what we have discussed.

Please keep checking for any updates.

Add vsdscomms@volunteerscotland.org.uk to safe senders list, if appropriate.

Thank You!

Contact Us:



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Future workshops & events available on:

<https://www.volunteerscotland.net/>