

PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007

EXPLANATORY NOTES

OVERVIEW

Part 3: Establishments

197. [Part 3](#) brings into the scope of regulated work with children all those whose normal duties involve working in establishments where children are being detained, treated, educated or looked after. The normal duties test applies but note that it does not matter what type of work the individual is doing in the establishment; the provision covers cleaners, gardeners, cooks etc as well as any individual involved in front-line care. There is no qualification by time of day, contact with children or purpose so a post is not exempt from this provision by virtue of being “after hours” or for a purpose unrelated to the purpose(s) of the establishment.
198. [Paragraphs 12](#) and [13](#) bring within the scope of regulated work with children anyone whose normal duties include working in a children's detention institution or children's hospital. [Paragraph 14](#) brings within scope anyone whose normal duties include working in a school. [Paragraph 15](#) covers further education institutions and provides the Scottish Ministers with the power to adjust the scope of further education institutions in the event of changes in the organisation of that sector. [Paragraph 16](#) covers hostels for school pupils or those attending further education institutions. [Paragraph 17](#) covers children's homes provided by councils, including residential accommodation for persons with mental disorder.