

# **PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

#### **Part 5: Supplementary and General**

##### ***Section 86. Transfer of Disclosure Scotland staff etc.***

150. Disclosure Scotland was staffed in part by employees from Strathclyde Joint Police Board until 1 October 2007, when they transferred to the Scottish Administration. (The remaining staff were, and continue to be, contractors for BT plc.) This section sets out the arrangements for that transfer and enables the Scottish Ministers to make a "staff transfer order" to effect it. This section could be used to transfer other staff of the Strathclyde Joint Police Board (other than constables) but there is no intention to do so.
151. Subsections (4) to (9) concern employees of Strathclyde Joint Police Board who are subject to a staff transfer order. Subsections (4) to (6) provide that contract rights and obligations transfer from the former employer to the Scottish Ministers on the transfer date. Subsection (7) provides that employed staff may object in advance of their contract being transferred to the Scottish Ministers, in which case their contract is terminated at the end of the day before the intended transfer day. This termination will not be treated as dismissal of a person. Subsection (8) provides that an employee can terminate their contract of employment if they can show that a substantial detrimental change has been made to their working conditions.
152. Previously, it had been intended that Disclosure Scotland staff would transfer to the Scottish Police Services Authority on 1 April 2007, together with the remainder of the Scottish Criminal Records Office. Paragraph 46 of schedule 4 repeals the provisions in the Police, Public Order and Criminal Justice (Scotland) Act 2006 that would have transferred the Scottish Ministers' functions under Part 5 of the Police Act (the functions carried out by Disclosure Scotland) to the Authority.