

# **DISCLOSURE (SCOTLAND) ACT 2020**

---

## **EXPLANATORY NOTES**

### **PROVISION BY PROVISION COMMENTARY**

#### ***Schedule 4: Schedule to be substituted for schedule 3 of the PVG Act***

##### **Part 2: Activities**

231. Part 2 of schedule 4 lists the activities that give rise to a regulated role with adults.
232. Paragraphs 4 and 5 cover teaching, instructing, training or supervising protected adults, as well as the provision of advice or guidance in relation to education, training or employability.
233. Paragraphs 6 to 12 cover various health professions who are actively practising and are not, for example, on a career break.
234. Paragraph 13 covers domestic service activities that may be provided to a protected adult, for example in a hospital, hospice, care home, day care centre or adult placement setting. This could include such things as cleaning, maintenance and food preparation.
235. Paragraph 14 covers activities where an individual is in charge of protected adults, for instance someone leading a group or one-to-one activity with protected adults.
236. Paragraph 15 makes provision for self-employed individuals providing personal care services.
237. Paragraph 16 makes provision for individuals providing support to a protected adult under a shared lives scheme, as defined by paragraph 24. This captures a shared lives carer, which is an individual who provides, or intends to provide, personal care to a protected adult together with, where necessary, accommodation in the carer's home. Also covered are individuals recruiting and training shared lives carers, those making arrangements to place protected adults with shared lives carers and individuals supporting and monitoring such placements.
238. Paragraph 17 covers individuals providing counselling, therapy or advice or guidance in relation to health or wellbeing to protected adults. This covers advice or guidance provided to a protected adult on their physical or mental health or welfare. The activities mentioned in paragraph 17 capture individuals providing services related to domestic abuse and homelessness, as referred to in subsection(1)(aa) inserted into section 94 of the PVG Act by section 75(2) of the Act (meaning of protected adult). Services such as shelters, hostels, refuges and other types of accommodation that someone may find themselves in, and where they are offered support or guidance on their situation or experience, are covered. Excluded from scope, however, are individuals providing such services to a fellow prisoner. This exception will enable individuals who may be automatically barred from carrying out regulated roles with protected adults due to the nature of their convictions to take part in peer to peer support services provided to other prisoners.

*These notes relate to the Disclosure (Scotland) Act 2020  
(asp 13) which received Royal Assent on 14 July 2020*

239. Paragraph 18 covers the Chief Social Work Officer of a local authority and persons who have responsibility for the scrutiny or inspection, on behalf of a statutory body, of medical and healthcare services provided for protected adults. Explicitly excluded are individuals carrying out such a role in the capacity of an “elected representative” which paragraph 24 defines as (a) a member of the House of Commons or (b) a member of the Scottish Parliament. Accordingly, paragraph 18 does extend to councillors of a local authority who have the ability to directly influence the operational delivery of medical or care services for protected adults, for example, due to holding a position on a committee.
240. Paragraphs 19 covers individuals providing leisure, cultural, social or recreational activities for protected adults.
241. Paragraph 20 covers individuals providing sports coaching or other physical activities to protected adults.
242. Paragraph 21 covers, for example, individuals volunteering at church activities or chaplaincy services. This paragraph covers all denominations or religious beliefs.
243. Paragraph 22 makes provision for individuals engaging in the provision of transport services for protected adults but is limited to those driving or escorting protected adults, for example, rather than a depot manager or individual arranging the scheduling for the transport service.
244. Paragraph 23 includes individuals holding a position of responsibility in an organisation whose main purpose is to provide benefits for or to protected adults.
245. Interpretation is provided for certain terms and expressions used in schedule 4 by paragraph 24.