

DISCLOSURE (SCOTLAND) ACT 2020

EXPLANATORY NOTES

PROVISION BY PROVISION COMMENTARY

Part 1: Disclosure of criminal history and other information

General

Section 68: Definition of consideration of suitability

131. This section replicates the effect of section 73 of the PVG Act. It explains what is meant by references to consideration of the suitability of a person for a type of regulated role for the purpose of provisions relating to Level 2 disclosures for PVG scheme members (see sections 17(1)(b) and 44(2)). It captures people appointing someone to a regulated role directly (including private individuals employing someone in their personal capacity) and people supplying an individual to someone else to carry out a regulated role. In circumstances where a private individual has used an accredited body to act as countersignatory for the application (see paragraph 118 of these notes), it is still the employer who is assessing the individual's suitability for the role, acting on the advice as to suitability provided by the accredited body. There is also a power under paragraph (c) to prescribe other purposes.