

# Disclosure (Scotland) Act

## Frequently Asked Questions (FAQs)

The following FAQs aims to raise awareness of changes with the implementation of the Disclosure (Scotland) Act on 1 April 2025, amending the Protection of Vulnerable Groups (Scotland) Act 2007.

### **Is being a PVG scheme member a legal requirement?**

If you work in a regulated role with children, protected adults or both having the appropriate PVG membership is a legal requirement. It is an offence to carry out a regulated role whilst not a member of the PVG scheme and/or for an organisation to offer any type of regulated role to an individual unless they have received a Level 2 with PVG disclosure appropriate to the client group.

The penalties for these offences is up to five years imprisonment, a fine up to the statutory maximum, or both.

### **Can I start my new job while I wait for my PVG scheme membership result?**

No. You must not commence a regulated role prior to being a member of the PVG scheme for that type of work from 1 April 2025. This may affect being able to provide a start date so please ensure you follow all instructions regarding completing your PVG application and response promptly to communications.

### **What is a regulated role?**

The PVG scheme details the criteria that would result in a role being regulated. From 1 April 2025, new roles that are currently not regulated work, for example, certain hospital or hospice-based roles, football agents and talent scouts will be included in the scheme.

Disclosure Scotland has created an [online guidance tool](#) to help assess roles against the criteria for regulated roles. If after using the online tool, you are still unclear if a role should be regulated, please contact [PVGEnquiries@pkc.gov.uk](mailto:PVGEnquiries@pkc.gov.uk) for further advice.

### **What is the age definition of children (in terms of service delivery under the Act)?**

The Act defines the age of a child as under the age of 18 years.

### **What is the definition of a protected adult under the Act?**

A Protected Adult is a person over the age of 18 who may:

- by reason of physical or mental disability, illness, infirmity or ageing, have an impaired ability to protect themselves from physical or psychological harm, or requires assistance with the activities of daily living
- be homeless, as is defined by section 24 of the Housing (Scotland) 1987 **and** is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing.
- have experienced, is experiencing or is at risk of experiencing domestic abuse **and** is receiving counselling, therapy, advice, guidance or advocacy support in relation to health or wellbeing
- receive a prescribed health service or a community care service.

### **I currently have PVG membership for the delivery of services to adults and am moving to a role working with children; will my existing membership apply?**

No, you need to have PVG membership appropriate to the client group therefore you will need to obtain a membership specifically for working with children.

**I work with protected adults that includes those who are aged 16+. Will PVG membership for protected adults and children be required?**

Yes, PVG scheme membership for both children and protected adults will be required, if the service is aimed at those aged 16 years and over because of the definition of a child in the Act.

**Do volunteers, aged 16 years and over, who help with out of/after school activities require to be a PVG member?**

If the 'volunteer' is still at school and helping with a school activity e.g. sport coaching at an after school activity, this would not be regarded as a regulated role but considered part of the young person's education therefore a PVG check would not be required. Appropriate safeguarding measures should be in place.

If, however, the 'volunteer' was no longer at school, volunteering at an out of/after school activity would be regarded as a regulated role and require a PVG check.

**Does a school pupil taking part in a 4-week work experience placement in a care home or nursery setting, require a PVG check?**

If the young person is still at school, the work experience placement would be considered part of their education and therefore not regarded as a regulated role with no requirement for a PVG check.

**Does an individual taking part in work experience as part of an employability programme require a PVG even if they are supervised.**

If the individual is undertaking a regulated role, a PVG check is required.

**An employee who does not undertake a regulated role as part of their normal duties is covering long term sickness that is a regulated role. Does the employee covering require a PVG check?**

Short term cover would be considered incidental contact and not require a PVG check. When the cover becomes an expected part of the role for the employee i.e. long term cover, the employee would be considered to be undertaking a regulated role and require a PVG check.

**Does a cleaner who works between 6 and 7am Monday to Friday in a school require a PVG check?**

Provided the cleaner does not have the opportunity for unsupervised contact with children, no check would be required.